

Fort Collins City Council Agenda

Regular Meeting **Amended 6/13/25**

6:00 p.m., Tuesday, June 17, 2025

City Council Chambers at City Hall, 300 Laporte Avenue, Fort Collins, CO 80521

Zoom Webinar link: <https://zoom.us/j/98241416497>

NOTICE:

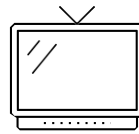
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



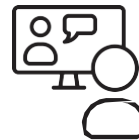
Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are available through the Zoom platform, electronically or by phone.



Meetings are livestreamed on the City's website, fcgov.com/fctv

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 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

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 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.



There are in person and remote options for members of the public who would like to participate in Council meetings:

Comment in real time:

During the public comment portion of the meeting and discussion items:



In person attendees can address the Council in the Chambers.
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.



All speakers are required to sign up to speak using the online sign up system available at www.fcgov.com/agendas.
Staff is also available outside of Chambers prior to meetings to assist with the sign up process for in person attendees.

Full instructions for online participation are available at fcgov.com/councilcomments.

Join the online meeting using the link in this agenda to log in on an internet-enabled smartphone, laptop or computer with a speaker and microphone. Using earphones with a microphone will greatly improve audio experience.

To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID:

Call in number: 720 928 9299

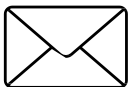
Meeting ID: 982 4141 6497

During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



Email comments about any item on the agenda to cityleaders@fcgov.com



Written comments can be mailed or dropped off at the City Manager's Office at City Hall, at 300 Laporte Ave, Fort Collins, CO 80521

Documents to Share during public participation: Persons wishing to display presentation materials using the City's display equipment under the Public 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.



City Council Regular Meeting Agenda

June 17, 2025 at 6:00 PM

Jeni Arndt, Mayor
Emily Francis, District 6, Mayor Pro Tem
Susan Gutowsky, District 1
Julie Pignataro, District 2
Tricia Canonico, District 3
Melanie Potyondy, District 4
Kelly Ohlson, District 5

City Council Chambers
300 Laporte Avenue, Fort Collins
& via Zoom at
<https://zoom.us/j/98241416497>
Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Xfinity

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Delynn Coldiron
City Clerk

PROCLAMATIONS & PRESENTATIONS 5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

[PP 1.](#) **Declaring the Month of June 2025 as Bike Month.**

[PP 2.](#) **Declaring the Day of June 19, 2025, as Juneteenth Independence Day.**

A joint community reception to celebrate **Juneteenth - Liberation in Bloom** and **Transportation Equity** will be held in the City Hall Xeriscape Garden from 4:00 p.m.- 4:50 p.m.

REGULAR MEETING 6:00 PM

Amended on 6/13/25

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda
- Consent Calendar Review, including removal of items from Consent Calendar for individual discussion.

F) COMMUNITY REPORTS

[1.](#) **Community Report: Youth Advisory Board**

The purpose of this item is for the Youth Advisory Board to provide a Community Report.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS
(Including requests for removal of items from Consent Calendar for individual discussion.)

*Individuals may comment regarding any topics of concern, whether or not included on this 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 Council.*

- *Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/*
- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*
- *All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person 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 their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*
- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

*[**For questions about the development review process or the status of any particular development, consult the City's Development Review Center page at <https://www.fcgov.com/developmentreview>, or contact the Development Review Center at 970.221.6760.]*

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

The Consent Calendar is intended to allow Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Agenda items pulled from the Consent Calendar by either Council or the City Manager will be considered separately under their own Section, titled "Consideration of Items Removed from Consent Calendar for Individual Discussion." Items remaining on the Consent Calendar will be approved by 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.*

1. Consideration and Approval of the Minutes of the June 3, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the June 3, 2025 Regular meeting.

2. Second Reading of Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, enables the City to receive and expend Downtown Development Authority (DDA) grant funds and Urban Renewal Authority (URA) funds for the Vine Drive and Jerome Street Intersection Improvements project (Project). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street. If approved, the item will: 1) transfer \$135,200 of Community Capital Improvement Program (CCIP) Bicycle Program funds to the Project; 2) transfer \$67,756.77 of Community Capital Improvement Program (CCIP) Pedestrian Program funds to the Project; 3) appropriate \$293,076 in URA funds to the Project; 4) transfer \$146,472.87 in remaining 2050 Tax – Our Climate Future funds from previous appropriations to the Project; 5) appropriate \$144,000 of DDA grant funds to the Project; 6) appropriate \$4,283.34 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 7) appropriate \$87.42 of Transportation Services Fund reserves to the Project; and 8) appropriate \$4,370.76 (1%) of the DDA grant and URA funds to the Art in Public Places (APP) program. The Conservation Trust Fund will contribute \$165,000 towards the Project as part of the 2026 annual budget process.

3. Second Reading of Ordinance No. 091, 2025, Amending the Code of the City of Fort Collins to Discontinue the Art in Public Places Board and the Cultural Resources Board and Merge their Functions into the Arts and Culture Board.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, discontinues the existing Art in Public Places Board and Cultural Resources Board and merges and adjusts their functions for a new Arts and Culture Board.

4. Second Reading of Ordinance No. 092, 2025, Appropriating Prior Year Reserves in the Water Fund to Support Acquisitions of Water Rights to Increase Yield, Reliability, and Resiliency of the Utilities Water Supplies.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, requests additional appropriation of \$1,419,091 in the City's Water Fund to purchase water supplies that will increase the yield, reliability, and resiliency of the Fort Collins Utilities water supplies. This includes shares in the North Poudre Irrigation Company and the water rights in the Chase Ditch.

5. Second Reading of Ordinance No. 093, 2025, Authorizing a Mid-year Budget Appropriation from the Airport Fund for Northern Colorado Regional Airport.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, recommends a mid-year budget appropriation of \$642,400 from the Airport fund to support nine priority projects and initiatives identified by Airport staff and the Airport Commission. These efforts are focused on improving airport facilities, strengthening operational plans and procedures, addressing regulatory compliance requirements, enhancing financial sustainability, and supporting efforts to attract commercial airline service.

The proposed funding will enable the Airport to make targeted investments that align with long-term strategic goals and improve overall performance and service.

6. Second Reading of Ordinance No. 094, 2025, Amending Chapters 15 and 23 of the Code of the City of Fort Collins Regarding the Requirements of Shared Micromobility Operations.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, addresses a potential regulatory gap under City Code by defining clear requirements applicable to the operation of shared micromobility services within Fort Collins. These requirements will allow FC Moves to ensure that operators of shared micromobility services in the city consistently provide robust and reliable service and mitigate negative impacts on the community and other right-of-way uses.

7. Second Reading of Ordinance No. 095, 2025, Amending Section 15-361 of the Code of the City of Fort Collins to Clarify Right-of-Way Contractor Licensing Requirements.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, clarifies the types of work that require a right-of-way contractor license under City Code Section 15-361. As that section is currently written, it is ambiguous what types of “work” it is intended to apply to, leaving it unclear whether operations like shared micromobility services or outdoor vendors would require a right-of-way contractor license or not. This item defines “work” to mean constructing, installing or repairing any sidewalk, curb, gutter, driveway, curb cut, street, alley or any other improvement in or under a public right-of-way, in the City.

8. Second Reading of Ordinance No. 096, 2025, Authorizing the Conveyance of Two Temporary Construction Easements and Two Permanent Easements on a portion of Rigden Reservoir to Larimer County for Construction of Stormwater Infrastructure Improvements for County Road 40.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, authorizes the conveyance of two (2) Temporary Construction Easements and Two (2) Permanent Easements (collectively, the “Easements”) on a portion of City property presently known as Rigden Reservoir for construction of stormwater infrastructure improvements for the benefit of County Road 40 (E Horsetooth Road).

9. Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program Funds.

A. First Reading of Ordinance No. 097, 2025, Making Supplemental Appropriations in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 098, 2025, Making Supplemental Appropriations in the HOME Investment Partnerships Grant Fund.

C. First Reading of Ordinance No. 099, 2025, Making Supplemental Appropriations in the HOME Investment Partnerships Grant American Rescue Plan Act Fund.

The purpose of these items are to appropriate the City's Fiscal Year (FY) 2025 Community Development Block Grant (CDBG) Entitlement Grant and FY2025 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), CDBG program income from FY2023 & FY2024 and HOME Program Income from FY2023 & FY2024, and supplemental funding to the FY21 HOME American Rescue Plan Act (HOME-ARP) Fund.

10. First Reading of Ordinance No. 100, 2025, Updating Various Provisions of the Code of the City of Fort Collins Related to Affordable Housing.

The purpose of this item is to conform the definitions relating to affordable housing in the City Code to those in the Land Use Code, to remove language for a program that was repealed, and

to remove the requirement of a specific fee amount when requesting affordable housing fee delays.

11. First Reading of Ordinance No. 101, 2025, Authorizing the Conveyance of a Permanent Drainage Easement on Fossil Creek Reservoir Natural Area to South Fort Collins Sanitation District.

The purpose of this item is to authorize the conveyance of a drainage easement to South Fort Collins Sanitation District ("SFCSD") across the southwest side of Fossil Creek Reservoir Natural Area. The request is tied to an expansion of SFCSD's infrastructure at their headquarters immediately adjacent to the natural area. The proposed easement alignment would cross Highway 392 (north to south) via a culvert into Duck Lake.

12. First Reading of Ordinance No. 102, 2025, Authorizing the Conveyance of One Drainage Easement and One Temporary Construction Easement on Golden Meadows Park.

This item has been amended to include the Utility Plan Sheet.

The purpose of this item is to authorize the conveyance of one (1) Temporary Construction Easement of 0.0474 acres (the "TCE") and one (1) Drainage Easement of 0.0168 acres (the "DE") (the "Easements"), being a portion of City property presently known as Golden Meadows Park, for the construction and installation of stormwater outfall infrastructure improvements.

13. First Reading of Ordinance No. 103, 2025, Vacating Alley Right-of-Way in the Ghent Subdivision Subject to Conditions.

The purpose of this item is to vacate 16 feet of public right-of-way dedicated by the Ghent subdivision plat. The right-of-way is no longer desirable or necessary to retain for street purposes. The right-of-way vacation will be conditional upon the relocation of an existing Lumen utility line which is currently within the right-of-way.

14. First Reading of Ordinance No. 104, 2025, Correcting an Error in Ordinance No. 046, 2023, Regarding Financial Disclosure Requirements by Deleting Obsolete Section 2-638.

The purpose of this item is to delete language that was inadvertently left in place with the adoption of Ordinance No. 046, 2025, which enacted updated requirements for financial disclosures.

15. Items Relating to the Vine/Timberline Rail Grade Separation Planning Project.

A. Resolution 2025-064 Authorizing the Execution of an Intergovernmental Grant Agreement Between the City of Fort Collins and the Federal Railroad Administration for the Vine/Timberline Rail Grade Separation Planning Project.

B. First Reading of Ordinance No. 105, 2025, Making a Supplemental Appropriation of Railroad Crossing Elimination Program Grant Funds for the Vine/Timberline Rail Grade Separation Planning Project.

The purpose of this item is to enable the City to receive and expend Railroad Crossing Elimination (RCE) Program funds through the Federal Railroad Administration (FRA) for the Vine/Timberline Rail Grade Separation Planning project (Project). The funds will be used to conduct planning for the capital project that intends to grade separate Timberline Road over Vine Drive and the BNSF railroad, eliminating the at-grade crossing of the railroad. The grant funding is not eligible for contributions to the Art in Public Places (APP) program. Previously appropriated funding from development contributions to construction will provide the City's cost share obligation under the

federal grant, as well as providing additional funds needed for Project completion. The development contributions are subject to APP program transfers that are complete. If approved, the item will: 1) authorize the Mayor to execute an intergovernmental grant agreement for the Project with the FRA and delegate authority to Engineering to accept the grant through the online acceptance system and 2) appropriate \$765,616 in RCE Program grant funds to the Project.

16. Public Hearing and Resolution 2025-065 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, the City's Human Services Program, and the City's Homelessness Response and Prevention Program.

The purpose of this item is to approve funding recommendations of the 2025 Spring Cycle of the Competitive Process. This Resolution will complete the 2025 Spring Cycle of the Competitive Process for allocating \$4,191,516 in City financial resources to affordable housing and public facility projects, human service programs, homelessness programs and administration of the programs.

Comments on a Public Hearing item on the Consent Calendar may be made during general public comment or the item may be withdrawn for individual consideration by a Councilmember or the City Manager.

17. Resolution 2025-066 Authorizing the Assignment of the City's 2025 Private Activity Bond Allocation to Housing Catalyst to Finance the Construction and Rehabilitation of Affordable Housing Units.

The purpose of this item is to support the rehabilitation and new construction of affordable housing at CARE Communities Windtrail Apartments and elsewhere in the City by assigning the City's 2025 Allocation of Private Activity Bond (PAB) capacity to Housing Catalyst, a qualified issuer. PAB capacity is required for development projects using 4% Low-Income Housing Tax Credit financing.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

L) STAFF REPORTS

M) COUNCILMEMBER REPORTS

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

- *Mayor introduced the item number and subject; asks if formal presentation will be made by staff*
- *Staff presentation (optional)*
- *Mayor requests public comment on the item (three minute limit for each person)*
- *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 have an opportunity to speak. 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. Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments. (three options presented)

This Ordinance, unanimously adopted on First Reading on March 18, 2025, repeals the 2021 International Fire Code and adopts the 2024 International Fire Code (IFC) with local amendments. The International Code Council (ICC) publishes code updates every three years. The Poudre Fire Authority (PFA) Board of Directors has reviewed and approved this code package and is requesting the code be adopted as amended.

Staff is presenting three versions of the Ordinance for Council to consider on Second Reading:

- Option 1 – Ordinance as it was adopted on First Reading.
- Option 2 – Creates a Fire Board of Appeals consisting of the Chair of PFA's Board of Directors, the Fort Collins City Manager, and the City's Chief Building Official. Also contains other clean-up changes.
- Option 3 – Maintains the current process for appealing decisions of the Fire Code Official to the Building Review Commission (BRC), acting as the Fire Board of Appeals. This option is consistent with the BRC's recommendation and also contains other clean-up changes.

All three options were published by the City Clerk on June 10, 2025, on the public notice page found online at: www.fcgov.com/publicnotices/

19. Items Relating to Short Term Rentals.

A. First Reading of Ordinance No. 106, 2025, Amending the Land Use Code to Remove Non-Primary Short Term Rentals from the Community Commercial - North College District.

B. First Reading of Ordinance No. 107, 2025, Amending the Code of the City of Fort Collins to Clarify the Conditions of Renewal of Existing Non-Primary Short Term Rental Licenses.

The purpose of this item is to amend the Land Use Code to remove Non-Primary Short Term Rentals from the list of licensed uses in the Community Commercial-North College (CCN) zone district and amend the City Code to allow existing licenses to be renewed.

20. Items Related to a Proposed Charter Amendment Amending Regarding Vacancies and Application of Term Limits to Partial Terms.

A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 108, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

The purpose of this item is to set ballot language regarding a proposed amendment to the City Charter resulting from the Charter Update Project and submit the question to the voters at the November 4, 2025, election. The Council has considered and taken action on five amendments, and this item completes action on the Charter amendments that have been identified as part of the Charter Update Project.

The Ordinance does not include an amendment number for the proposed ballot question. The Council will establish the order of the amendments to be presented on the ballot by separate action.

Any protest of the proposed ballot language must be received no later than Monday, June 16, 2025, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

21. First Reading of Ordinance No. 109, 2025, Establishing the Charter Amendments to Appear on the November 4, 2025, Municipal Election Ballot and the Related Ballot Order.

The purpose of this item is to finalize the Charter Amendments to be placed on the November 4, 2025, ballot and to set the preferred order for them.

P) RESUMED PUBLIC COMMENT (if applicable)

Q) OTHER BUSINESS

OB 1. 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.)

R) ADJOURNMENT

Every regular Council meeting will end no later than midnight, except that: (1) any item of business commenced before midnight may be concluded before the meeting is adjourned and (2) the Council may, at any time prior to adjournment, by majority vote, extend a meeting beyond midnight for the purpose of considering additional items of business. Any matter that has been commenced and is still pending at the conclusion of the Council meeting, and all matters for consideration at the meeting that have not yet been considered by the Council, will be deemed continued to the next regular Council meeting, unless Council determines otherwise.

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 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

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 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo cuando sea

posible. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.

File Attachments for Item:

PP 1. Declaring the Month of June 2025 as Bike Month.



PROCLAMATION

WHEREAS, thousands of Fort Collins residents will experience the joys of bicycling during the month of June through educational programs, commuting events, races, groups rides, or just getting out and going for a ride; and

WHEREAS, Fort Collins encourages the increased use of the bicycle, benefiting all residents by fostering physical and mental health, transportation equity, improving air quality, reducing traffic congestion and noise, decreasing the use of and dependence upon finite energy sources; and

WHEREAS, the City of Fort Collins recognizes the use of bicycles as a viable mode of transportation, endeavors to promote safe and responsible bicycling and is committed to incorporating the development of bicycle facilities; and

WHEREAS, our City maintains over 320 miles of bikeway networks which attract thousands of bicyclists each year; and

WHEREAS, Fort Collins is nationally recognized as one of only five Platinum Level Bicycle Friendly Communities, as designated by the League of American Bicyclists; and

WHEREAS, the City of Fort Collins adopted the Active Modes Plan in 2022 and the Vision Zero Action plan in 2023, which set the goals to achieve a 50 percent active mode share of all trips and eliminate traffic fatalities and serious injuries; and

WHEREAS, FC Moves, the Bicycle Ambassador Program, Safe Routes to School, and other local businesses and organizations will be promoting bicycling as a viable means of transportation during the month of June 2025.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim the month of June 2025, as

BIKE MONTH

in Fort Collins and I encourage residents to try bicycling as a sensible mode of transportation or recreation and to participate in the many events planned for June, particularly, the 37th annual Bike to Work Day on Wednesday, June 25th.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 17th day of June, 2025.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

PP 2. Declaring the Day of June 19, 2025, as Juneteenth Independence Day.

A joint community reception to celebrate **Juneteenth - Liberation in Bloom** and **Transportation Equity** will be held in the City Hall Xeriscape Garden from 4:00 p.m.- 4:50 p.m.



PROCLAMATION

WHEREAS, on June 19, 1865, enslaved African Americans in Texas finally received word of their freedom more than two years after the Emancipation Proclamation, marking a transformative moment in our nation's journey toward justice; and

WHEREAS, this date represents the culmination of a long and painful struggle endured by millions of enslaved people throughout American history, honoring their resilience, sacrifice, and unwavering hope in the face of profound injustice; and

WHEREAS, for over 150 years, Juneteenth has been celebrated as a day of liberation, resilience, and cultural pride within the Black community, and is now rightfully recognized as a national holiday; and

WHEREAS, we recognize the continued impacts of slavery on the Black and African American community today, the continued threat of racist violence, and the continued fight against systemic racism in pursuit of liberation, reparations, and justice; and

WHEREAS, Governor Jared Polis formally acknowledged the historical significance of this day by signing legislation on May 2, 2022, establishing Juneteenth as Colorado's eleventh state holiday, affirming our state's commitment to honoring this pivotal moment in American history; and

WHEREAS, the City of Fort Collins remains steadfastly committed to advancing inclusion, diversity, equity, and accessibility in all aspects of our community life, recognizing that the promise of freedom requires ongoing dedication to creating a city where all people can thrive; and

WHEREAS, our Fort Collins community will gather at Foothills Mall on June 20-21, 2025, to honor this significant day through celebration, remembrance, and community connection.

NOW, THEREFORE, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim June 19, 2025, as

JUNETEENTH INDEPENDENCE DAY

and invite all residents to come together in celebration, reflection, and solidarity as we honor the profound significance of this day and the enduring spirit of freedom it represents.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 17th day of June, 2025.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

1. Community Report: Youth Advisory Board

The purpose of this item is for the Youth Advisory Board to provide a Community Report.

June 17, 2025

WORK SESSION AGENDA ITEM SUMMARY

City Council



PRESENTER

LeAnn Williams, Director of Recreation

SUBJECT FOR DISCUSSION

Community Report: Youth Advisory Board

EXECUTIVE SUMMARY

The purpose of this item is for the Youth Advisory Board to provide a Community Report.

Youth Advisory Board Recap 2024-2025

Youth Advisory Board

Hope Harris – Co-Chair
Kacy Larson – Board Member
Sam Milchak – Co-Chair
Charlotte Wond – Board Member
Kelly Dubois – Staff Liaison



2024-2025 Board by the Numbers



10
members



1
retreat



4
schools



1
conference



9
board meetings



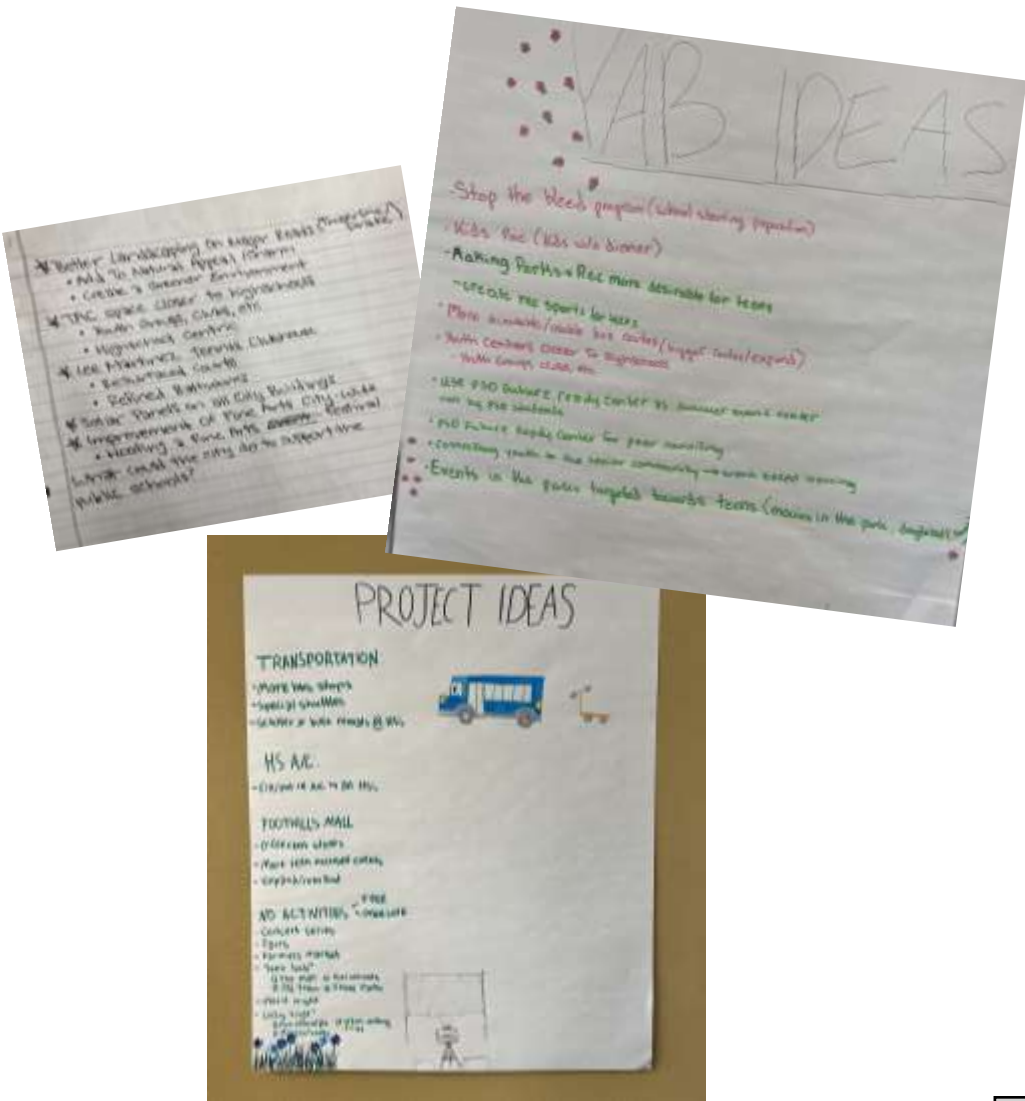
2
completed projects



Many
project team meetings



3
projects carry forward to 2026-2027

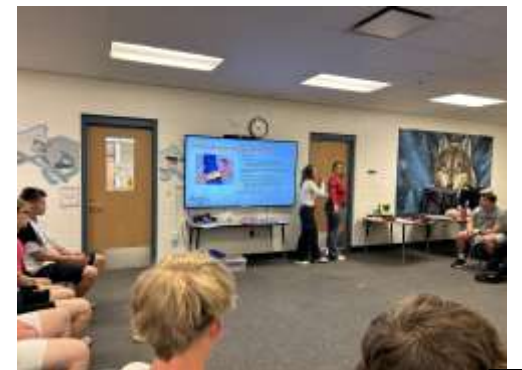


- Stop the Bleed
- Ebike Parking at High Schools
- YAB “logo”
- Yab Building Awareness/Recruitment
- Transportation – Transfort



Stop the Bleed

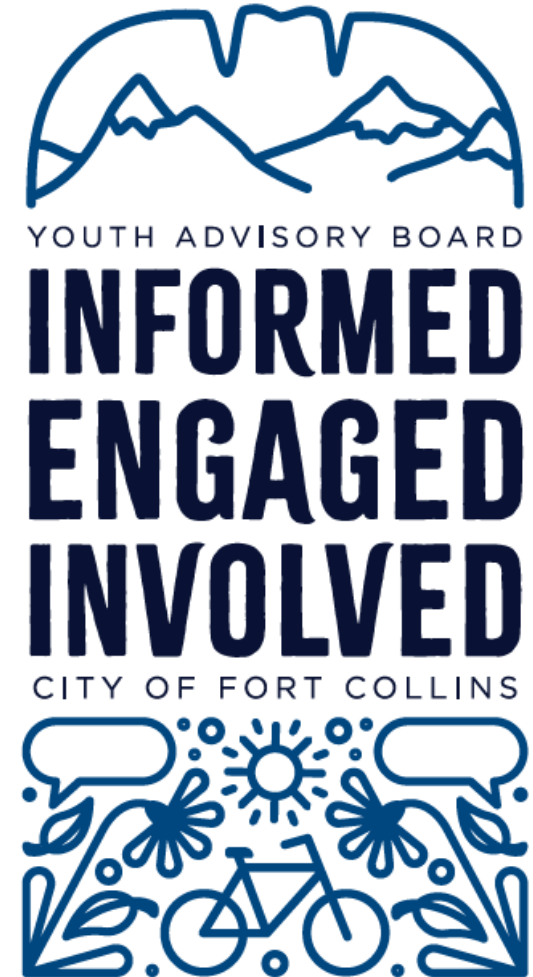
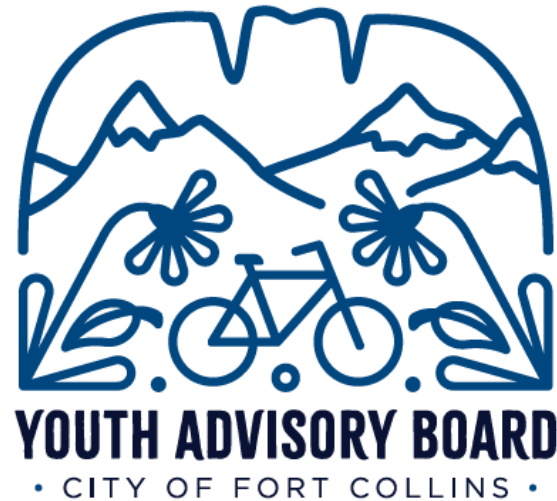
- Partnered with Poudre Fire Authority
- Rocky Mountain High School as test site
- Expand to other High Schools in 26-27



- Working with FC Moves
- Requesting to change Spin age minimum
- Work with City, Spin and PSD to bring bikes and scooters to High Schools



- Created campaign alongside City's Communications and Public Involvement Office (CPIO)
- Learned about branding and the importance of City brand guidelines



- Networked with youth from across the country
- Leadership
- Highlight: DC Tour with Deputy City Manager Tyler Marr!





Thank you!

File Attachments for Item:

1. Consideration and Approval of the Minutes of the June 3, 2025 Regular meeting.

The purpose of this item is to approve the minutes of the June 3, 2025 Regular meeting.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the June 3, 2025 Regular meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the June 3, 2025 Regular meeting.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, June 3, 2025

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. Declaring the Day of June 14, 2025, as the United States Army's 250th Anniversary.

PP 2. Declaring the Month of June 2025 as LGBTQ+ PRIDE Month.

A community reception to celebrate LGBTQ+ PRIDE Month was held in the City Hall Lobby from 3:30 p.m.- 4:50 p.m.

Mayor Jeni Arndt presented the above proclamations at 5:00 p.m.

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Jeni Arndt called the regular meeting to order at 6:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado, with hybrid participation available via the City's Zoom platform.

C) PLEDGE OF ALLEGIANCE

Mayor Jeni Arndt led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky (remote, non-voting)
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
City Clerk Delynn Coldiron

E) CITY MANAGER'S AGENDA REVIEW

City Manager Kelly DiMartino provided an overview of the agenda, including:

- No changes to the published agenda.
- Items 1-19 on the Consent Calendar are recommended for adoption.
- Community Report on Ranked Choice Voting.
- Staff Report on One Water Strategic Plan Update.
- Consideration of a Motion to Adjourn to June 10th at 6:00 PM for the purpose of conducting mid-year evaluations for direct reports.
- After adjournment, there will be a break before Council convenes in the CIC Room for a work session to discuss Charter amendments related to the Council vacancies and November 2025 ballot measures.

F) COMMUNITY REPORTS - Community Report: Ranked Voting Update

The purpose of this item is to provide information on Ranked Voting and current efforts related to community outreach and education.

City Clerk Delynn Coldiron outlined the premise of ranked voting, which allows voters the chance to rank candidates in their order of preference in any race in which there are three or more candidates. She noted any candidate who receives more than 50% of the vote on the initial round would win the election; however, if that does not occur, ranked voting kicks in and she further detailed that process.

City Clerk Coldiron commented on other states and jurisdictions that use ranked voting, noted it covers 11 million voters across the country, and reiterated the use of ranked voting was approved by Fort Collins voters to begin in November of 2025. She stated each voter can rank their choices; however, only one vote ultimately counts, and she further discussed how to complete a ranked choice ballot.

City Clerk Coldiron showed a video outlining the ranked voting process produced by the City's Communications and Public Involvement Office and noted there is a practice ballot and tactical exercise available for practice on the City Clerk's webpage. She also noted there will be a table in the City Hall lobby with ranked voting information available before each regular Council meeting. Additionally, she noted this will be the first year there will be an online blue book reference for the City election.

Larimer County Clerk Tina Harris outlined the coordinated election process and important associated dates. She stated this will be the first time the County has conducted a ranked voting election and noted Colorado Revised Statutes and Secretary of State rules lay out exactly how the election should occur. She stated there will be election night results for the ranked voting items and results will be posted at least once per day until all election day returns are tabulated.

County Clerk Harris discussed the work that has been done to ensure the ranked voting election runs smoothly and noted there will be a mock ranked voting election hosted jointly with City Clerk staff. Additionally, there is a FAQ section on the County webpage and staff will be at various local events to provide information to voters.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS
(Including requests for removal of items from Consent Calendar for individual discussion.)

(Secretary's Note: Council took a brief recess at the start of Public Comment to clarify the rules related to the physical size of props and signs and it was noted that the rules specifically preclude items attached to sticks. Upon reconvening, Mayor Arndt noted an individual was told he could stand in the rear of the Chambers with his item, but they declined.)

Jane Hamburger commended the public survey process regarding the future use of the Hughes Stadium property and the emphasis on adhering to the ballot language approved by voters. She noted that as the lead of the League of Women Voters Environmental Team, she facilitated ten sessions for residents' survey discussion and completion. She commented on the importance of equal access for a healthy environment in which to live, learn, work, and play, and noted that includes the descendants of the Indigenous tribes which historically cared for the land. She encouraged utilizing a portion of the property for the use of local Indigenous tribes.

Peter Erickson spoke in support of affordable housing and noted an FAQ page on the Parking Services website indicates there are 9,711 parking spaces downtown, only 83 of which would be displaced if Housing Catalyst were to be allowed to build 75 units of deed restricted affordable housing on half of the Remington Street parking lots. He stated the City needs to cut red tape when it comes to affordable housing and urged Council to direct staff to go back to discussions on this topic.

G Inguanta spoke in support of rematriating the Hughes Stadium property to Indigenous people stating the healing that would result would be extremely impactful.

Kendra Berg took the spot for someone who stepped out and asked if anyone has contacted the Cheyenne and Northern Arapaho people regarding the Hughes Stadium property, which she stated was gifted for a certain purpose. She discussed some history of the land and lodge that has since been removed and stated this issue falls under the American Indian Religious and Freedom Act.

Evan Roberts spoke in support of the Remington Street affordable housing project. He stated downtown should be a place for all and urged Council and staff to move forward with the project.

Andre Dunn stated he is a youth representative for Indigenous people and asked that the Hughes Stadium property be returned to Indigenous people. He stated the rules that precluded individuals from carrying their flags in Chambers are extremely offensive and disrespectful. He stated the Civic Assembly uplifted the interests of the Indigenous people's interests with unanimous support and he urged Council to address historical atrocities and mend relations with the original stewards of the land.

De wat sis doh gwas stated Fort Collins has an opportunity to do something special with the Hughes Stadium property by rematriating the site to Indigenous people. She provided historical information about how the land was managed and stated Fort Collins could help build true climate resilience by doing so.

Jerry Gavaldon thanked the City Clerk's Office for materials he was given related to ranked voting and stated he plans to share them at the Museo de las Tres Colonias. Regarding the Remington Street parking lot/affordable housing project, he expressed concern regarding a potential conflict of interest with Mayor Pro Tem Francis serving on the Housing Catalyst board of directors. He suggested it may be appropriate for her to step aside to ensure the process remains fair and equitable.

Russ Cowart spoke in support of the need for additional pickleball courts in Fort Collins and shared the benefits of having pickleball in the community.

Janet Bramhall, downtown business owner, stated she wished Council had found a way to be more culturally flexible with the Indigenous members of the community who were present. Additionally, she spoke in support of building more affordable housing in the downtown area.

Joe Rowan spoke about the housing fund and was encouraged that Council wanted to see more of the tax dollars toward housing, particularly given federal affordable housing funds are being threatened. He also urged Council to move away from the model for bonding against tax revenue as the funds could better be invested in the community.

Jordan Kelly thanked Council and Police for addressing unreasonable traffic noise in the community and provided some information regarding the noise impacts to her property, which seems to be mostly due to loud mufflers. She discussed the importance of silence due to issues from long-term COVID.

Emily Gallichotte spoke in support of the affordable housing project on the Remington Street parking lot and reiterated there are almost 10,000 parking spaces downtown, only 83 of which would be impacted by this project.

Kevin Flowers thanked Council for the support of the LGBTQ+ community and commended the Fort Collins Pride kickoff event during which Police, Cultural Services, Library, and other staff worked together to make people feel welcome, seen, and safe. He thanked everyone for standing with and supporting all involved.

Michelle Gliszinski raised concerns about a local organization, DSA, which has historically been a powerful voice for social justice. She stated there has been a split in the group, both nationally and locally, as to whether political violence is acceptable to achieve its goals. She urged the local chapter of the DSA to draw a line and condemn political violence, particularly when it is justified in the name of anti-Zionism.

Michael Weinreich stated he is a Jewish resident of Fort Collins and spoke about the increase in antisemitism which threatens the community's safety and values. He urged Council to increase Police patrols around synagogues and other religious organizations and schools, mandate training for City staff and law enforcement on recognizing antisemitism and create a reporting mechanism for these crimes.

Ilana Kafer stated she is a Jewish community member and she thanked Council for their support and service to the community. She stated silence speaks volumes and commented on the recent terror attack in Boulder. She also stated people should speak up to ensure Jewish families feel safe.

Shimrit Yacobi thanked Council for listening and commented on the recent terror attack in Boulder. She stated the Jewish community has long warned about the dangers of normalizing hate and violence and stated words that glorify violence are meant to incite it. She urged Council to act just as it would if any other minority was being targeted and condemn the attack.

Laura (no last name given) stated the Hughes Stadium property needs to be returned to the Indigenous people stating it was stolen land. She stated the residents of Fort Collins cannot legally vote on the use of the property as the land does not belong to the City.

Rich Stave commented on a TABOR item that he stated repeals the mill levy. He also shared concerns related to ranked voting and questioned whether the community's best interest was taken into account regarding Item No. 2, *Second Reading of Ordinance No. 078, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for Broadband Buildout to Multi-Dwelling Units and Customer Installations and Related Art in Public Places and Modifying the Terms of Repayment for Prior Appropriations from the Light and Power Fund.*

Gabrielle Friesen urged Council to return the Hughes Stadium land to Indigenous people as a ceremonial site and stated that is the only ethical way for the City to act. She stated she has been involved in rematriation efforts and stated the City would benefit from engaging in this humbling and necessary work.

Liz Tufte expressed concern about tonight's events and the disrespect shown to the individuals in attendance. She stated the religious freedom for native people is a perpetual concern and urged Council to return the Hughes Stadium property to Indigenous people.

Nicole Swan echoed other speakers related to the Remington Street affordable housing project and urged Council to move forward with the project quickly.

Jonesy Winchell spoke in support of returning the Hughes Stadium site back to Indigenous people.

Charles Shobe spoke in support of the affordable housing project on Remington Street and urged Council to put people over parking and quickly move forward with the project without waiting for another parking study. He stated the delay would increase the likelihood that Housing Catalyst would not be able to complete the project and the community would be stuck with the status quo.

Kate Conley echoed comments related to the Remington Street affordable housing project and urged Council to use every tool possible to get it moving forward. She stated business owners should not stand in opposition to the project as it could provide workforce housing. She urged Council to prioritize housing and people over 83 parking spaces.

Andrew Sachs spoke in support of the land back initiative to return the Hughes Stadium property to Indigenous people. He provided some history regarding his interest in protecting the environment and discussed how the partnership with Indigenous people is valuable in those efforts.

Michael Washington spoke in support of returning the Hughes Stadium property to Indigenous people and stated it never belonged to Fort Collins to begin with. He urged Council to do what is overdue.

Matthew Behunin discussed previous parking studies and urged Council to follow through with its vision for the 15-minute city by bringing affordable housing to the Remington Street parking lot.

Public comment concluded at 7:36 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Pignataro asked if there might be a way to easily make it clear that the Council rules for Chamber relate to view obstruction. She asked if it could be codified that people with such items could stand in the rear of Chambers. City Attorney Daggett noted the Mayor has the authority to modify rules in response to specific instances; however, she recommended the rules be changed if Council would specifically like that to be allowed.

Councilmember Pignataro noted Councilmembers all serve on various Boards, including Housing Catalyst, and stated she is looking forward to the work session on the Remington Street parking lot/affordable housing project.

Councilmember Potyondy stated there was no intention of stifling free speech this evening but suggested a deeper look at policies for visuals in Council Chambers.

Mayor Arndt stated the Council rules are clear and noted the individual chose to leave the meeting rather than stand in the back of the room with the flag he carried.

Councilmember Potyondy stated she is also looking forward to the work session on the Remington Street parking lot. Additionally, she noted Assistant City Manager Rupa Venkatesh has been working closely with the Indigenous population regarding the Hughes Stadium property.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

Councilmember Ohlson withdrew Item No. 16, *Items Relating to the Vine Drive and Jerome Street Intersection Improvements Project, from the Consent Calendar*, due to concerns about some of the funding coming from the climate action fund.

J) CONSENT CALENDAR

1. Consideration and Approval of the Minutes of the May 20, 2025, Regular meeting.

The purpose of this item is to approve the minutes of the May 20, 2025, Regular meeting.

Approved.

2. Second Reading of Ordinance No. 078, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for Broadband Buildout to Multi-Dwelling Units and Customer Installations and Related Art in Public Places and Modifying the Terms of Repayment for Prior Appropriations from the Light and Power Fund.

This Ordinance, unanimously adopted on First Reading on May 20, 2025, requests appropriation of \$12 million of prior year reserves from the Light & Power Fund for use in Broadband's (herein referred to as "Connexion") efforts to continue new customer installations, including building out to multi-dwelling units (MDU's) and mobile home parks, and providing for asset management. These funds from Light & Power provide a significant portion of the total funding need over the next 4 years and will be reimbursed to the Light & Power Fund, including interest, from the cash flows generated by Connexion operations.

Adopted on Second Reading.

3. Second Reading of Ordinance No. 079, 2025, Authorizing Transfers of Appropriations for the Shields Street Protected Infrastructure – Lake Street to Stuart Street Project and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue Project.

This Ordinance, unanimously adopted on First Reading on May 20, 2025, transfers Active Modes Plan Implementation funding to the Shields Street Protected Infrastructure – Lake Street to Stuart Street and the Shields Street Separated Bike Lanes – Mulberry Street to Mountain Avenue capital projects.

Adopted on Second Reading.

4. Second Reading of Ordinance No. 080, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.

This Ordinance, unanimously adopted on First Reading on May 20, 2025, appropriates \$19,011 of unanticipated revenue received from the Colorado State Patrol Department of Public Safety as a modification to the previously awarded FY 2025 BATTLE (Beat Auto Theft Through Law Enforcement) grant.

Adopted on Second Reading.

5. Items Relating to Civic Center Master Plan: Municipal Court Renovation & Parking Services Move.

A. Second Reading of Ordinance No. 081, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Parking Services Department Relocation Project and Related Art in Public Places

B. Second Reading of Ordinance No. 082, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Municipal Court Expansion Project and Related Art in Public Places

These Ordinances, unanimously adopted on First Reading on May 20, 2025, provide context for two related requested appropriations for projects in the Civic Center Master Plan. The first will expand City service capacity by moving Parking Services to the Civic Center Parking Structure to vacate space in the 215 North Mason Street building to allow for the expansion of the City Municipal Court. The second recommended appropriation provides initial construction costs for the expansion of the Municipal Court in the 215 North Mason Street building.

Appropriation recommendations:

- *\$450,000 from reserves in the Parking Fund to the Capital Projects Fund for the relocation of Parking Services to the Civic Center Parking Structure*
- *\$400,000 from General Government Capital Expansion Fee reserves within the Capital Expansion Fund for the relocation of Parking Services as a condition precedent to the Municipal Court construction and expansion*
- *\$8,500 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the relocation of Parking Services.*
- *\$4,300,000 from General Governmental Capital Expansion Fee reserves within the Capital Expansion Fund for the Municipal Court construction and expansion project*

\$43,000 transfer from the Capital Projects Fund to the Art in Public Places Program in the Cultural Services & Facilities Fund for the Municipal Court construction and expansion project.

Both Ordinances Adopted on Second Reading.

6. Second Reading of Ordinance No. 083, 2025, Amending Sections 20-21 and 20-25 of the Code of the City of Fort Collins for the Purpose of Clarifying Exceptions to the Noise Ordinance for Agricultural Activities.

This Ordinance, unanimously adopted on First Reading on May 20, 2025, further clarifies the alignment of the municipal noise ordinance with Colorado statutes relating to exceptions for agricultural operations.

Adopted on Second Reading.

7. Second Reading of Ordinance No. 084, 2025, Designating as Non-Lapsing and Transferring the Prior Appropriation of Philanthropic Revenue Received Through City Give by Ordinance No. 055, 2025, for the Payment Assistance Fund.

This Ordinance, unanimously adopted on First Reading on May 20, 2025, requests that the lapsing appropriation approved by Council on its passage of Ordinance No. 055, 2025, of \$443,600 in philanthropic revenue received through City Give, be designated by this Ordinance as non-lapsing. These miscellaneous gifts to various City departments support a variety of

programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

In 2019, City Give, a formalized enterprise-wide initiative was launched to create a transparent, non-partisan governance structure for the acceptance and appropriations of charitable gifts.

Adopted on Second Reading.

8. Items Relating to Motor Vehicle Noise.

A. Second Reading of Ordinance No. 086, 2025, Adopting Section 1418, Unreasonable Vehicle Noise Prohibited in the Fort Collins Traffic Code.

B. Second Reading of Ordinance No. 087, 2025, Amending Section 17-129 of the Code of the City of Fort Collins to Remove all Reference to Traffic Noise.

C. Second Reading of Ordinance No. 088, 2025, Amending Section 225 of the Fort Collins Traffic Code to Clarify the Different Types of Equipment Violations Related to Mufflers.

D. Second Reading of Ordinance No. 089, 2025, Amending Section 1-15 of the Code of the City of Fort Collins to Allow Some Specified Traffic Violations to be Designated as a Misdemeanor Offense.

These Ordinances, unanimously adopted on First Reading on May 20, 2025, present recommended changes to the City Code and Fort Collins Traffic Code to address enforcement of unreasonable noise in the city related to Motor Vehicles.

All Ordinances Adopted on Second Reading.

9. Second Reading of Ordinance No. 090, 2025 Amending Section 9-23 of the Code of the City of Fort Collins Regarding the Use of Fireworks.

This Ordinance, unanimously adopted on First Reading on May 20, 2025, presents recommended changes to the Fort Collins City Code Section 9-23 to address enforcement for violations related to fireworks.

Adopted on Second Reading.

10. First Reading of Ordinance No. 091, 2025, Amending the Code of the City of Fort Collins to Discontinue the Art in Public Places Board and the Cultural Resources Board and Merge their Functions into the Arts and Culture Board.

The purpose of this item is to discontinue the existing Art in Public Places Board and Cultural Resources Board and to merge and adjust their functions for a new Arts and Culture Board.

Adopted on First Reading.

11. First Reading of Ordinance No. 092, 2025, Appropriating Prior Year Reserves in the Water Fund to Support Acquisitions of Water Rights to Increase Yield, Reliability, and Resiliency of the Utilities Water Supplies.

The purpose of this item is to request additional appropriation of \$1,419,091 in the City's Water Fund to purchase water supplies that will increase the yield, reliability, and resiliency of the Fort Collins Utilities water supplies. This includes shares in the North Poudre Irrigation Company and the water rights in the Chase Ditch.

Adopted on First Reading.**12. First Reading of Ordinance No. 093, 2025, Authorizing a Mid-year Budget Appropriation from the Airport Fund for Northern Colorado Regional Airport.**

The purpose of this item is to recommend a mid-year budget appropriation of \$642,400 from the Airport fund to support nine priority projects and initiatives identified by Airport staff and the Airport Commission. These efforts are focused on improving airport facilities, strengthening operational plans and procedures, addressing regulatory compliance requirements, enhancing financial sustainability, and supporting efforts to attract commercial airline service.

The proposed funding will enable the Airport to make targeted investments that align with long-term strategic goals and improve overall performance and service.

Adopted on First Reading.**13. First Reading of Ordinance No. 094, 2025, Amending Chapters 15 and 23 of the Code of the City of Fort Collins Regarding the Requirements of Shared Micromobility Operations.**

The purpose of this item is to address a potential regulatory gap under City Code by defining clear requirements applicable to the operation of shared micromobility services within Fort Collins. These requirements will allow FC Moves to ensure that operators of shared micromobility services in the city consistently provide robust and reliable service and mitigate negative impacts on the community and other right-of-way uses.

Adopted on First Reading.**14. First Reading of Ordinance No. 095, 2025, Amending Section 15-361 of the Code of the City of Fort Collins to Clarify Right-of-Way Contractor Licensing Requirements.**

The purpose of this item is to clarify the types of work that require a right-of-way contractor license under City Code Section 15-361. As that section is currently written, it is ambiguous what types of “work” it is intended to apply to, leaving it unclear whether operations like shared micromobility services or outdoor vendors would require a right-of-way contractor license or not. This item defines “work” to mean constructing, installing or repairing any sidewalk, curb, gutter, driveway, curb cut, street, alley or any other improvement in or under a public right-of-way, in the City.

Adopted on First Reading.**15. First Reading of Ordinance No. 096, 2025, Authorizing the Conveyance of Two Temporary Construction Easements and Two Permanent Easements on a portion of Rigden Reservoir to Larimer County for Construction of Stormwater Infrastructure Improvements for County Road 40.**

The purpose of this item is to authorize the conveyance of two (2) Temporary Construction Easements and Two (2) Permanent Easements (collectively, the “Easements”) on a portion of City property presently known as Rigden Reservoir for construction of stormwater infrastructure improvements for the benefit of County Road 40 (E Horsetooth Road).

Adopted on First Reading.

16. Items Relating to the Vine Drive and Jerome Street Intersection Improvements Project.

A. Resolution 2025-057 Authorizing the Execution of an Intergovernmental Agreement Regarding a Grant of Funds for Improvements to the Intersection of Vine Drive and Jerome Street Between the City of Fort Collins and the Downtown Development Authority.

B. First Reading of Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places.

The purpose of these items is to enable the City to receive and expend Downtown Development Authority (DDA) grant funds and Urban Renewal Authority (URA) funds for the Vine Drive and Jerome Street Intersection Improvements project (Project). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street. If approved, the items will: 1) authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the DDA; 2) transfer \$135,200 of Community Capital Improvement Program (CCIP) Bicycle Program funds to the Project; 3) transfer \$67,756.77 of Community Capital Improvement Program (CCIP) Pedestrian Program funds to the Project; 4) appropriate \$293,076 in URA funds to the Project; 5) transfer \$146,472.87 in remaining 2050 Tax – Our Climate Future funds from previous appropriations to the Project; 6) appropriate \$144,000 of DDA grant funds to the Project; 7) appropriate \$4,283.34 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 8) appropriate \$87.42 of Transportation Services Fund reserves to the Project; and 9) appropriate \$4,370.76 (1%) of the DDA grant and URA funds to the Art in Public Places (APP) program. The Conservation Trust Fund will contribute \$165,000 towards the Project as part of the 2026 annual budget process.

Removed From Consent Agenda.

17. Resolution 2025-061 Adopting the Transportation Capital Improvement Dashboard as a Methodology and Foundation for the Transportation Capital Improvement Program Prioritization and Planning.

The purpose of this item is to discuss the results of the Transportation Capital Improvement (TCI) Dashboard effort as it relates to the City's Transportation Capital Improvement Program prioritization and planning and to request Council adopt the TCI dashboard as a methodology and foundation for the transportation capital improvement program prioritization and planning. The TCI dashboard is a methodology for evaluating and prioritizing transportation capital projects identified in the Active Modes Plan (AMP), Transportation Capital Projects Prioritization Study (TCPPS), and Strategic Trails Plan (STP) utilizing criteria developed from the City's various strategic plans.

Adopted.

18. **Resolution 2025-062 Authorizing an Intergovernmental Agreement Between the Cities of Fort Collins, Greeley and Loveland for the Exchange of Judicial Services and Appointing Temporary Judges.**

The purpose of this item is to authorize an intergovernmental agreement (IGA) with the Cities of Greeley and Loveland for judicial services to be used in the event that a conflict of interest or other circumstance prevents the Municipal Judge and assistant judges from hearing a particular Municipal Court case. This agreement is intended to replace a prior 2023 IGA between Fort Collins, Loveland, and Greeley. A similar agreement was also in place prior to 2023. This agreement is updated to include all current, eligible judges from each jurisdiction.

Adopted.

19. **Resolution 2025-063 Authorizing the Execution of an Intergovernmental Agreement Between the City and Colorado Department of Transportation to Fund Construction for the Foothills Transit Station Project through State Multimodal Transportation and Mitigation Options Funding.**

The purpose of this item is to authorize the City Manager to execute an Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT). This IGA will result in the receipt by Transfort of \$317,669 in grant funds through the Multimodal Transportation & Mitigation Options Fund (MMOF) for Fiscal Years (FY) 2025 and 2026.

Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1-19, minus 16, on the Consent Calendar.

The motion carried 6-0.

K) CONSENT CALENDAR FOLLOW-UP *(This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.)*

Councilmember Ohlson requested additional information regarding Item No. 11, *First Reading of Ordinance No. 092, 2025, Appropriating Prior Year Reserves in the Water Fund to Support Acquisitions of Water Rights to Increase Yield, Reliability, and Resiliency of the Utilities Water Supplies*. Donnie Dustin, Senior Water Resources Engineer, stated the Corps of Engineers permitting process includes a future demand of around 38,400 acre feet, current demands are around 29,000 acre feet, and the firm yield of what can be met with current supplies is around 30,000 acre feet. The projected increase in demand is due to increased population and large contractual uses.

Councilmember Ohlson requested additional information in a follow-up memo.

Dustin noted the Halligan water supply project will meet most of the demand and the appropriation requested will help fund some North Poudre Irrigation shares that are planned to be acquired between now and 2065.

Councilmember Ohlson requested additional information regarding Item No. 17, *Resolution 2025-061 Adopting the Transportation Capital Improvement Dashboard as a Methodology and Foundation for the Transportation Capital Improvement Program Prioritization and Planning* as related to wildlife crossing issues if that is an appropriate component of this dashboard. Brad Buckman, City Engineer, replied that consideration is part of this process, and through the design process, the impacts to the

environment and wildlife are considered for all projects, including wildlife crossings. He stated he would provide additional details in a follow-up memo.

Councilmember Ohlson commented on language in Item No. 17 related to 'evaluating projects to provide riparian and wildlife corridors where they make sense' and stated there are no such qualifiers in documents presented to Council on other topics. City Manager DiMartino replied staff will work to be more consistent in applying qualifying language.

Clerk's Note: Mayor Arndt called for a break at 7:50 p.m., noting the meeting would resume at 8:00 p.m.

L) STAFF REPORTS - Staff Report: One Water Strategic Plan Update

The purpose of this item is to provide a progress update on the City's ongoing One Water planning efforts. This work supports City's Council's priority of protecting community water systems in an integrated way to ensure resilient water resources and healthy watersheds.

In early 2024, the Water Utilities initiated a two-phased planning approach to the development of a strategic One Water Plan to guide the planning, operations, and management of the City's water resources and water systems over the next 50 years. Phase 1 (Self-Assessment) of this work was completed in March 2025 with the development of a One Water Action Framework Report, which characterizes the current state of the City's water resources, systems and practices and lays out the City's vision for One Water.

Building upon this work, Phase 2 (Plan Development) will begin in early June 2025. The work will focus on the development of a One Water Strategic Plan that establishes goals and supporting strategies needed to address the community's current and anticipated water-related challenges using collaborative and holistic water management approaches. The work will be informed by both internal and community engagement and is expected to take approximately 10-12 months to complete.

Nicole Poncelet-Johnson, One Water Executive Director, noted the City's Water, Wastewater, and Stormwater Utilities began a One Water journey in 2020 and have since determined a more formal approach needs to be taken through some strategic planning.

Jill Oropeza, Senior Director of Plant Science and Planning, provided an overview of the City's approach to becoming a One Water city, specifically as related to the One Water Strategic Plan. She stated the principles involved in One Water include valuing water at every stage and in all forms, looking for solutions that achieve multiple benefits, approaching decisions with a systems mindset using watershed-scale thinking and action, and looking for ways to mitigate any unintended consequences.

Oropeza stated the City recognizes there are numerous current and future pressures that will impact the City's water resources and infrastructure that have the potential to impact the ability to provide the current level of service. She noted this initiative supports the City's strategic objectives around environmental health and the Council priority of protecting the community's water systems in an integrated way to ensure resilient resources and healthy watersheds.

Oropeza outlined the use of the Water Research Foundation's One Water Cities Framework which was designed to help municipalities do this work. She discussed the planning efforts around the Fort Collins One Water Action Framework and noted some opportunities and needs that have been identified include the development of a One Water Strategic Plan, building organizational alignment and culture building around One Water, continuing to integrate the principles of One Water into project and program delivery, and developing a system for performance tracking to monitor progress over

time. Oropeza stated the development of key strategies and actions will begin in the coming months and the resulting Strategic Plan will focus on performance and continual improvement.

Councilmember Ohlson requested some additional follow-up on certain items

M) COUNCILMEMBER REPORTS

Councilmember Susan Gutowsky

- Commended Sunday's Pride Festival.

Mayor Arndt requested a brief moment of silence for the recent terror attack in Boulder and in recognition of hate never being welcomed in Fort Collins.

Councilmember Melanie Potyondy

- Commended Sunday's Pride Festival.
- Attended the grand opening of the Village at Impala affordable housing development.
- Attended the opening of the Museum of Discovery traveling exhibit "Nature All Around Us."

Councilmember Tricia Canonico

- Commended Sunday's Pride Festival and grand opening of the Village at Impala.
- Attended a Bike to School Day event at Kruse Elementary School and announced the June 25th Bike to Work Day.

N) CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT CALENDAR FOR INDIVIDUAL DISCUSSION

16. Items Relating to the Vine Drive and Jerome Street Intersection Improvements Project.

A. Resolution 2025-057 Authorizing the Execution of an Intergovernmental Agreement Regarding a Grant of Funds for Improvements to the Intersection of Vine Drive and Jerome Street Between the City of Fort Collins and the Downtown Development Authority.

B. First Reading of Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places.

The purpose of these items is to enable the City to receive and expend Downtown Development Authority (DDA) grant funds and Urban Renewal Authority (URA) funds for the Vine Drive and Jerome Street Intersection Improvements project (Project). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street. If approved, the items will: 1) authorize the Mayor to execute an Intergovernmental Agreement (IGA) for the Project with the DDA; 2) transfer \$135,200 of Community Capital Improvement Program (CCIP) Bicycle Program funds to the Project; 3) transfer \$67,756.77 of Community Capital Improvement Program (CCIP) Pedestrian Program funds to the Project; 4) appropriate \$293,076 in URA funds to the Project; 5) transfer \$146,472.87 in remaining 2050 Tax – Our Climate Future funds from previous appropriations to the Project; 6) appropriate \$144,000 of DDA grant funds to the Project; 7) appropriate \$4,283.34 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 8) appropriate \$87.42 of Transportation Services Fund reserves to the Project; and 9) appropriate \$4,370.76 (1%) of the DDA grant and URA funds to the Art in Public Places (APP) program. The Conservation Trust Fund will contribute \$165,000 towards the Project as part of the 2026 annual budget process.

Councilmember Ohlson stated he will not be voting for this item as he believes it is not the most appropriate use of climate funds. He stated he would have preferred the funds go to building incentives for the private sector or to making improvements to City buildings. He added that he supports the project; however, he thought there could be a better source of funding. Jacob Castillo, Chief Sustainability Officer, stated the Our Climate Future executive team recommended this funding as the dollars were originally allocated for bike and pedestrian safety, which is a similar use to what is proposed with this project. Additionally, since the dollars were able to be leveraged with other funds, this project supports the reduction of greenhouse gas emissions and is possible to be executed quickly.

Cortney Geary, FC Moves, stated this project will make improvements for bicyclists and pedestrians at Vine and Jerome including rectangular rapid flashing beacons, side paths, and trail connections. She noted the intersection was identified as a high priority in the Active Modes Plan and the Climate Tax funding that is proposed to be used was previously appropriated to two projects focused on implementing the Active Modes Plan: one that funded bike lanes on Laporte Avenue, which was under budget and one for crossing improvements at multiple locations.

Geary noted staff evaluated the greenhouse gas emissions reductions impacts for the projects and added that funding for this project includes DDA and URA funding as well and the project provides the opportunity to demonstrate to taxpayers immediate, tangible benefits with entirely local funding.

Councilmember Ohlson stated that explanation has convinced him to support the item.

Mayor Arndt expressed support for the project and thanked the URA and DDA for their funding as well.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2025-057 Authorizing the Execution of an Intergovernmental Agreement Regarding a Grant of Funds for Improvements to the Intersection of Vine Drive and Jerome Street Between the City of Fort Collins and the Downtown Development Authority.

The motion carried 6-0.

Mayor Pro Tem Francis made a motion, seconded by Councilmember Potyondy, to adopt Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places, on First Reading.

The motion carried 6-0.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION – None.

P) RESUMED PUBLIC COMMENT

Q) OTHER BUSINESS

OB 1. Possible consideration of the initiation of new ordinances and/or resolutions by Councilmembers.

OB 2. Consideration of a Motion to Adjourn to 6:00 p.m. on June 10, 2025 for the purpose of mid-year performance evaluations of Council's direct-report employees:

"I move that Council adjourn this meeting to 6:00 p.m. on Tuesday, June 10, 2025, in order to consider a motion to go into executive session to conduct mid-year performance reviews

of the Council's direct report employees, and for such other business as may come before the Council."

Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adjourn to 6:00 p.m. on June 10, 2025.

The motion carried 6-0.

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 8:31 p.m.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

2. Second Reading of Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, enables the City to receive and expend Downtown Development Authority (DDA) grant funds and Urban Renewal Authority (URA) funds for the Vine Drive and Jerome Street Intersection Improvements project (Project). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street. If approved, the item will: 1) transfer \$135,200 of Community Capital Improvement Program (CCIP) Bicycle Program funds to the Project; 2) transfer \$67,756.77 of Community Capital Improvement Program (CCIP) Pedestrian Program funds to the Project; 3) appropriate \$293,076 in URA funds to the Project; 4) transfer \$146,472.87 in remaining 2050 Tax – Our Climate Future funds from previous appropriations to the Project; 5) appropriate \$144,000 of DDA grant funds to the Project; 6) appropriate \$4,283.34 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 7) appropriate \$87.42 of Transportation Services Fund reserves to the Project; and 8) appropriate \$4,370.76 (1%) of the DDA grant and URA funds to the Art in Public Places (APP) program. The Conservation Trust Fund will contribute \$165,000 towards the Project as part of the 2026 annual budget process.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Florian Fiebig, Project Manager, Engineering
Dana Hornkohl, Capital Projects Manager, Engineering

SUBJECT

Second Reading of Ordinance No. 085, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Vine Drive and Jerome Street Intersection Improvements Project and Related Art in Public Places.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 3, 2025, enables the City to receive and expend Downtown Development Authority (DDA) grant funds and Urban Renewal Authority (URA) funds for the Vine Drive and Jerome Street Intersection Improvements project (Project). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street. If approved, the item will: 1) transfer \$135,200 of Community Capital Improvement Program (CCIP) Bicycle Program funds to the Project; 2) transfer \$67,756.77 of Community Capital Improvement Program (CCIP) Pedestrian Program funds to the Project; 3) appropriate \$293,076 in URA funds to the Project; 4) transfer \$146,472.87 in remaining 2050 Tax – Our Climate Future funds from previous appropriations to the Project; 5) appropriate \$144,000 of DDA grant funds to the Project; 6) appropriate \$4,283.34 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 7) appropriate \$87.42 of Transportation Services Fund reserves to the Project; and 8) appropriate \$4,370.76 (1%) of the DDA grant and URA funds to the Art in Public Places (APP) program. The Conservation Trust Fund will contribute \$165,000 towards the Project as part of the 2026 annual budget process.

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

East Vine Drive and Jerome Street intersect in northeast Fort Collins, just north of the Poudre River Whitewater Park (**Attachment 1**). The City's current [Master Street Plan](#) (adopted December 2023) designates Vine Drive and Jerome Street as two-lane collectors. Jerome is stop-controlled at Vine, and there are no crossing facilities at the intersection. The City's [Active Modes Plan](#) (adopted December 2022) recommends pedestrian and bicycle crossing improvements at the intersection ([Interactive Web Map](#)). The City's [North College MAX Bus Rapid Transit Plan](#) also recommends a roadway crossing improvement at Vine Drive and Jerome Street as a key improvement to support active mode use in the North College area and improve access to public transportation. The City's [Strategic Trails Plan](#) (in development and scheduled to go before Council for adoption on July 1, 2025) includes a proposed trails map that depicts a trail connection between northeast Fort Collins and the Whitewater Park through this intersection. This

regional trail extension was originally identified in the 2013 Paved Recreational Trails Plan and has been carried over through the update of the Strategic Trails Plan.

This intersection is a gateway and connection point between northeast Fort Collins and destinations such as the Whitewater Park, the Poudre River Trail, and Old Town Fort Collins. The City has reviewed recent development proposals in the immediate area of the intersection (**Attachment 2**), and as northeast Fort Collins continues to grow, the number of people walking, biking, and rolling will increase through this intersection. An active modes traffic count and observation study was performed in August of 2024. The following observations were noted during the data collection process, indicating the need for intersection crossing improvements:

- 36% of bicyclists observed cut diagonally through the intersection, crossing the yellow road centerline rather than completing a full turn (see Figure 1)
- 26% of all bicyclists observed riding on the sidewalk
- Wrong way riding in the Vine bike lane to access sidewalk ramp
- Traveling the wrong way in a bike lane
- Pedestrian crossing where no sidewalk exists (see Figure 2)



Figure 1 - Cutting across intersection



Figure 2 - Pedestrian crossing where no sidewalk exists

In June 2021, a person riding a bike was killed in a crash at this intersection ([Bike Fort Collins Ride of Silence 2022](#)). The Active Modes Plan was under development at the time and numerous community engagement comments indicated the need for crossing improvements at this location. In 2022, the City was awarded a 2024 Highway Safety Improvement Program (HSIP) grant to perform crossing improvements at this intersection. The Powerhouse 2 development was going through development review at the time and the developer agreed to contribute funding and construct the improvements as part of their development. The developer approached URA staff to inquire if the URA could participate in helping to fund the crossing improvements; however, grant funds could not be utilized to reimburse the developer for the City's portion of construction costs. Staff proposed utilizing local funding for developer reimbursement and seeking approval from the Colorado Department of Transportation (CDOT) to substitute a new location for the Vine and Jerome HSIP award. CDOT agreed to this proposal. Unfortunately, the Powerhouse 2 development has not moved forward, and the substitute location was ultimately withdrawn from the HSIP award due to significant inflation of construction costs.

In the interim, staff representing FC Moves, Park Planning and Development, Traffic Operations, and Engineering have developed a conceptual proposed plan (**Attachment 3**) to advance the Project and seek additional funding. The conceptual plan includes the following:

1. Two-way pedestrian crossing of Vine Drive on the east side of Jerome Street.
2. Bicycle crossings (northbound and southbound) of Vine Drive on either side of Jerome Street.
3. Rectangular Rapid Flashing Beacons (RRFBs) with push buttons for pedestrians and cyclists.

4. Protected bike corner island on the west side of Jerome Street intended to reduce right turn speeds and protect cyclists waiting to activate the beacon and cross the street.
5. Improved and widened sidepath (trail) on the south side of the intersection (Vine Drive) with Americans with Disabilities Act (ADA) compliant ramps, connecting to the Whitewater Park and Poudre River Trail.
6. Widened sidepath (trail) on the east side of Jerome Street to serve as the northeast trail extension.
7. New striping, signing, and marking of the intersection to safely facilitate pedestrian and bicycle movements.

The Project plan does not include pedestrian improvements on the west side of Jerome Street. There is no existing sidewalk infrastructure on this side of Jerome. New development would be responsible for building this infrastructure. The Project would accommodate this future infrastructure with minimal signing and striping changes.

Portions of the Project site lie within the North College URA, north of Vine Drive and the DDA boundary, south of Vine Drive. Staff went before the URA Board in January 2025 to present the Project and request financial participation in the Project. The URA has agreed to contribute \$293,076 toward the Project. Staff went to the DDA's Director's Meeting in February 2025 to present the Project and request financial participation. The DDA agreed to contribute \$82,659 toward the Project as well as \$61,341 toward urban design elements for the active modes gateway to Old Town. The total DDA contribution is \$144,000, and the DDA and the City have negotiated an IGA to provide the terms of the grant funding.

The remaining Project funding includes traditional transportation capital project funding from CCIP bicycle and pedestrian funds, TCEF, and Transportation Services funds. The Conservation Trust Fund is contributing funding for elements of the northeast trail system included in the Project. Transfers of the 2050 Tax – Our Climate Future funds from two similar and completed active modes related projects (1. Centre Avenue Crossing Improvements and 2. Laporte Avenue Bike Lanes) will also help fund the Project. The Our Climate Future Executive Committee was consulted on these transfers and agrees with the alignment between the original projects and this Project.

Outreach, design, and right-of-way acquisition are scheduled to be completed in 2025. Construction would begin in early 2026.

CITY FINANCIAL IMPACTS

The following table is a summary of the proposed funding appropriation for the Vine Drive and Jerome Street Intersection Improvements project.

The Project funding amount used to calculate the APP program contribution is \$437,076. This is the funding contributed to the Project by the URA and DDA. All other funding sources made their APP contribution as part of their original appropriation. The TCEF and Transportation Services Fund Reserves are for the APP contribution.

Funds to be Appropriated per this Action	
Community Capital Improvement Program (CCIP) Bicycle Program (previously appropriated)	\$ 135,200.00
Community Capital Improvement Program (CCIP) Pedestrian Program (previously appropriated)	\$ 67,756.77
Urban Renewal Authority (URA) Funds	\$ 293,076.00
2050 Tax - Our Climate Future Transfers	\$ 146,472.87
Downtown Development Authority (DDA) Funds - Project	\$ 82,659.00
Downtown Development Authority (DDA) Funds - Urban Design	\$ 61,341.00
Transportation Capital Expansion Fee (TCEF) Funds	\$ 4,283.34
Transportation Services Funds Reserves	\$ 87.42
Total Funds to be Appropriated per this Action	\$ 790,876.40

Proposed Transfer to Art in Public Places	\$ 4,370.76
--	--------------------

Proposed Transfer from Conservation Trust Fund (to be appropriated via the 2026 budget)	\$ 165,000.00
--	----------------------

Total Proposed Project Funds	\$ 951,505.64
-------------------------------------	----------------------

The total fund amount proposed for the Project is \$951,505.64 composed of funds appropriated with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The URA Board supports the Project and authorized a contribution of \$293,076 to the Project on January 23, 2025 (**Attachment 4**). The DDA Directors support the Project and authorized a contribution of \$144,000 to the Project on February 13, 2025 (**Attachment 5**). The Project was identified as part of the Active Modes Plan adopted by City Council in December 2022. The Transportation Board recommended Council adoption of the Active Modes Plan.

PUBLIC OUTREACH

Staff will work with the DDA and the Communications and Public Involvement Office to develop and implement a comprehensive public engagement plan for the Project.

ATTACHMENTS

First Reading attachments available in June 3, 2025 agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 085, 2025

ORDINANCE NO. 085, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS AND
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE VINE DRIVE AND
JEROME STREET INTERSECTION IMPROVEMENTS PROJECT
AND RELATED ART IN PUBLIC PLACES

A. The purpose of this item is to appropriate grant monies received pursuant to an intergovernmental agreement (“IGA”), authorized by Resolution 2025-057, between the City and the Downtown Development Authority (“DDA”) for the Vine Drive and Jerome Street Intersection Improvements project (“Project”). The funds will be used for outreach, design, right-of-way acquisition, and construction for improvements at the intersection of Vine Drive and Jerome Street.

B. East Vine Drive and Jerome Street intersect in northeast Fort Collins, just north of the Poudre River Whitewater Park. The City’s current Master Street Plan (adopted December 2023) designates Vine Drive and Jerome Street as two-lane collectors.

C. Currently, traffic on Jerome Street is controlled by a four way stop sign at the intersection of Jerome Street and Vine Drive, but there are no crossing facilities at the intersection. The City’s Active Modes Plan (adopted December 2022) recommends pedestrian and bicycle crossing improvements at the intersection. The City’s North College MAX Bus Rapid Transit Plan also recommends a roadway crossing improvement at Vine Drive and Jerome Street as a key improvement to support active mode use in the North College area and improve access to public transportation.

D. The City’s Strategic Trails Plan, which is in development and scheduled to go before City Council for adoption on July 1, 2025, includes a proposed trails map that depicts a trail connection between northeast Fort Collins and the Whitewater Park through this intersection. This regional trail extension was originally identified in the 2013 Paved Recreational Trails Plan and has been carried over through the update of the Strategic Trails Plan.

E. As northeast Fort Collins continues to grow, the number of people walking, biking, and engaged in other active modes of transportation will increase through this intersection, which is a gateway and connection point between northeast Fort Collins and destinations such as the Whitewater Park, the Poudre River Trail, and Old Town Fort Collins.

F. An active modes traffic count and observation study was performed in August of 2024. The observations in the study indicate the need for intersection crossing improvements. These observations include data establishing that 36% of bicyclists observed cut diagonally through the intersection, crossing the yellow road centerline rather than completing a full turn; 26% of all bicyclists observed rode on the sidewalk;

bicyclists rode the wrong way in the Vine bike lane to access a sidewalk ramp; bicyclists traveled the wrong way in a bike lane; and pedestrians crossed where no sidewalk exists.

G. In June 2021, a person riding a bike was killed in a crash at this intersection.

H. City staff representing FC Moves, Park Planning and Development, Traffic Operations, and Engineering have developed the Project to address these safety and infrastructure concerns. A conceptual proposed plan for the Project includes the following:

- Two-way pedestrian crossing of Vine Drive on the east side of Jerome Street;
- Bicycle crossings (northbound and southbound) of Vine Drive on either side of Jerome Street;
- Rectangular Rapid Flashing Beacons (“RRFBs”) with push buttons for pedestrians and cyclists;
- Protected bike corner island on the west side of Jerome Street intended to reduce right turn speeds and protect cyclists waiting to activate the beacon and cross the street;
- Improved and widened sidepath (trail) on the south side of the intersection (Vine Drive) with Americans with Disabilities Act (“ADA”) compliant ramps, connecting to the Whitewater Park and Poudre River Trail;
- Widened sidepath (trail) on the east side of Jerome Street to serve as the northeast trail extension; and
- New striping, signing, and marking of the intersection to safely facilitate pedestrian and bicycle movements.

I. Portions of the Project site lie within the North College Urban Renewal Authority (“URA”) area, north of Vine Drive and the DDA boundary, south of Vine Drive.

J. Staff attended the URA Board in January 2025, presented the Project for the URA Board’s recommendation, and requested financial participation in the Project. The URA voted to contribute \$293,076 toward the Project.

K. Staff attended the DDA’s Director’s Meeting in February 2025, presented the Project, and requested financial participation. The DDA voted to contribute \$82,659 toward the Project as well as \$61,341 toward urban design elements for the active modes gateway to Old Town.

L. Project funding also includes traditional transportation capital project funding from Community Capital Improvement Program (“CCIP”) bicycle and pedestrian funds, Transportation Capital Expansion Fees, and Transportation Services funds. The Conservation Trust fund is contributing funding for elements of the northeast trail system included in the Project (\$165,000 towards the Project as part of the 2026 annual budget process). Transfers of the 2050 Tax – Our Climate Future funds from two similar and completed active modes related projects (Centre Avenue Crossing Improvements and Laporte Avenue Bike Lanes) will also help fund the Project. The Our Climate Future

Executive Committee was consulted on these transfers and agrees with the alignment between the original projects and this Project.

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

N. The City Manager has recommended the appropriations described in Section 6 and Section 7 and determined that the funds to be appropriated in those Sections are available and previously unappropriated from the Capital Projects fund that these appropriations will not cause the total amount appropriated in the Capital Projects fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

O. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

P. The City Manager has recommended the appropriations described in Section 8 and Section 9 and determined that the funds to be appropriated in those Sections are available and previously unappropriated from Transportation Services fund and the Transportation Capital Expansion Fee fund and that these appropriations will not cause the total amount appropriated in the Transportation Services fund and the Transportation Capital Expansion Fee fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this fund during this fiscal year.

Q. 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.

R. The City Manager has recommended the transfers of appropriations in Sections 1 through 5 and Sections 10 through 12, including the transfer of \$135,200 from the Bicycle CCIP capital project account in the Capital Projects fund to the Vine Drive and Jerome Street Intersection Improvements Project in the Capital Project fund, \$65,757 from the Pedestrian CCIP capital project account in the Capital Projects fund to the Vine Drive and Jerome Street Intersection Improvements Project in the Capital Projects fund,

\$293,076 in the Urban Renewal Authority fund to the Capital Projects fund, \$146,473 from the 2050 Tax Parks Rec Transit OCF fund to the Capital Projects fund, \$4,283 from the Transportation Capital Expansion Fee fund to the Capital Projects fund, \$87 from the Transportation Services fund to the Capital Projects fund and \$4,370 from the Capital Projects fund to the Cultural Services fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

S. This Project involves construction estimated to cost more than \$250,000 and, as such, City Code Section 23-304 requires one percent of these appropriations to be transferred to the Cultural Services and Facilities fund for a contribution to the Art in Public Places ("APP") program.

T. The project cost of \$437,000, that originated from the URA and DDA contributions, has been used to calculate the contribution to the APP program.

U. The remainder of the project cost being appropriated in this Ordinance is ineligible for use in the APP Program due to previously contributing to the APP program.

V. The amount to be contributed in this Ordinance will be \$4,370.

W. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the completion of the capital project.

X. The City Council wishes to designate the appropriations herein for the Vine Drive and Jerome Street Intersection Improvements Project as appropriations that shall not lapse until the completion of the Project.

Y. The appropriations in this Ordinance benefit public health, safety and welfare of the residents of Fort Collins and serve the public purposes of improving multimodal transportation and streetscape infrastructure and safety within the City.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The unexpended and unencumbered appropriated amount of ONE HUNDRED THIRTY-FIVE THOUSAND TWO HUNDRED DOLLARS (\$135,200) is authorized for transfer from the Bicycle CCIP capital project account in the Capital Projects fund to the Vine Drive and Jerome Street Intersection Improvements Project account in the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 2. The unexpended and unencumbered appropriated amount of SIXTY-SEVEN THOUSAND SEVEN HUNDRED FIFTY-SEVEN DOLLARS (\$67,757) is

authorized for transfer from the Pedestrian CCIP capital project account in the Capital Projects fund to the Vine Drive and Jerome Street Intersection Improvements Project project account in the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 3. The unexpended and unencumbered appropriated amount of TWO HUNDRED NINETY-THREE THOUSAND SEVENTY-SIX DOLLARS (\$293,076) is authorized for transfer from the Urban Renewal Authority fund to the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 4. The unexpended and unencumbered appropriated amount of ONE HUNDRED FOUR THOUSAND TWO HUNDRED NINE DOLLARS (\$104,209) is authorized for transfer from the Bike/Ped Crossing Project in the 2050 Tax Parks Rec Transit OCF fund to the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 5. The unexpended and unencumbered appropriated amount of FORTY-TWO THOUSAND TWO HUNDRED SIXTY-THREE DOLLARS: (\$42,263) is authorized for transfer from the Laporte Ave Bike Lanes Project in the 2050 Tax Parks Rec Transit OCF fund to the Capital Projects fund and appropriated therein to be expended for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 6. There is hereby appropriated from new revenue or other funds from the DDA contribution in the Capital Projects fund the sum of EIGHTY-TWO THOUSAND SIX HUNDRED FIFTY-NINE DOLLARS (\$82,659) to be expended in the Capital Projects fund for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 7. There is hereby appropriated from new revenue or other funds from the DDA contribution in the Capital Projects fund the sum of SIXTY-ONE THOUSAND THREE HUNDRED FORTY-ONE DOLLARS (\$61,341) to be expended in the Capital Projects fund for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 8. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion fund the sum of FOUR THOUSAND TWO HUNDRED EIGHTY-THREE DOLLARS (\$4,283) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund to be used for the APP contribution for the Vine Drive and Jerome Street Improvements Project.

Section 9. There is hereby appropriated from prior year reserves in the Transportation Services fund the sum of EIGHTY-SEVEN DOLLARS (\$87) to be expended in the Transportation Services fund for transfer to the Capital Projects fund to be used for the APP contribution for the Vine Drive and Jerome Street Intersection Improvements Project.

Section 10. The unexpended and unencumbered appropriated amount of THREE THOUSAND FOUR HUNDRED NINE DOLLARS (\$3,409) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 11. The unexpended and unencumbered appropriated amount of EIGHT HUNDRED SEVENTY-FOUR DOLLARS (\$874) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the operation costs of the APP program.

Section 12. The unexpended and unencumbered appropriated amount of EIGHTY-SEVEN DOLLARS (\$87) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 13. The appropriations herein for the Vine Drive and Jerome Street Intersection Improvements Project are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on June 3, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025

Approving Attorney: Heather N. Jarvis

Exhibits: None

File Attachments for Item:

3. Second Reading of Ordinance No. 091, 2025, Amending the Code of the City of Fort Collins to Discontinue the Art in Public Places Board and the Cultural Resources Board and Merge their Functions into the Arts and Culture Board.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, discontinues the existing Art in Public Places Board and Cultural Resources Board and merges and adjusts their functions for a new Arts and Culture Board.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Solara Clark, Project Coordinator, Cultural Services
Liz Good, Visual Arts Coordinator, Cultural Services
Ellen Martin, Lead Specialist, Cultural Services
Eileen May, Director, Cultural Services

SUBJECT

Second Reading of Ordinance No. 091, 2025, Amending the Code of the City of Fort Collins to Discontinue the Art in Public Places Board and the Cultural Resources Board and Merge their Functions into the Arts and Culture Board.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 3, 2025, discontinues the existing Art in Public Places Board and Cultural Resources Board and merges and adjusts their functions for a new Arts and Culture Board.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Cultural Services Department is proposing the dissolution of the Art in Public Places Board and the Cultural Resources Board to merge their responsibilities into a single Arts and Culture Board. This change supports the City's broader goal of shifting from complexity to simplicity in its Boards and Commission's structure. After reviewing peer city models and internal needs, the department concluded that one cohesive board will more effectively provide advocacy and strategic guidance across the department's work, including public art, cultural initiatives, and community engagement. The new board structure is designed to ensure a balanced workload and allow members to focus deeply on a wide range of art and cultural priorities without becoming overextended.

The proposed Arts and Culture Board will be established as a Type 2 advisory board, consistent with the current structure of both the Art in Public Places Board and the Cultural Resources Board. The board is expected to include nine members, with responsibilities focused on providing guidance and advocacy across the full spectrum of Cultural Services. This includes advocacy for the Fort Collins Museum of Discovery, The Lincoln Center, Gardens on Spring Creek, Art in Public Places, Cultural Community Programs, Center for Creativity, Fort Fund Grant Program, and Arts and Culture Masterplan. The structure is intended to ensure broad representation and engagement across the department's diverse programs and initiatives. The new Board would be anticipated to start in April of 2026 in alignment with the Boards and Commission's new member timeline and start dates across the organization.

Both current boards have been informed of the proposed transition. Existing members will not automatically transfer to the new board; instead, all current interested board members are encouraged to apply for a seat on the new board. This will ensure an open and equitable process. This restructuring streamlines how the department receives input and also strengthens its ability to elevate a range of community perspectives and respond more effectively to the evolving art and cultural landscape of Fort Collins.

CITY FINANCIAL IMPACTS

The proposed Arts and Culture Board is not expected to have any direct financial impact on the City finances. While the board may review and provide input on budgets related to the Art in Public Places Program, which operates with a dedicated funding source, and the Cultural Services department, it will not oversee or manage funding directly. This is consistent with the current roles of the Art in Public Places Board and the Cultural Resources Board, and no additional financial resources or staffing are anticipated as a result of this transition.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Both the Art in Public Places Board and the Cultural Resources Board have been informed of the proposed changes, and the overall consensus has been supportive of the plan to merge the two boards. As expected, some questions were raised regarding potential impacts on board responsibilities. Staff have been actively working with board members to address these inquiries and provide as much clarity and information as possible throughout the process.

PUBLIC OUTREACH

If the proposed ordinance and changes are approved by Council, staff will actively engage with the public to share information about the transition and highlight opportunities to get involved with the newly established Arts and Culture Board.

ATTACHMENTS

First Reading attachments available in June 3, 2025 agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 091, 2025

ORDINANCE NO. 091, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS TO
DISCONTINUE THE ART IN PUBLIC PLACES BOARD AND THE
CULTURAL RESOURCES BOARD AND MERGE THEIR
FUNCTIONS INTO THE ARTS AND CULTURE BOARD

A. The City Council established two volunteer boards relating to arts and culture: the Art In Public Places Board, a seven-member board that reviews, approves, and makes recommendations about artwork created through the Art in Public Places program, and the Cultural Resources Board, a seven-member board that makes recommendations to the City Council about the Cultural Services Department and provides recommendations about programs to fund through the Fort Fund program.

B. To improve the efficiency and accessibility of City government, the City Council seeks to combine these two boards and their functions into one new nine-member board, the Arts and Culture Board. The Arts and Culture Board will make recommendations to the Director of Cultural Services and City Council on arts and culture matters in the City, advise and make recommendations relating to the Arts in Public Places program, and review proposals for the Fort Fund program as requested by the Director of Cultural Services.

C. By operation of this Ordinance, the Art in Public Places Board and the Cultural Resources Board will terminate on April 1, 2026. The new Arts and Culture Board will be created on April 1, 2026. Members of the Art and Public Places Board and the Cultural Resources Board will be able to apply for membership on the Arts and Culture Board.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 2-143 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (c) which reads in its entirety as follows:

Sec. 2-143. - Art in Public Places Board.

. . .

(c) All terms of members of the Board shall terminate April 1, 2026.

Section 2. Effective April 1, 2026, Section 2-143 of the Code of the City of Fort Collins, regarding the Art in Public Places Board, is repealed in its entirety and replaced with the following new Section 2-143, Arts and Culture Board:

Sec. 2-143. - Arts and Culture Board

(a) The City shall have an Arts and Culture Board, hereafter referred to in this Section as the "Board." The Board shall consist of nine (9) members. The City Council shall endeavor to appoint members of the Board who are arts professionals. For the purpose of this Section, *arts professional* shall mean a person who has either a degree in an arts related field or experience in arts and culture.

(b) The Board shall have the following functions:

(1) To assist, advise and make recommendations to the Director of Cultural Services and City Council on arts and culture matters and regarding opportunities to promote awareness, understanding, advocacy, and appreciation for the value of arts and culture in the community. This may include providing assistance, advice and recommendations regarding the following programs, facilities and plans:

- a. Fort Collins Museum of Discovery
- b. The Lincoln Center
- c. Gardens on Spring Creek
- d. Art in Public Places
- e. Cultural Community Programs
- f. Center for Creativity
- g. Cultural Grant Programs
- h. Arts and Culture Masterplan

(2) To support the City's Arts and Culture Masterplan;

(3) To encourage a diverse cross-section of City residents to participate in the City's arts and culture programs and initiatives;

(4) To review proposals for funding from the Cultural Development and Programming Account and the Tourism Programming Account, as requested by the Director of Cultural Services;

(5) To advise and make recommendations to the Cultural Services Department and the City Council regarding works of art funded by or donated to the Art in Public Places program, as required in Chapter 23, Article XII of the City Code, and following the established and published Art in Public Places Guidelines, as defined in Section 23-302.

Section 3. Section 2-145 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (c) which reads in its entirety as follows:

Sec. 2-145. - Cultural Resources Board

...

(c) All terms of members of the Board shall terminate April 1, 2026.

Section 4. Effective April 1, 2026, Section 2-145 of the Code of the City of Fort Collins, regarding the Cultural Resources Board, is repealed in its entirety.

Section 5. Effective April 1, 2026, Section 23-302 of the Code of the City of Fort Collins is hereby amended by amending the definition of "*Art in Public Places Board (or APP Board)*" to read as follows:

Sec. 23-302. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meaning ascribed to them in this Section:

...

Board shall mean the Arts and Culture Board, as established and described in Chapter 2, Article III, Division 3 of this Code.

...

Section 6. The definition of *Art in Public Places Coordinator (or APP Coordinator)* contained in Section 23-302 of the Code of the City of Fort Collins is hereby deleted in its entirety.

Section 7. Section 23-307 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-307. Administration.

The Director of the Cultural Services Department shall administer the provisions of this Article in a manner consistent with the APP Guidelines. The guidelines shall provide for the selection of works of art; the placement and presentation of works of art; the maintenance, repair and care of works of art; the payment for works of art; the acceptance of donations of works of art; and such other matters as the Director deems necessary and appropriate.

Section 8. Section 23-308 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-308. Acquisition of works of art.

The Board shall make recommendations to the City Council concerning the use of funds in excess of thirty thousand dollars (\$30,000.) for the acquisition, installation and maintenance of works of art. The construction project from which the funds were generated should generally be the site where the funds will be used. However, funds may be expended at other sites when the Board determines such expenditure is appropriate based on the considerations set forth in the guidelines. The Board may appoint a selection committee to make recommendations to the Board concerning the selection of artists, works of art and the placement of works of art. The selection committee may include artists, architects, City representatives and members of the public.

Section 9. Section 23-309 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-309. Acquisition of donated artwork.

All works of art with a value of three hundred dollars (\$300.) or more donated to the City to be placed in a public area may be accepted only with approval of the Board, and all such works with a value of ten thousand dollars (\$10,000.) or more may be accepted only with approval of the City Council, upon review of such proposed donation and the recommendation of the Board. The City shall accept ownership and responsibility for maintenance only of works of art that meet the objectives of the APP Program, and the criteria for works of art and site selection set forth in the APP Guidelines. Funds for the installation and maintenance of donated works of art will be funded by the APP program. Those works of art donated to the Fort Collins Museum for its collection purposes shall be exempt from this process.

Introduced, considered favorably on first reading on June 3, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025
 Approving Attorney: Ted Hewitt
 Exhibits: None

File Attachments for Item:

4. Second Reading of Ordinance No. 092, 2025, Appropriating Prior Year Reserves in the Water Fund to Support Acquisitions of Water Rights to Increase Yield, Reliability, and Resiliency of the Utilities Water Supplies.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, requests additional appropriation of \$1,419,091 in the City's Water Fund to purchase water supplies that will increase the yield, reliability, and resiliency of the Fort Collins Utilities water supplies. This includes shares in the North Poudre Irrigation Company and the water rights in the Chase Ditch.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Donnie Dustin, Senior Water Resources Engineer
Jen Dial, Water Resources Manager
Kerri Ishmael, Senior Analyst, Utility Financial Operations

SUBJECT

Second Reading of Ordinance No. 092, 2025, Appropriating Prior Year Reserves in the Water Fund to Support Acquisitions of Water Rights to Increase Yield, Reliability, and Resiliency of the Utilities Water Supplies.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 3, 2025, requests additional appropriation of \$1,419,091 in the City's Water Fund to purchase water supplies that will increase the yield, reliability, and resiliency of the Fort Collins Utilities water supplies. This includes shares in the North Poudre Irrigation Company and the water rights in the Chase Ditch.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The City of Fort Collins Utilities ("Utilities") water service area demand is projected to grow by 37% over the next few decades. The cost for water supplies has increased significantly in recent years, with the cost projected to increase based on competition for their acquisition increasing and availability decreasing.

To plan for acquiring water rights and facilities to meet future water supply needs, the Utilities Water Resources Division has and will continue annual budget requests. Based on the current market value of a North Poudre Irrigation Company ("NPIC") share (~\$245k to \$250k) and a current opportunity to purchase up to 8 NPIC shares, the Water Resources Division needs an additional \$1,093,091 to acquire these shares. These shares come with units in the Colorado-Big Thompson Project (CBT) that can be stored in Horsetooth Reservoir and will increase the Utilities firm yield of water supply (amount of water expected to be received in a 1 in 50-year drought) by 12.6 acre-feet annually. An estimated 173 additional NPIC shares (in addition to the completion of the Halligan Water Supply Project) are needed to meet demands through 2065, so this acquisition would meet about 5% of that need for more NPIC shares.

In addition, the Water Resources Division has an opportunity to purchase the water right in the Chase Ditch, which diverts off the North Fork of the Poudre River below Halligan Reservoir. This water would remain in the river helping to meet permit mitigation requirements of the Halligan Water Supply Project. The cost of purchasing this water right is \$326,000.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate \$1,419,091 for Water Fund non-lapsing expenses. Water Fund reserves are available for this appropriation and are projected to end 2025 above the City's fund reserve target.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in June 3, 2025 agenda materials at the following link:
<https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 092, 2025

ORDINANCE NO. 092, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE WATER FUND TO
SUPPORT ACQUISITIONS OF WATER RIGHTS TO INCREASE YIELD,
RELIABILITY, AND RESILIENCY OF THE UTILITIES WATER SUPPLIES

A. The City owns and operates Fort Collins Utilities (“Utilities”), which includes a water utility that provides water service to customers in its service area. Demands in Utilities’ water service area are expected to grow in the coming decades.

B. Utilities plans for the acquisition of additional water rights to increase water supplies to meet these demands. Such additional water rights include shares in the North Poudre Irrigation Company (“NPIC Shares”). NPIC Shares include rights to Colorado-Big Thompson Project water stored in Horsetooth Reservoir. NPIC Shares will thus increase the yield, reliability, and resiliency of Utilities water supplies. Prices for NPIC Shares have been increasing, such that acquiring them sooner is prudent.

C. Utilities is also pursuing the Halligan Water Supply Project (“Halligan Project”), among other reasons, to meet future demands. The Halligan Project includes the enlargement of Halligan Reservoir on the North Fork of the Cache la Poudre River (“North Fork”). Utilities will deliver its water stored in the enlarged Halligan Reservoir down the North Fork and anticipates having flow obligations on the North Fork. Utilities is thus interested in reducing diversions from and increasing flows in the North Fork to assist Halligan Project operations, which will positively impact the yield, reliability, and resiliency from the Halligan Project to meet demands. The acquisition of the water right for the Chase Ditch, which diverts from the North Fork below Halligan Reservoir, is an opportunity to reduce diversions from and increase flows in the North Fork.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of increasing the yield, reliability, and resiliency of Utilities water supplies to meet future demands by acquiring shares in the North Poudre Irrigation Company and by acquiring the water right for the Chase Ditch.

E. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

F. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Water Fund and that this appropriation will not cause the total amount appropriated in the Water Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

G. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a capitalizable asset, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made but continue through the life of the asset.

H. The City Council wishes to designate the appropriation herein for NPIC and Chase Ditch water rights purchases as an appropriation that shall not lapse.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from prior year reserves in the Water Fund the sum of ONE MILLION FOUR HUNDRED NINETEEN THOUSAND NINETY-ONE DOLLARS (\$1,419,091) to be expended in the Water Fund for the purchases of shares in the North Poudre Irrigation Company and the water right in the Chase Ditch.

Section 2. The appropriation herein for the purchases of shares in the North Poudre Irrigation Company and the water right in the Chase Ditch are hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but through the life of the asset.

Introduced, considered favorably on first reading on June 3, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025
 Approving Attorney: Eric Potyondy
 Exhibits: None

File Attachments for Item:

5. Second Reading of Ordinance No. 093, 2025, Authorizing a Mid-year Budget Appropriation from the Airport Fund for Northern Colorado Regional Airport.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, recommends a mid-year budget appropriation of \$642,400 from the Airport fund to support nine priority projects and initiatives identified by Airport staff and the Airport Commission. These efforts are focused on improving airport facilities, strengthening operational plans and procedures, addressing regulatory compliance requirements, enhancing financial sustainability, and supporting efforts to attract commercial airline service.

The proposed funding will enable the Airport to make targeted investments that align with long-term strategic goals and improve overall performance and service.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

John S. Kinney, Director, Northern Colorado Regional Airport

SUBJECT

Second Reading of Ordinance No. 093, 2025, Authorizing a Mid-year Budget Appropriation from the Airport Fund for Northern Colorado Regional Airport.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 3, 2025, recommends a mid-year budget appropriation of \$642,400 from the Airport fund to support nine priority projects and initiatives identified by Airport staff and the Airport Commission. These efforts are focused on improving airport facilities, strengthening operational plans and procedures, addressing regulatory compliance requirements, enhancing financial sustainability, and supporting efforts to attract commercial airline service.

The proposed funding will enable the Airport to make targeted investments that align with long-term strategic goals and improve overall performance and service.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

In 1963, the City of Fort Collins and the City of Loveland agreed to the establishment of a regional aviation facility and became owners and operators of the Northern Colorado Regional Airport, located ten miles southeast of downtown Fort Collins, just west of Interstate 25. The Airport is operated as a joint venture between the City of Fort Collins and the City of Loveland, with each city retaining a 50% ownership interest, sharing equally in policy-making and management, and with each assuming responsibility for 50% of the capital and operating costs associated with the Airport. Airport governance and management is set forth in the IGA.

The Airport's mission is: Serving the region, we are a catalyst for innovation in all modes of transportation, a driving force for innovation in business and training, and a global gateway to magnificent Colorado. According to a 2020 State of Colorado study, the Northern Colorado Airport provides a regional economic impact of approximately \$295.97 million annually and supports 1,072 area jobs.

All revenues derived from the Airport are applied to both operating and capital expenditures. Each City contributes equal funding, when necessary, for Airport operating and capital needs as defined in the intergovernmental agreement and amendments thereto (the "IGA"). External funding is also received through grants that are applied for and received by the Airport for eligible projects from the Federal Aviation Administration and the Colorado Department of Transportation Division of Aeronautics.

If approved, the amounts appropriated will be used for the following purposes:

- Air Traffic Control Restroom Facility
 - Install a permanent, all-season restroom facility for air traffic controllers. The existing temporary portable toilet is unsuitable and lacks heating and cooling for year-round use.
- Through-the-Fence Framework
 - Develop a plan to ensure compliance with Federal Aviation Administration (FAA) and Transportation Security Administration (TSA) "through-the-fence" access regulations.
- Airport Commission Workshop
 - Design and facilitate a workshop for the Airport Commission to establish a shared vision, set staff priorities and work plans, and develop a Commission after action plan.
- Capital Improvement Plan (CIP)
 - Create a responsive CIP that reflects Airport priorities and needs, funded through a combination of Federal Aviation Administration (FAA), state, and local resources.
- Comprehensive Financial Plan
 - Develop operating agreements, rates, rents, and charges aligned with facility usage and market conditions. Establish cost centers to ensure fees and charges are commensurate to the services provided and support the timely implementation of the CIP.
- Ground Transportation System Plan
 - Conduct an assessment of the ground transportation market and its pricing flexibility. Based on findings, implement or adjust charges, such as Customer Facility Charges (CFCs), Passenger Facility Charges (PFCs), Transportation Network Company (TNC) fees, rental car fees, and daily parking rates, to align with service levels, support capital improvements, and enhance the long-term customer experience.
- Airport Development Plan
 - Pursue aeronautical and non-aeronautical revenue-generating development opportunities aligned with the airport's brand and vision. Support the timely execution of the CIP and sustained financial independence, eliminating the need for general fund subsidies.
- Air Service Development Plan
 - Develop a comprehensive branding and marketing strategy to establish FNL's presence in the regional market, attract travelers, promote tourism, and support airline recruitment efforts.
- Brand & Experience Marketing Plan
 - Develop a modern marketing approach, including updated social media, website enhancements, and promotional materials.

Breakdown of recommended mid-year budget appropriation:

A) Air Traffic Control Restroom Facility	\$55,000
B) Through-the-Fence Framework	\$80,000
C) Airport Commission Workshop	\$18,000
D) Capital Improvement Plan	\$23,000
E) Comprehensive Financial Plan	\$90,000
F) Ground Transportation System Plan	\$91,000
G) Airport Development Plan	\$80,000
H) Air Service Development Plan	\$82,000
I) Brand & Experience Marketing Plan	\$65,000
<i>Subtotal</i>	\$584,000
J) Contingency – 10%	\$58,400
Total	\$642,400

CITY FINANCIAL IMPACTS

Upon adoption, this Ordinance will appropriate in the current fiscal year \$642,400 from the Airport Fund, authorize expenditures against those revenues for the purposes set forth in this Agenda Item Summary. The proposed mid-year appropriation does not include any financial contributions from the City's General Fund. The revenues appropriated in the current fiscal year, if approved by adoption of this Ordinance, will be drawn from the unassigned balance of the Airport Fund, which currently totals \$2.15 million. This appropriation has no financial impact on the City.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its February 20, 2025, meeting, the Northern Colorado Regional Airport Commission unanimously recommended approval of the supplemental appropriation for the 2025 fiscal year.

PUBLIC OUTREACH

The mid-year appropriation request was presented at the February 20, 2025, meeting of the Northern Colorado Regional Airport Commission and the May 6, 2025, and May 20, 2025, meetings of the Loveland City Council.

ATTACHMENTS

First Reading attachments available in June 3, 2025 agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 093, 2025

ORDINANCE NO. 093, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING A MID-YEAR BUDGET APPROPRIATION FROM THE AIRPORT
FUND FOR NORTHERN COLORADO REGIONAL AIRPORT

A. In 1963, the City of Fort Collins and the City of Loveland (the “Cities”) agreed to establish a regional general aviation facility and became owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the “Airport”).

B. The Airport is operated as a joint venture between the Cities, with each city retaining 50% ownership interest, sharing equally in policy-making and management, and each assuming responsibility for 50% of the Airport’s capital and operating costs.

C. Pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport dated January 22, 2015, and the First Amendment to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Airport dated June 7, 2016, (collectively, the “IGA”), the Airport Manager is responsible for preparing the Airport’s annual operating budget and submitting it to the Cities for their approval.

D. Under the IGA, the City’s share of existing and unanticipated Airport revenue is to be held and disbursed by the City of Loveland as an agent on behalf of the Cities, since the City of Loveland provides finance and accounting services for the Airport.

E. The Airport Manager has submitted for City Council consideration of a supplemental appropriation request totaling \$642,400, which will utilize Airport reserves.

F. Pursuant to the IGA, the City of Loveland holds on behalf of both Cities the revenues of, and other financial contributions to, the Airport in a fund, which includes unappropriated and unencumbered reserves (the “Airport Fund”).

G. This Airport Reserves item is an appropriation for use by the Northern Colorado Regional Airport Commission for discretionary Airport projects, including the following:

1. Air Traffic Control Restroom Facility;
2. Through-the-Fence Framework;
3. Airport Commission Workshop;
4. Capital Improvement Plan (CIP);
5. Comprehensive Financial Plan;
6. Ground Transportation System Plan;
7. Airport Development Plan;
8. Air Service Development Plan; and
9. Brand and Experience Marketing Plan.

H. City Finance staff reviewed the financial statements for the Airport and determined that the requested appropriation of Airport Reserves for this supplemental appropriation meets the required limits set forth in the IGA.

I. In accordance with Article V, Section 8(b), of the City Charter, any expense or liability entered into by an agent of the City on behalf of the City, shall not be made unless an appropriation for the same has been made by the City Council.

J. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of enhancing transportation and economic welfare of the City and its residents.

K. This appropriation will not require additional funding from the Cities and is consistent with the IGA.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from the Airport Fund the amount of SIX HUNDRED FORTY-TWO THOUSAND FOUR HUNDRED DOLLARS (\$642,400) to be expended in support of the programs and services of the Airport as above.

Introduced, considered favorably on first reading on June 3, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025

Approving Attorney: Dianne Criswell

Exhibits: None

File Attachments for Item:

6. Second Reading of Ordinance No. 094, 2025, Amending Chapters 15 and 23 of the Code of the City of Fort Collins Regarding the Requirements of Shared Micromobility Operations.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, addresses a potential regulatory gap under City Code by defining clear requirements applicable to the operation of shared micromobility services within Fort Collins. These requirements will allow FC Moves to ensure that operators of shared micromobility services in the city consistently provide robust and reliable service and mitigate negative impacts on the community and other right-of-way uses.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Rachel Ruhlen, Transportation Planner, FC Moves

SUBJECT

Second Reading of Ordinance No. 094, 2025, Amending Chapters 15 and 23 of the Code of the City of Fort Collins Regarding the Requirements of Shared Micromobility Operations.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 3, 2025, addresses a potential regulatory gap under City Code by defining clear requirements applicable to the operation of shared micromobility services within Fort Collins. These requirements will allow FC Moves to ensure that operators of shared micromobility services in the city consistently provide robust and reliable service and mitigate negative impacts on the community and other right-of-way uses.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Shared micromobility is a service that makes bikes, e-bikes, e-scooters, etc. available for rent by the public, typically via a smartphone app, with devices parked in the public right-of-way when not actively rented. Shared micromobility supports mode shift which aligns with goals of Our Climate Future, Active Modes Plan, and Vision Zero Action Plan. It also provides an accessible transportation option for people who do not otherwise have access to a motor vehicle.

However, if unregulated, shared micromobility services can cause problems for cities. Improperly parked shared micromobility devices can be obstacles in sidewalks, ADA curb ramps, and other paths. Other communities have faced abandoned systems and unresponsive, absent providers, leaving obstacles and unsightly clutter and an unusable system.

As a Platinum level Bicycle Friendly Community and with a Platinum level Bicycle Friendly University (the highest level awarded to any city and university in the nation), Fort Collins is a leader in micromobility and a model to other communities. Fort Collins adopted shared micromobility in 2016 starting with station-based bike share (Pace) and adding dockless e-scooters in 2019 (Bird). Since 2021, dockless shared e-scooters and e-bikes services in Fort Collins have been combined into a single services contract for shared micromobility services provided by the same vendor (Spin). FC Moves has managed these programs in partnership with Colorado State University (the University) and the vendors.

In 2022, FC Moves surveyed shared micromobility riders, who cited “fast”, “fun”, and “reliable” as benefits of the service. Additionally, the current vendor provides discounted shared micromobility services for riders

with low income, and a survey of those riders found that 20% live with a disability (compared to 6% of the general population). Survey results also indicated that many riders receiving the discount rely on shared micromobility services.

Currently, the regulation of shared micromobility services under City Code is unclear. There are no Code requirements specific to shared micromobility services, and it's unclear whether the outdoor vendor license requirements (under Chapter 15) or the encroachment permit requirements (under Chapter 23) apply to shared micromobility operations. The lack of clear regulation puts the City at risk for unregulated shared micromobility vendors, who are unresponsive and allow riders to park shared micromobility devices improperly. It also could hinder the City-University coordination that is essential to a thriving shared micromobility program in Fort Collins.

Creating a clear regulatory framework for shared micromobility operators is in the City's best interest in order to ensure that operators adhere to City standards, promote City goals for mode shift and safety, and protect the public right-of-way. FC Moves staff has determined the best way for the City to promote a fair operating environment for all residents, visitors, and persons offering shared micromobility services in Fort Collins is to establish a clear regulatory framework under City Code, requiring a services contract with the City in order to operate any shared micromobility service in Fort Collins. The Active Modes Advisory Board supports this regulatory framework.

The City has had great success in using services contracts to manage shared micromobility services currently being operated in Fort Collins. The contract with the City's current shared micromobility vendor establishes expectations and requirements for the vendor to facilitate collaboration with staff. Requirements include responsiveness, communications, and data sharing, and the result has been a strong partnership with the vendor in which staff have an active role in communicating with residents and finding opportunities to improve the program.

This Ordinance will require any shared micromobility services operating in Fort Collins to have a services contract with the City. Additionally, the Ordinance will also clarify that shared micromobility services that have so contracted with the City need not also obtain a separate outdoor vendor license or encroachment permits for such operations, since all necessary requirements would be addressed in the services contract.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff presented the proposed Code changes to establish a regulatory framework to the Active Modes Advisory Board at their regular meeting on May 19, 2025. The Board unanimously agreed to recommend approval of the proposed Code changes. Minutes for this meeting are not yet available.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in June 3, 2025 agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 094, 2025

ORDINANCE NO. 094, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTERS 15 AND 23 OF THE CODE OF THE CITY
OF FORT COLLINS REGARDING THE REQUIREMENTS OF
SHARED MICROMOBILITY OPERATIONS

A. As a Platinum level Bicycle Friendly Community and with a Platinum level Bicycle Friendly University, the City of Fort Collins is a leader in micromobility and a model to other communities.

B. On December 20, 2022, City Council approved Ordinance No. 149, 2022, adopting the Active Modes Plan as a component of City Plan. The Active Modes Plan combines and updates the 2011 Pedestrian Plan and 2014 Bicycle Master Plan and identifies key opportunities to improve access to amenities and transit options, as well as strategies for expanding efforts to build a transportation network that makes it easy and safe to use all transportation modes.

C. Shared micromobility supports mode shift which aligns with goals of the Active Modes Plan as well as Our Climate Future and Vision Zero Action Plan.

D. Shared micromobility also provides an accessible transportation option for people who do not otherwise have access to a motor vehicle.

E. Although shared micromobility services have been present in Fort Collins for nearly a decade, if not longer, the regulation of such services under City Code is currently unclear.

F. The lack of a clear regulatory framework puts the community at risk for problems associated with unregulated shared micromobility services, such as operators that are unresponsive and allow riders to improperly park shared micromobility devices, leaving obstacles and unsightly clutter in the public right-of-way.

G. The lack of a clear regulatory framework also hinders the City's coordination with Colorado State University, which is essential to a thriving shared micromobility program in Fort Collins.

H. Requiring all shared micromobility services in Fort Collins to have a services contract with the City will create a clear regulatory framework for such services and facilitate collaboration between shared micromobility operators and City staff.

I. This Ordinance benefits the public health, safety, and welfare of the residents of Fort Collins and the traveling public and serves the public purpose by promoting City goals of mode shift and safety, protecting the public right-of-way, and providing a fair operating environment for shared micromobility services operating in Fort Collins.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 15-381 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-381. Definitions

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

...

Micromobility Device shall mean any motor-powered or human-powered vehicular unit, including, but not limited to, bicycles, electrical assisted bicycles and electric scooters, or similar apparatuses. Low power scooters, golf carts, and motor vehicles, as those devices are defined in the Fort Collins Traffic Code, shall not be considered shared micromobility devices.

...

Outdoor vendor or *vendor* shall mean any person, whether as owner, agent, consignee or employee, who sells or attempts to sell, or who offers to the public free of charge, any services, goods, wares or merchandise, including, but not limited to, food or beverage, from any outdoor location, except that outdoor vendor shall not include a person who:

...

(11) Vends food or catering services at an individual private residence for a private event; or

(12) Vends shared micromobility services pursuant to § 15-395, below.

...

Outdoor vendor of transportation services shall mean an outdoor vendor (not regulated by the Colorado Public Utilities Commission and not exempt from the definition of *outdoor vendor*) who offers transportation services to the public. *Outdoor vendor of transportation services* shall include, but not be limited to, vendors of valet parking services; transportation services by pedal power such as pedi-cab or conference bicycle services; horse-drawn carriage rides; or other means of transportation service offered for hire.

...

Shared micromobility service shall mean a service that makes privately-owned micromobility devices available for use by the public, with the intent that the devices will at times remain in the public right-of-way or other permitted areas when not actively rented or used. This includes all such services, whether or not the micromobility devices are owned and managed as part of a fleet, and whether or not public access is managed through the use of integrated on-board technology or software applications.

...

Section 2. Chapter 15, Article XIV of the Code of the City of Fort Collins is amended by the addition of a new Section 15-395 which reads in its entirety as follows:

Sec. 15-395. Shared Micromobility.

(a) The operation of shared micromobility services, as defined in § 15-381 above, within the City of Fort Collins is prohibited unless pursuant to a services contract with the City pursuant to Chapter 8, Article IV of this Code.

(b) Notwithstanding any other provisions of the Code of the City of Fort Collins and any rules and regulations promulgated thereunder, a person operating a shared micromobility service pursuant to a services contract with the City need not obtain any license otherwise required under this Article in order to operate such service.

(c) The operation of shared micromobility services and devices must comply with all applicable provisions of the Fort Collins Traffic Code. A person that owns or operates shared micromobility services is responsible for ensuring all micromobility devices in its fleet are parked in compliance with the Fort Collins Traffic Code when not being actively rented or used.

Section 3. Section 23-81 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-81. Permit required; application.

Any person desiring to place or erect a building, fence, barrier, post or other encroachments within any City-owned property or any street, avenue, alley, sidewalk, highway or public right-of-way in the City shall file a written application for a permit upon a form prepared and provided by the City. The provisions of this Division shall not apply to special events as defined in § 23.5-2 of this Code or to parking spaces as regulated by § 23-61 et seq., above, or to shared micromobility services operated pursuant to § 15-395 of this Code.

Introduced, considered favorably on first reading on June 3, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025
Approving Attorney: Madelene Shehan
Exhibits: None

File Attachments for Item:

7. Second Reading of Ordinance No. 095, 2025, Amending Section 15-361 of the Code of the City of Fort Collins to Clarify Right-of-Way Contractor Licensing Requirements.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, clarifies the types of work that require a right-of-way contractor license under City Code Section 15-361. As that section is currently written, it is ambiguous what types of “work” it is intended to apply to, leaving it unclear whether operations like shared micromobility services or outdoor vendors would require a right-of-way contractor license or not. This item defines “work” to mean constructing, installing or repairing any sidewalk, curb, gutter, driveway, curb cut, street, alley or any other improvement in or under a public right-of-way, in the City.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Ken Zetye, Construction Inspection Manager, Engineering
Brad Buckman, City Engineer, Engineering

SUBJECT

Second Reading of Ordinance No. 095, 2025, Amending Section 15-361 of the Code of the City of Fort Collins to Clarify Right-of-Way Contractor Licensing Requirements.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 3, 2025, clarifies the types of work that require a right-of-way contractor license under City Code Section 15-361. As that section is currently written, it is ambiguous what types of “work” it is intended to apply to, leaving it unclear whether operations like shared micromobility services or outdoor vendors would require a right-of-way contractor license or not. This item defines “work” to mean constructing, installing or repairing any sidewalk, curb, gutter, driveway, curb cut, street, alley or any other improvement in or under a public right-of-way, in the City.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

This item came from staff working on micromobility updates that needed this clarification for implications that it has with their work. It is primarily to clarify that the types of work requiring a right-of-way contractor license are installing or repairing any sidewalk, curb, gutter, driveway, curb cut, street alley, or other improvements in or under a public right-of-way.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in June 3, 2025 agenda materials at the following link:
<https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 095, 2025

ORDINANCE NO. 095, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 15-361 OF THE CODE OF THE CITY OF
FORT COLLINS TO CLARIFY RIGHT-OF-WAY CONTRACTOR
LICENSING REQUIREMENTS

A. Article XIII of Chapter 15 of the City Code describes licensing requirements for right-of-way contractors.

B. Section 15-361 of the City Code specifies when a right-of-way contractor license is required.

C. The right-of-way contractor license requirements are intended to apply to those performing construction, installations, repairs, or work of a similar nature in the public right-of-way.

D. However, as currently written, Section 15-361 states that such license is required to perform “work of any kind in the public right-of-way,” which could be read to include many types of services, such as outdoor vendors or shared micromobility operations.

E. This Ordinance amends Section 15-361 to clarify the types of work for which a right-of-way contractor license is required.

F. This Ordinance also removes extraneous language from Section 15-361, which is already covered by the definition of “person” under City Code Section 1-2.

G. These updates further the City’s and the public’s interest by helping provide clarity for businesses seeking to operate in the public right-of-way and allowing for a more fair and equitable application of the law.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 15-361 of the Code of the City of Fort Collins is hereby amended as follows:

Sec. 15-361. - License required.

It shall be unlawful for any person (1) to perform or contract to perform work of any kind in the public right-of-way without first obtaining a license to perform such work, or (2) to perform work in any category described in § 15-365 without first obtaining an endorsement as provided therein for the specific category of work sought to be performed. It shall be unlawful for any person to perform or contract to perform work on any utility which is or will be owned or maintained by the City or which will connect to and become a part of a City-owned or -maintained utility, whether located in the public right-of-way or in an easement, without first obtaining a license and endorsement to perform such work.

As used in this Article, *work* shall mean constructing, installing, altering or repairing any sidewalk, curb, gutter, driveway, curb cut, street, alley or any other improvement in or under a public right-of-way, in the City.

Introduced, considered favorably on first reading on June 3, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025
Approving Attorney: Madelene Shehan
Exhibits: None

File Attachments for Item:

8. Second Reading of Ordinance No. 096, 2025, Authorizing the Conveyance of Two Temporary Construction Easements and Two Permanent Easements on a portion of Rigden Reservoir to Larimer County for Construction of Stormwater Infrastructure Improvements for County Road 40.

This Ordinance, unanimously adopted on First Reading on June 3, 2025, authorizes the conveyance of two (2) Temporary Construction Easements and Two (2) Permanent Easements (collectively, the “Easements”) on a portion of City property presently known as Rigden Reservoir for construction of stormwater infrastructure improvements for the benefit of County Road 40 (E Horsetooth Road).

June 17, 2025



AGENDA ITEM SUMMARY

City Council

STAFF

Ralph Campano, Real Estate Services Manager
Raime Lanham, Real Estate Specialist
Jonathan Piefer, Lead Real Estate Specialist
Tawnya Ernst, Lead Natural Areas Specialist
Ken Sampley, Stormwater Director

SUBJECT

Second Reading of Ordinance No. 096, 2025, Authorizing the Conveyance of Two Temporary Construction Easements and Two Permanent Easements on a portion of Rigden Reservoir to Larimer County for Construction of Stormwater Infrastructure Improvements for County Road 40.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on June 3, 2025, authorizes the conveyance of two (2) Temporary Construction Easements and Two (2) Permanent Easements (collectively, the "Easements") on a portion of City property presently known as Rigden Reservoir for construction of stormwater infrastructure improvements for the benefit of County Road 40 (E Horsetooth Road).

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Property

The land known as Rigden Reservoir was acquired by the City's Utilities Department for water storage purposes from Cottonwood Land & Farms, LLC by that certain Special Warranty Deed dated February 11, 2014, recorded at Reception No. 20140008160, Clerk and Recorder's Records, Larimer County, Colorado.

Although most of the lands surrounding Rigden Reservoir are currently managed by the Natural Areas Department as part of Arapaho Bend Natural Area, the Easements are located entirely within the Foothills Basin Outlet Channel (the "Channel"), which is a part of the City's Stormwater Infrastructure. The City's Natural Areas Department does have an interest in a portion of the water stored in Rigden Reservoir and maintenance responsibilities for portions of the Property per a City inter-department agreement. However, no dedicated Natural Areas funds were used to purchase the Channel nor are dedicated Natural Areas funds used to maintain the Channel. Accordingly, the Easements are not subject to the traditional easement policy of the City of Fort Collins Natural Areas and Conserved Lands Easement Policy.

The Project

This project (the “Project”) is proposed by Larimer County to address the effects of increased traffic on an area of East Horsetooth Road located between Ziegler Road and Strauss Cabin Road (the “Subject Road”), being a gravel road that experiences ponding, degradation, and improper drainage. The terrain in this area is notably flat, which hinders proper water drainage to the east, leading to road degradation and long-term maintenance challenges due to ponding. Although Larimer County plans to address the increased traffic issues by improving the Subject Road, such improvements will decrease roadway permeability and increase stormwater runoff into adjacent properties.

To mitigate the increased stormwater runoff, Larimer County intends to regrade the roadside ditches to enhance water flow and capacity and to ultimately direct part of the stormwater runoff from the Subject Road into the Channel via the installation of two 18 inch corrugated steel pipe culverts, squash pipes, rip-rap, and related improvements (the “Improvements”) within the Easements, as shown in the attached Exhibit(s).

The Channel is a component of the public stormwater infrastructure that discharges floodwater from Fossil Creek Reservoir Inlet Ditch into the Cache de la Poudre River. Although the drainage pattern will be modified with the addition of the two new culverts, the proposed changes will not substantially alter the existing conditions because the peak flows through each of the two proposed culverts are estimated to be approximately 2.4 cubic feet per second (CFS) and 3.6 CFS for the 25-year and 100-year flooding events, respectively, being well within the remaining capacity of the Channel. The Channel was originally designed to accommodate a flow of 860 CFS, and a 2020 analysis indicated that a remaining capacity of 337 CFS was still available within the Channel.

The Easements

To complete the Project, Larimer County has requested that the City convey two (2) Temporary Construction Easements (the “TCEs”) totaling 0.032 acres, more or less, and two (2) Permanent Easements (the “PEs”) totaling 0.028 acres, more or less, for the construction, maintenance, and operation of the Improvements.

All damaged landscaping located within the boundaries of the Easements shall be replaced as part of the Project, and no trees will be damaged or removed as part of the Project.

Alternative Location Analysis

No alternative location was considered due to the nature of the Project.

Temporary Permit

Please note that representatives of Larimer County have recently contacted City staff regarding flooding issues in this area, and that the City staff have recommended that the City Manager execute a temporary revocable permit upon passage on first reading so that Larimer County may begin construction activities pursuant to the presumed risk and assumptions that this Ordinance is passed.

CITY FINANCIAL IMPACTS

Aside from staff time, there is no cost to the City associated with the TCEs or PEs. However, City Staff estimates the fair market value of the Easements to total \$1,290, being itemized as follows (the “Property Values”):

1. Permanent Easements - \$1,149
2. Temporary Construction Easements - \$141

The Property Values for the Easements will be charged to Larimer County upon execution and delivery of the conveyance documents.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Review and approval by the Water Commission was not required per Utilities as this is a low-level change to capacity of the Channel.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in June 3, 2025 agenda materials at the following link:
<https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 096, 2025

ORDINANCE NO. 096, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF TWO TEMPORARY
CONSTRUCTION EASEMENTS AND TWO PERMANENT
CONSTRUCTION EASEMENTS ON A PORTION OF RIGDEN
RESERVOIR TO LARIMER COUNTY FOR CONSTRUCTION OF
STORMWATER INFRASTRUCTURE IMPROVEMENTS FOR
COUNTY ROAD 40

A. Larimer County seeks to make improvements to East Horsetooth Road between Ziegler Road and Strauss Cabin Road. These improvements will increase stormwater runoff on to the City's Rigden Reservoir property (the "Property"). To mitigate the increased stormwater runoff and existing localized flooding issues, Larimer County intends to regrade the roadside ditches to enhance water flow and capacity and to ultimately direct part of the stormwater runoff from East Horsetooth Road into the Foothills Basin Outlet Channel via the installation of two 18-inch corrugated steel pipe culverts, squash pipes, rip-rap, and related improvements (the "Improvements").

B. To allow for the installation of the Improvements across the Property, the City, through this Ordinance, authorizes the conveyance of two temporary construction easements (the "TCE") totaling 0.032 acres, more or less, and two permanent easements (the "PE") totaling 0.028 acres, more or less, for the construction, maintenance, and operation of the Improvements (together, the "Easements").

C. A map of the area and the location of the Improvements is attached hereto as Exhibit A. The form of the PE is attached hereto as Exhibit B. The form of the TCE is attached hereto as Exhibit C.

D. The City has estimated the fair market value of the PE is \$1,149. The City has estimated the fair market value of the TCE is \$141. The City will sell the Easements for fair market value.

E. The Easements will be located on the Property, which was purchased partially by the City's stormwater utility in 1989 (see Larimer County Reception No. 89021018) and partially by the City's water utility in 2014 (see Larimer County Reception No. 20140008160). While the City's Natural Areas Department has an interest in a portion of the water stored on the Property and maintenance responsibilities for portions of the Property per a City inter-department agreement, no dedicated Natural Areas funds were used to purchase the portion of the Property that will be encumbered by the Easements nor are dedicated Natural Areas funds used to maintain the portion of the Property that will be encumbered by the Easements.

F. 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. For property acquired by the City's water or utility systems, the City Council

must also find that the disposition will not materially impair the viability of the particular utility system as a whole and that it will be for the benefit of the citizens of the City.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the Easements on the terms and conditions described herein is in the best interests of the City. The City Council further finds that granting the Easements will not materially impair the viability of the City's water utility as a whole or the City's stormwater utility system as a whole and that it will be for the benefit of the citizens of the City.

Section 2. That the City Council hereby authorizes the Mayor to execute the Permanent Easements substantially in the form attached hereto as Exhibit B and the Temporary Construction Easements in the form attached hereto as Exhibit C with such modifications or 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 on June 3, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025
 Approving Attorney: Ted Hewitt

Exhibits:
 Exhibit A – Larger Parcel Map
 Exhibit B – Permanent Easements
 Exhibit C – Temporary Construction Easements

Exhibit A
Larger Parcel Map, Property Description, and Culvert Locations
(Page 1 of 2)

Parcels 8728400901 and 8728400902

A parcel of land being part of the Southwest ¼ of Section 27 and part of Section 28, both in Township 7 North, Range 68 West of the Sixth Principal Meridian, County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the South ¼ corner of said Section 28 and assuming the West line of the East Half of said Section 28 being monumentalized by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS20???, 1994" at the South end and by a #6 rebar with a 3 ¼" diameter aluminum cap stamped "LS20685, 1994" at the North end, as bearing North 00°13'41" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 5273.68 feet, with all other bearings contained herein relative thereto:

THENCE North 00°13'41" West along the West line of the East ½ of said Section 28 a distance of 535.34 feet to the POINT OF BEGINNING;

THENCE North 35°02'30" West, departing from the West line of the East ½ of said Section 28, a distance of 74.27 feet;

THENCE North 30°25'11" West a distance of 283.52 feet;

THENCE North 29°45'20" West a distance of 461.31 feet;

THENCE North 19°48'54" West a distance of 318.67 feet;

THENCE North 55°18'41" East a distance of 193.85 feet;

THENCE North 52°11'31" East a distance of 202.55 feet;

THENCE North 45°01'03" East a distance of 138.44 feet;

THENCE North 29°47'55" East a distance of 115.89 feet;

THENCE North 12°00'34" East a distance of 130.52 feet;

THENCE North 00°26'13" East a distance of 1083.89 feet;

THENCE North 31°24'00" East a distance of 57.61 feet to the Southwesterly Right-Of-Way line of the Great Western Railway Company, said Southwesterly Right-of-Way line being 50 feet, as measured at a right angle, Southwesterly of and parallel with the centerline of the main track of said Great Western Railway Company;

THENCE South 56°58'18" East along said Southwesterly Right-of-Way line a distance of 4095.79 feet to a Southeasterly corner of that Drainage Easement described in that Deed of Drainage Easement document recorded March 13, 2007 as Reception No. 20070018907 of the records of the Larimer County Clerk and Recorder;

THENCE South 33°01'42" West along the Southeasterly line of said Drainage Easement a distance of 118.43 feet to a Southeasterly corner of said Drainage Easement;

THENCE South 58°16'12" West a distance of 385.56 feet to the Northwesterly corner of that parcel of land described in that Quit Claim Deed recorded February 17, 1976 in Book 1685, Page 833 of the records of the Larimer County Clerk and Recorder;

The following 3 courses and distances are along the Westerly lines of that parcel of land described in said Quit Claim Deed:

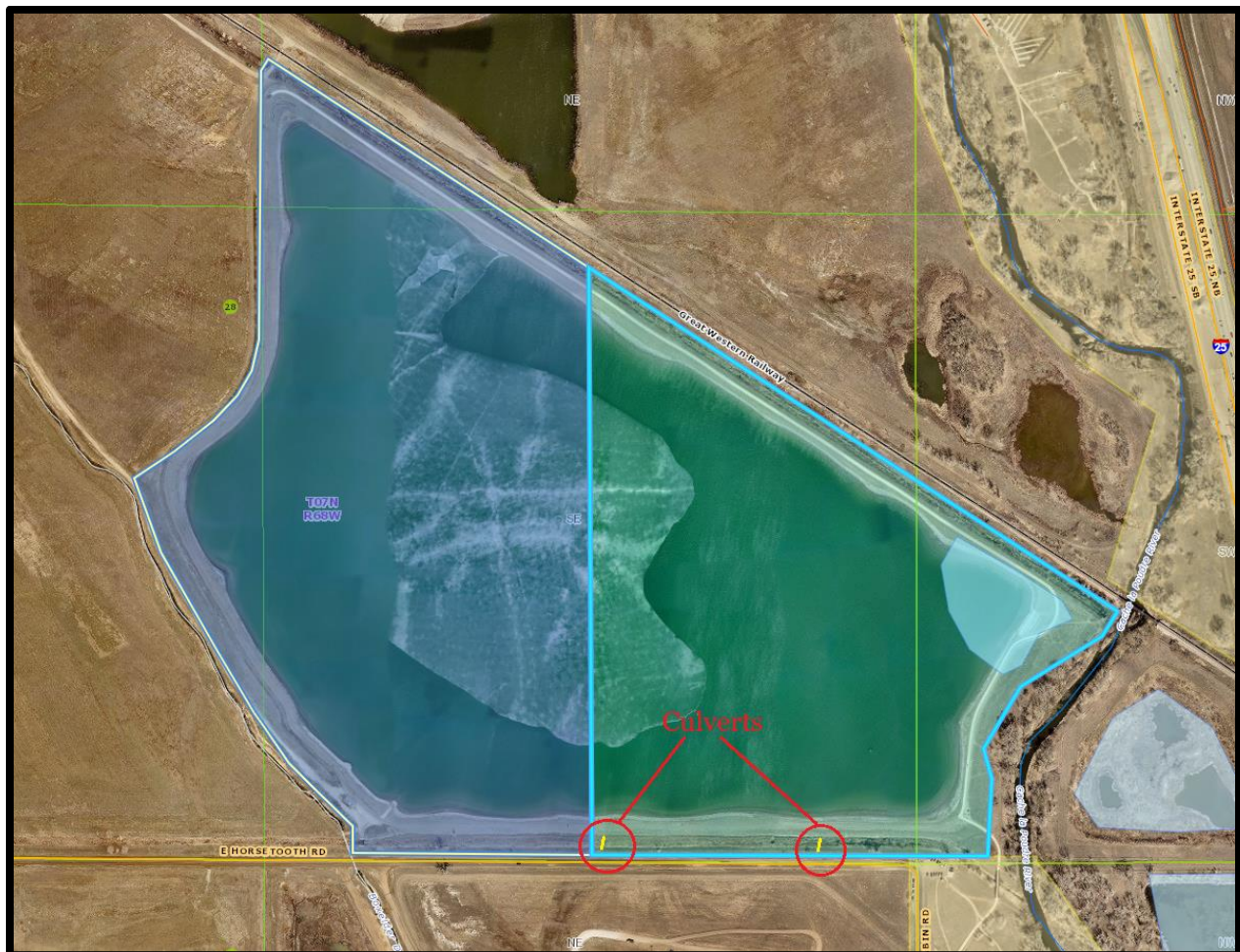
THENCE South 30°54'18" West a distance of 293.08 feet;

Exhibit A
Larger Parcel Map, Property Description, and Culvert Locations
(Page 2 of 2)

THENCE South $15^{\circ}00'42''$ East a distance of 125.41 feet;
 THENCE South $02^{\circ}40'18''$ West a distance of 311.94 feet to the North Right-of-way line of Horsetooth Road, said North Right-of-way line being 30 feet, as measured at a right angle, North of and parallel with the South lines of said Sections 27 and 28;
 The following 2 courses and distances are along said North Right-of-way line of Horsetooth Road:

THENCE South $89^{\circ}41'26''$ West a distance of 285.16 feet;
 THENCE North $89^{\circ}39'32''$ West a distance of 2280.22 feet;
 THENCE North $00^{\circ}00'00''$ East a distance of 110.06 feet;
 THENCE North $46^{\circ}36'26''$ West a distance of 232.41 feet;
 THENCE North $44^{\circ}01'50''$ West a distance of 131.65 feet;
 THENCE North $35^{\circ}02'30''$ West a distance of 174.75 feet to the POINT OF BEGINNING.

Said parcel of land contains 164.876 acres, more or less.



PERMANENT EASEMENT
(City Property)

Grantor: City of Fort Collins, Colorado, a municipal corporation

Grantor Signing Authority and Title: Jenni Arndt, Mayor

Grantor Mailing Address: Real Estate Services, P.O. Box 580, Fort Collins, Colorado 80522

Grantor Phone Number/Email: 970-221-6211 / RealEstateServices@fcgov.com

Grantee: Board of County Commissioners of Larimer County, Colorado

Grantee Signing Authority and Title: John Kefalas, Chair

Grantee Mailing Address: PO Box 1190, Fort Collins, CO 80521

Grantee Phone Number/Email: 970-498-5710 / jcore@larimer.org

Effective Date: July 1, 2025

Consideration: \$1,149.00

Easement Improvements: Drainage Improvements, including two (2) eighteen (18) inch corrugated steel pipe culverts, squash pipes, rip-rap, and related improvements

Easement Appurtenant to Grantee's Property? ☐ Y ☒ N: If yes, see **Exhibit C**.

Special Restoration Requirements? ☐ Y ☒ N: If yes, see **Exhibit D**.

Exhibits [check all that apply]:

☒ **Exhibit A – Grantor's Property** (number of pages): 1

☒ **Exhibit B – Easement Area** (number of pages): 4

☐ **Exhibit C – Grantee's Property** (number of pages):

☐ **Exhibit D – Special Restoration Requirements** (number of pages):

All checked exhibits are attached and incorporated into this Conveyance by reference.

This **PERMANENT EASEMENT** (the "Conveyance") is made and entered into on the Effective Date by and between Grantor and Grantee.

1. Grantor's Property. Grantor is the owner of that certain parcel of real property located in Larimer County, Colorado, which is legally described on **Exhibit A** (the "Grantor's Property").

2. Grant of Easement – Consideration. For and in consideration of the covenants and agreements herein set forth, the sum of the Consideration and other good and valuable consideration, the receipt and adequacy of which Grantor acknowledges, Grantor grants, sells, and conveys to Grantee, its successors and assigns, a perpetual, non-exclusive easement (the "Easement") on, over, under, and across the Grantor's Property as described more fully on **Exhibit B**, (the "Easement Area"), for the benefit of Grantee's Property described more fully on **Exhibit C**, if applicable, subject to the conditions and restrictions set forth below. The Easement includes the right of vehicular and pedestrian ingress and egress to the Easement Area, and the right to install, maintain, and use gates in all fences that cross the Easement Area now or in the

future.

3. Purpose and Use of Easement. Grantee may use the Easement to install, access, operate, maintain, repair, reconstruct, relocate, improve, enlarge, replace, inspect, and remove, at any time and from time to time, the Easement Improvements, and for the temporary storage and staging of materials and equipment. Grantor further grants to Grantee:

- The right of ingress to and egress from the Easement Area over and across Grantor's Property by means of any roads and lanes thereon, or as otherwise agreed in writing by Grantor;
- The right to mark the location of the Easement Area by suitable markers set in the ground;
- The right to install temporary fencing and gates for security and safety purposes during construction activities.

After initial installation of the Improvements, if Grantee wishes to relocate or replace the Improvements with any other number or type of similar improvements, either in the original location or at any alternate location or locations within the Easement Area, such improvements must be generally consistent with the intended purposes of the Easement, and Grantee must give Grantor advance notice of any change in the type, number or location of improvements and cannot proceed until Grantor has provided its written consent, which shall not be unreasonably withheld or delayed.

4. Grantor's Rights in Easement Area.

- A. Grantor reserves the right to use the Easement Area for purposes that will not interfere with Grantee's full enjoyment of the rights granted herein, including but not limited to Grantor's right to operate or allow others to operate utility improvements within the Easement Area.
- B. Grantor may plant or maintain permanent trees, shrubs or other plant material in the Easement Area provided that no such plantings may be planted directly over the Easement Improvements. Grantor may install or utilize signs or paths over the Easement Area, and may pave, surface in some other manner, or otherwise improve the Easement Area as Grantor desires. Additionally, Grantor may install permanent buildings or structures over the Easement Area; however, Grantor agrees to remove such structures at its expense if reasonably required for Grantee's access to the Easement Area, and to assume all risk, repair, and maintenance if any damage occurs to these permanent buildings and/or structures as a result of Grantee's use of or activities over or within the Easement Area.

5. Grantee's Obligations Regarding Easement Areas.

- A. All activities by the Grantee on the Easement Area, including access across Grantor's Property, must be carried out in a manner and on a schedule reasonably

expected to minimize disturbance to the natural features of said property, any improvements thereon, and the Grantor's intended purposes therefor.

- B. Grantee must maintain the Easement Improvements in an entirely secure, safe and sanitary condition, and repair the Easement Improvements as necessary to ensure the Easement Improvements do not cause injury or damage to persons or property.
- C. Grantee shall notify Grantor a minimum of one business day prior to performing any construction, maintenance, repair, or other work on or within the Easement Area and shall in advance of any non-emergency work submit a construction plan and schedule to Grantor for approval, which approval shall not be unreasonably delayed or withheld. Grantee will need a Temporary Construction Easement from Grantor if working on Grantor's Property outside of the Easement Area. Notwithstanding these notification requirements, in cases of emergency repair, Grantee shall notify Grantor of the emergency and provide related construction plans and schedules as soon as reasonably practicable.
- D. In the event damage occurs from Grantee's use of or activities over or within the Easement Area or on Grantor's Property, including but not limited to the installation, maintenance, or operation of the Easement Improvements within the Easement Area, Grantee agrees to make such repairs or take such other action as may be necessary to restore the Easement Area and Grantor's Property to a condition comparable to their condition prior to Grantee's activities in the Easement Area, including but not limited to the reseeding and replanting of any disturbed areas in a manner reasonably satisfactory to the Grantor, and the provision of ongoing maintenance of any seeded or planted areas, correction of any subsidence, and restoration of any other improvements or conditions impacted by Grantee's activities, until such time as any such repair and restoration is fully established and stabilized. If applicable, Grantee shall comply with the special restoration requirements on **Exhibit D**.

6. Maintenance of the Easement Area.

- A. Grantor will maintain the surface of the Easement Area (except for the Easement Improvements) in a sanitary condition in compliance with any applicable weed, nuisance or other legal requirements; however, Grantor is not responsible for any conditions directly caused by Grantee's use and occupancy of the Easement Area.
- B. Grantor will not deposit, or permit, or allow to be deposited, earth, rubbish, debris, or any other substance or material, whether combustible or noncombustible, on the Easement Area.

7. As-Built Drawings. Grantee will provide Grantor with as-built drawings accurately depicting the location and nature of the Easement Improvements constructed within the Easement Area no later than thirty (30) days following completion of the Easement Improvements, and no later than thirty (30) days following a change in the type, number or location of the Easement

Improvements, as described in Section 3.

8. Representations of Grantor. Grantor makes no representations or warranties as to lawful ownership of Grantor's Property.

9. Recordation. Grantee will record this Conveyance in the records of the Larimer County Clerk and Recorder and furnish evidence of such recording to Grantor. This Conveyance will not be valid until it is recorded. If this Conveyance has not been recorded with the Larimer County Clerk and Recorder within ninety (90) days of the Effective Date, then this Conveyance will be null and void and have no force and effect whatsoever, and the parties will be relieved of any remaining obligations hereunder as of the date of such termination.

10. Abandonment. Should Grantee fail to construct the Improvements within five (5) years from the date of this Conveyance, or should Grantee permanently discontinue maintaining and using the Easement Improvements within the Easement Area for a period of five (5) years, this shall constitute an abandonment of the Easement, the Easement Improvements, and Grantee's rights under this Conveyance, and the Easement shall automatically terminate, and Grantee shall, at its own sole cost and expense, remove all Easement Improvements from the Easement Area, provided that Grantee shall consult with Grantor in advance of any such removal, and Grantor shall be entitled to require Grantee to leave some or all such Easement Improvements in place. If Grantee removes the Easement Improvements from the Easement Area, Grantee shall carry out such removal consistent with the requirements set forth in Section 5 and restore the Easement Area, at its sole cost and expense, to a condition comparable to its condition just prior to Grantee's removal activities. Grantee shall then execute and record a termination or quitclaim to Grantor of the Easement.

11. Indemnity and Insurance.

- A. Grantee agrees to release and, unless Grantee is a governmental entity, indemnify Grantor, its officers, agents, employees, representatives, successors and assigns from and against all claims that may accrue to Grantee for personal injury, death or property damage resulting from or arising out of Grantee's use of the Easement Area or other activities on Grantor's Property. To the extent permitted by law, and without waiving any of the provision so the Colorado Governmental Immunity Act, Grantee assumes responsibility, as between Grantor and Grantee, for any liability to third parties arising out of Grantee's use of the Easement Area or other activities on Grantor's Property, including but not limited to the construction, installation, operation, repair, and maintenance of improvements within the Easement Area, and for any actions or omissions by Grantee in violation of this Conveyance.
- B. Grantee shall procure, pay for, and keep in full force and effect during the term of this Conveyance a comprehensive policy of general liability insurance covering the Easement Improvements and insuring Grantee in an amount not less than One Million dollars (\$1,000,000.00) covering bodily injury, including death to persons, personal injury, and property damage liability arising out of a single

occurrence. Such coverage must include, without limitation, the insured's liability for property damage, bodily injuries, and death of persons in connection with Grantee's activities in the Easement Area or on Grantor's Property, the operation, maintenance, or use of the Easement Improvements (including acts or omissions of Grantee or of its officers, employees, or agents), and protection against liability for non-owned and hired automobiles. Such coverage must also include coverage for such other risks as are customarily required by private institutional mortgage lenders with regard to property similar in construction, location, and use as the Easement Improvements. All policies of insurance required hereunder must name Grantor as an additional insured and shall contain a provision that the policy or policies cannot be canceled or materially altered either by the insured or the insurance company until fifteen (15) days' prior written notice thereof is given to Grantor. Upon issuance or renewal of any such insurance policy, Grantee shall furnish a certificate of insurance to Grantor. In the event Grantee fails or neglects to maintain, or require its contractor to procure and maintain, as applicable, the insurance required by this paragraph, then Grantor shall have the right, upon giving Grantee reasonable notice of its election to do so, to take out and maintain such insurance at the expense of Grantee, and in such event the cost of such insurance shall be paid for by Grantee promptly upon receipt of an invoice covering such charges.

12. Notices. Any notice or other communication relating to this Conveyance must be in writing and shall be deemed given (i) when delivered personally, or (ii) on the first business day which is three (3) days following mailing by certified mail, return receipt requested and postage prepaid, or (iii) the next business day after sending by a nationally recognized overnight delivery service, and addressed to the party at its respective address on the first page of this Conveyance.

13. Default, Remedies and Litigation Expenses. If a party to this Conveyance is in default in performance of its respective obligations hereunder, the other party has the right to an action for specific performance or damages or both. Prior to proceeding with any such action, the party not in default must first send written notice to the defaulting party specifying the default and affording such party a reasonable period to cure the default. In the event a party defaults in any of its covenants or obligations and the party not in default commences and substantially prevails in any legal or equitable action against the defaulting party, the defaulting party expressly agrees to pay all reasonable expenses of the litigation, including a reasonable sum for attorneys' fees or similar costs of legal representation.

14. Assignment. Grantee may not assign its rights under this Conveyance without the prior written consent of Grantor.

15. Additional Terms and Conditions. Whenever used herein, the singular number includes the plural, the plural the singular, and the use of any gender is applicable to all genders. All the covenants herein contained are binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, and assigns. This Conveyance is to be construed and enforced according to the laws of Colorado, and venue in any proceeding related to this Conveyance shall be in Larimer County, Colorado. If any term of this Conveyance is determined

by any court to be unenforceable, the other terms of this Conveyance shall nonetheless remain in full force and effect; provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in order to adopt mutually agreeable amendments to this Conveyance as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.

16. Authority. Each person executing this Conveyance represents and warrants that he or she is duly authorized to execute this Conveyance in his or her individual or representative capacity as indicated.

IN WITNESS WHEREOF, Grantee has hereunder set its hand and seal the day and year written below; and Grantor has caused this Conveyance to be executed by its Mayor, attested to by its City Clerk, and its corporate seal to be hereunto affixed, all pursuant to Ordinance No. _____ 20__, passed on final reading by the City Council of the City of Fort Collins on the _____ day of _____, 20__.

[Signatures on following page(s)]

GRANTOR:

THE CITY OF FORT COLLINS, COLORADO
a municipal corporation

Date

Jeni Arndt, Mayor

ATTEST:

City Clerk

(Printed name)

APPROVED AS TO FORM:

Assistant City Attorney

(Printed name)

GRANTEE ACCEPTANCE:

**Board of County Commissioners of Larimer
County, Colorado**

Date

John Kefalas, Chair

ATTEST:

Signature

(Name, Title)

Exhibit A
Grantor's Property
 (Page 1 of 1)

Description:

164.876 acres, more or less, located in the Southwest Quarter (SW/4) of Section 27 and 28, T7N, R68W, 6th PM, Larimer County, Colorado, being more particularly described in the Special Warranty Deed from Cottonwood Land and Farms, LLC, to the City of Fort Collins, Colorado, dated February 11, 2014, recorded at Reception No. 20140008160, Clerk and Recorder's Records, Larimer County, Colorado.

Location Address:

4109 East Horsetooth Road
 Fort Collins, Colorado 80525

Assessor Parcel Number(s):

8728400901 & 8728400902

Map:

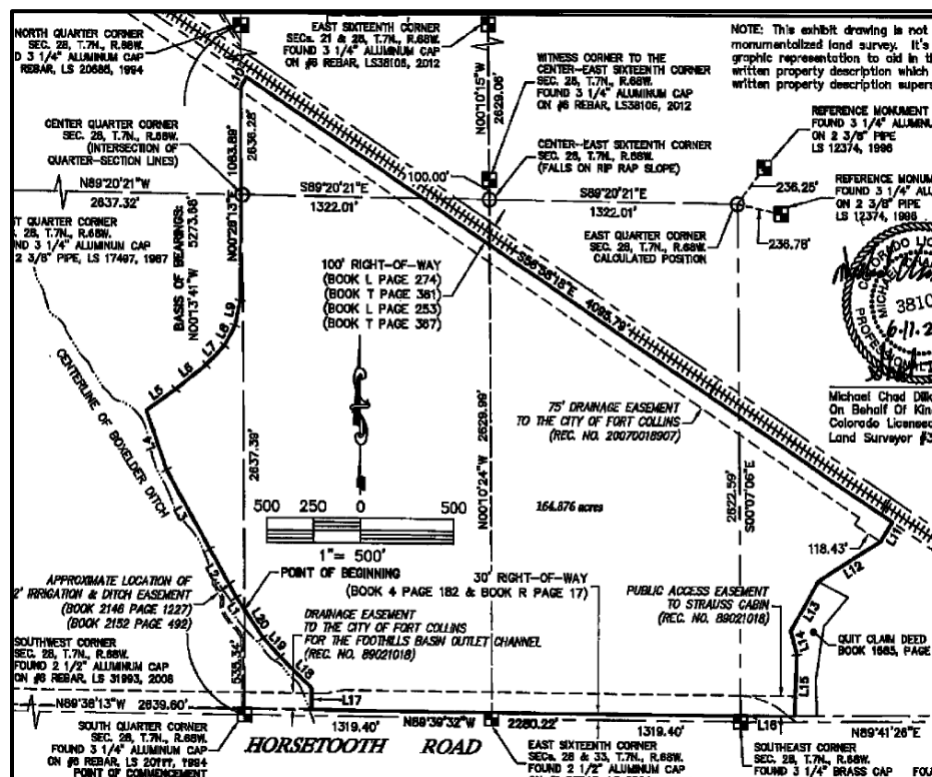


EXHIBIT B

A PERMANENT EASEMENT OVER AND ACROSS A PARCEL OF LAND LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

THE FOLLOWING IS A LEGAL DESCRIPTION FOR A PERMANENT EASEMENT LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO, ALSO BEING A PART OF RECEPTION NUMBER 20140008160 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 28, SAID CORNER BEING MARKED BY A 3.25 INCH ALUMINUM CAP ON A #6 REBAR STAMPED P.L.S. 31169, 2019, AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 28 TO BEAR N89° 22' 33"W, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N89° 22' 33"W, A DISTANCE OF 386.64 FEET TO A POINT ON SAID SOUTH LINE;

THENCE N00° 37' 27"E, A DISTANCE OF 30.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY (R-O-W) LINE OF LARIMER COUNTY ROAD 40 (CR40) PER BOOK R, PAGE 17, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE DEPARTING SAID R-O-W N00° 01' 01"E A DISTANCE OF 62.29 FEET;

THENCE S89° 58' 49"E A DISTANCE OF 10.00 FEET;

THENCE S00° 01' 01"W A DISTANCE OF 62.40 FEET, MORE OR LESS, TO AFORESAID R-O-W;

THENCE ALONG SAID R-O-W N89° 22' 33"W A DISTANCE OF 10.00 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PERMANENT EASEMENT CONTAINS 0.014 ACRES OR 623.45 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS AND RIGHT OF WAYS OF RECORD OR THAT EXIST ON THE GROUND.

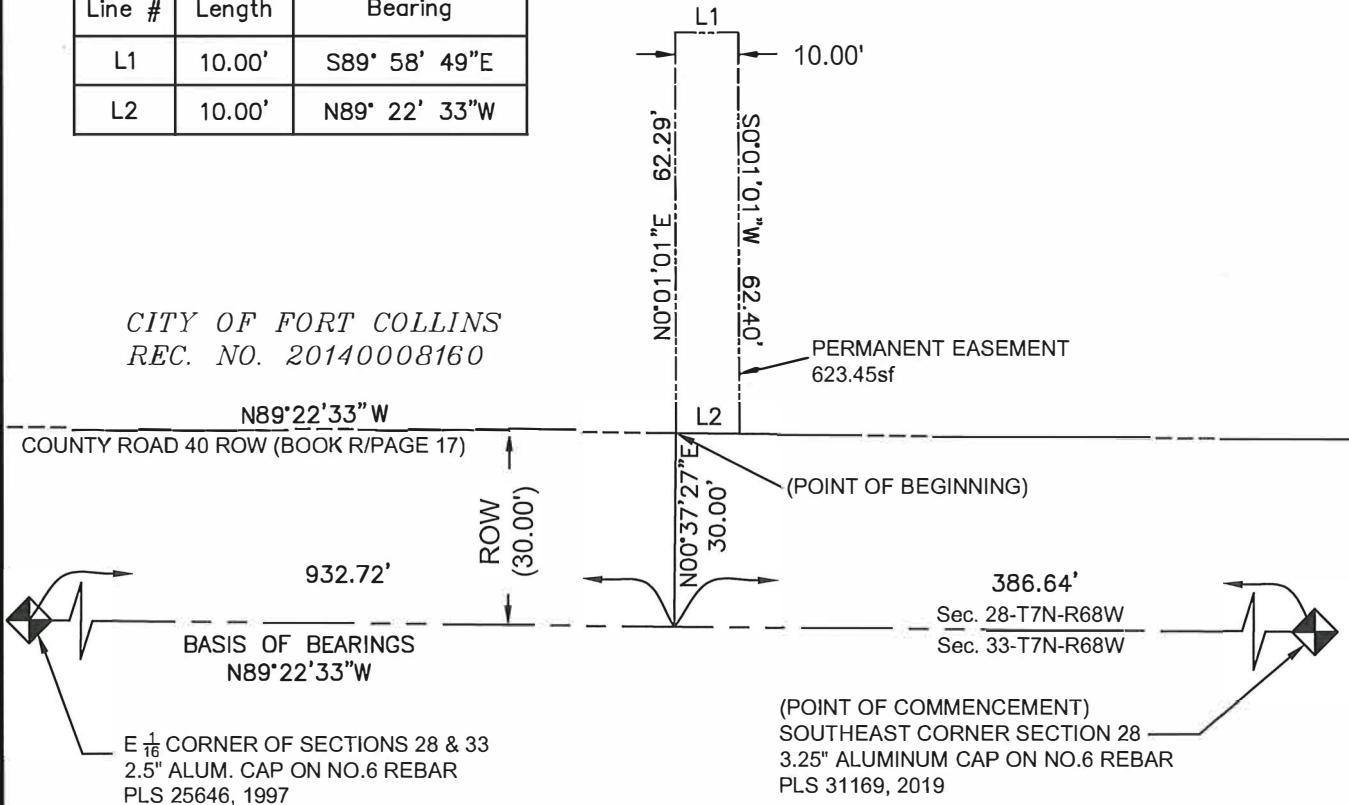


Celine M. Bromley – on behalf of Larimer County
Colorado Licensed Professional Land Surveyor #38779

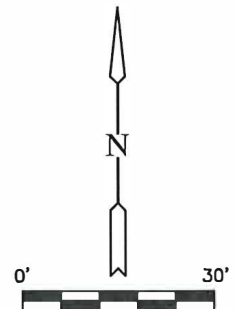
EXHIBIT B

A PERMANENT EASEMENT OVER AND ACROSS A PARCEL OF LAND LOCATED IN THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 28,
TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

Line Table		
Line #	Length	Bearing
L1	10.00'	S89° 58' 49"E
L2	10.00'	N89° 22' 33"W

**LEGEND**

- PROPOSED PERMANENT EASEMENT
- EXISTING RIGHT OF WAY LINE
- SECTION LINE

**ENGINEERING DEPARTMENT**

200 WEST OAK, SUITE 3000
POST OFFICE BOX 1190
FORT COLLINS, COLORADO 80522-1190
(970)498-5700
(970)498-7986 FAX

EXHIBIT B

A PERMANENT EASEMENT OVER AND ACROSS A PARCEL OF LAND LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

THE FOLLOWING IS A LEGAL DESCRIPTION FOR A PERMANENT EASEMENT LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO, ALSO BEING A PART OF RECEPTION NUMBER 20140008160 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 28, SAID CORNER BEING MARKED BY A 3.25 INCH ALUMINUM CAP ON A #6 REBAR STAMPED P.L.S. 31169, 2019, AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 28 TO BEAR N89° 22' 33"W, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N89° 22' 33"W, A DISTANCE OF 1241.22 FEET TO A POINT ON SAID SOUTH LINE;

THENCE N00° 37' 27"E, A DISTANCE OF 30.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY (R-O-W) LINE OF LARIMER COUNTY ROAD 40 (CR40) PER BOOK R, PAGE 17, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE DEPARTING SAID R-O-W N21° 01' 41"E A DISTANCE OF 60.45 FEET;

THENCE S68° 58' 19"E A DISTANCE OF 10.00 FEET;

THENCE S21° 01' 41"W A DISTANCE OF 56.74 FEET, MORE OR LESS, TO AFORESAID R-O-W;

THENCE ALONG SAID R-O-W N89° 22' 33"W A DISTANCE OF 10.67 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PERMANENT EASEMENT CONTAINS 0.013 ACRES OR 585.95 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS AND RIGHT OF WAYS OF RECORD OR THAT EXIST ON THE GROUND.



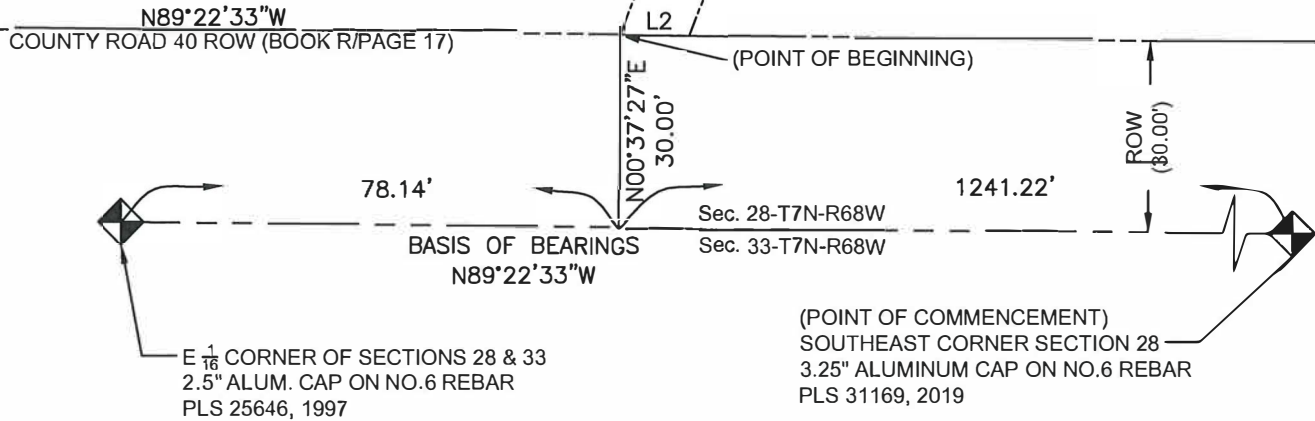
Celine M. Bromley – on behalf of Larimer County
Colorado Licensed Professional Land Surveyor #38779

EXHIBIT B

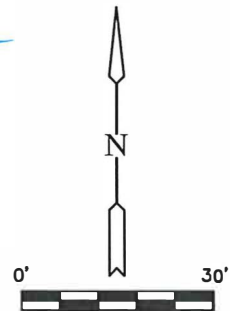
A PERMANENT EASEMENT OVER AND ACROSS A PARCEL OF LAND LOCATED IN THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 28,
TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

Line Table		
Line #	Length	Bearing
L1	10.00'	S68° 58' 19"E
L2	10.67'	N89° 22' 33"W

CITY OF FORT COLLINS
REC. NO. 20140008160

**LEGEND**

- PROPOSED PERMANENT EASEMENT
- EXISTING RIGHT OF WAY LINE
- SECTION LINE

**ENGINEERING DEPARTMENT**

200 WEST OAK, SUITE 3000
POST OFFICE BOX 1190
FORT COLLINS, COLORADO 80522-1190
(970)498-5700
(970)498-7986 FAX

TEMPORARY CONSTRUCTION EASEMENT
(City Property)

Grantor: City of Fort Collins, Colorado, a municipal corporation

Grantor Signing Authority and Title: Jenni Arndt, Mayor

Grantor Mailing Address: C/O Real Estate Services,
P.O. Box 580,

Fort Collins, Colorado 80522

Grantor Phone Number/Email: (970) 221-6211 / RealEstateServices@fcgov.com

Grantee: Board of County Commissioners of Larimer County, Colorado

Grantee Signing Authority and Title: John Kefalas, Chair

Grantee Mailing Address: PO Box 1190, Fort Collins, CO 80521

Grantee Phone Number/Email: 970-498-5710 / jcore@larimer.org

Project: CR 40 Improvement Project, including the installation of certain Drainage Improvements, being two (2) eighteen (18) inch corrugated steel pipe culverts, squash pipes, rip-rap, and related improvements

Effective Date: Date of mutual execution

Expiration Date: One (1) year after the Effective Date

Consideration: \$141.00

Exhibit A – Larger Parcel Description: 1 page

Exhibit B – TCE Area Legal Description and Depiction: 4 pages

This **TEMPORARY CONSTRUCTION EASEMENT** (the “TCE”) is made and entered into by and between Grantor and Grantee on the dates written below, and the above referenced Exhibits A through B are attached to and made a part of this TCE.

1. Grantor’s Property. Grantor is the owner of that certain parcel of real property located in Larimer County, Colorado, which is legally described on **Exhibit A** (the “Larger Parcel”).

2. Grant of Easement. For and in consideration of the covenants and agreements herein set forth, the sum of the Consideration, and other good and valuable consideration, the receipt and adequacy of which Grantor acknowledges, Grantor grants, sells, and conveys to Grantee, its successors and assigns, a temporary construction easement (the “Easement”) on, over, under, and across that certain portion of the Larger Parcel described more fully and depicted on **Exhibit B** (the “TCE Area”), subject to the conditions and restrictions set forth below.

3. Purpose and Use of Easement.

A. During the term of this TCE, Grantee may use the TCE Area for the following temporary activities related to the Project (defined above):

- i. Construction activities;
- ii. Marking the location of the TCE Area by suitable markers set in the ground;
- iii. Storage and staging of materials and equipment;
- iv. Fencing and gates for security and safety purposes;
- v. Ingress and egress to the construction site;
- vi. The right to use existing gates in all fences which now cross or shall hereafter cross the TCE Area.

B. Grantee's use of the Easement is subject to the following:

- i. Grantee may only access the TCE Area from any adjoining public right of way or other legal access point, and Grantee has no right of ingress and egress across any portion of the Larger Parcel not included in the TCE Area;
- ii. If Grantor's main access to the Larger Parcel is located within the TCE Area, Grantee must allow for Grantor's reasonable access to the Larger Parcel;
- iii. All activities by Grantee in the TCE Area must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of said property and Grantor's intended purposes and uses therefor; Grantee shall protect all trees located on the Larger Parcel from any damage by Grantee's construction activities;
- iv. Grantee shall restore the TCE Area in accordance with Section 6 below;
- v. Grantee shall provide Grantor notice of the date it intends to commence construction operations for the Project, insofar as said operations pertain to the TCE Area, at least seven (7) calendar days prior to such date, and such notice shall include any construction plans and construction schedule for the Project. Grantee shall coordinate such work in the TCE Area with Grantor;
- vi. All activities by Grantee within the TCE Area must be carried out in a secure and sanitary manner and to prevent injury or damage to persons or property;
- vii. Grantee shall provide Grantor notice of any accident, emergency, or other dangerous or hazardous occurrence in the TCE Area within one calendar day of such occurrence and Grantee must make best efforts to correct or mitigate any such occurrence as soon as practicably possible; and
- viii. Grantee shall not be permitted to enter any portion of any building located within the TCE Area without obtaining the prior written consent of Grantor.

4. Grantor's Rights in the TCE Area. For security and safety, the TCE will be fenced off and access to the TCE by Grantor or any other party is not permitted.

5. Maintenance of the TCE Area. During the term of this TCE, the Grantee will maintain the surface of the TCE Area, specifically limited to any conditions directly caused by Grantee's use and occupancy of the TCE Area or conditions reasonably within Grantee's control. Grantee will not release, or permit, or allow to be released any hazardous or combustible substance or material within the TCE Area.

6. Restoration of TCE Area.

- A. Prior to the Expiration Date, Grantee, in accordance with the requirements of this Section 6, will make such repairs or take such other action as may be necessary to restore the TCE Area to a condition comparable to its condition as of the Effective Date (the “Construction Repairs”), including but not limited to the reseeding and replanting of any disturbed areas, correction of any subsidence, and restoration of any other improvements or conditions impacted by Grantee’s activities.
- B. The Grantee agrees to provide to Grantor a one-year maintenance guarantee and a one-year repair guarantee covering the design, construction, and maintenance of the Construction Repairs (the “Restoration Guarantees”). The Restoration Guarantees shall commence upon the date of the City’s final approval and acceptance of the Construction Repairs, which shall be in writing (the “Final Approval”). Subject to the foregoing, the ownership of the Construction Repairs shall pass to Grantor upon Final Approval.

7. Term. This TCE will commence on the Effective Date and will automatically terminate thirty (30) days after final completion of the Project, but in no event later than the Expiration Date. No extension of this TCE term shall be effective unless an amendment hereto is executed by both parties, and no release or notice of termination shall be required to be filed to evidence the automatic termination of this TCE.

8. No Recordation. The parties agree that this TCE shall not be recorded by either party.

9. Authority. Each person executing this TCE represents and warrants that he or she is duly authorized to execute this TCE in his or her individual or representative capacity as indicated.

10. Representations of Grantor. Grantor makes no representations or warranties as to the lawful ownership of the Larger Parcel.

11. Indemnity and Insurance.

- A. Grantee agrees to release and, unless Grantee is a governmental entity, indemnify Grantor, its officers, agents, employees, representatives, successors, and assigns from and against all claims that may accrue to Grantee for personal injury, death, or property damage resulting from or arising out of the Grantee’s use of the TCE Area or other activities on the Larger Parcel. To the extent permitted by law, and without waiving any of the provision so the Colorado Governmental Immunity Act, Grantee assumes responsibility, as between Grantor and Grantee, for any liability to third parties arising out of Grantee’s use of the Easement Area or other activities on Grantor’s Larger Parcel, including but not limited to the construction, installation, operation, repair, and maintenance of improvements within the TCE Area, and for any actions or omissions by Grantee in violation of this TCE. Nothing shall require Grantee to indemnify Grantor from any claim or liability, including reasonable attorney’s fees and costs, for claims arising from the negligence or willful misconduct of Grantor.

- B. Grantee shall procure, pay for, and keep in full force and effect during the term of the TCE a comprehensive policy of general liability insurance insuring Grantee in an amount not less than One Million Dollars (\$1,000,000.00) covering bodily injury, including death to persons, personal injury, and property damage liability arising out of a single occurrence. Such coverage must include, without limitation, the insured's liability for property damage, bodily injuries, and death of persons in connection with Grantee's activities in the TCE Area or on Grantor's Larger Parcel (including acts or omissions of Grantee or of its officers, employees, or agents), and protection against liability for non-owned and hired automobiles.
- C. All policies of insurance required hereunder must name Grantor as an additional insured and shall contain a provision that the policy or policies cannot be canceled or materially altered either by the insured or the insurance company until fifteen (15) days' prior written notice thereof is given to Grantor. Upon issuance or renewal of any such insurance policy, Grantee shall furnish a certificate of insurance to Grantor.
- D. In the event Grantee fails or neglects to maintain, or require its contractor to procure and maintain, as applicable, the insurance required by this paragraph, then Grantor shall have the right, upon giving the Grantee reasonable notice of its election to do so, to take out and maintain such insurance at the expense of the Grantee, and in such event the cost of such insurance shall be paid for by the Grantee promptly upon receipt of an invoice covering such charges.
12. Notice. Any notice or other communication relating to this TCE must be in writing and shall be deemed given upon actual receipt at the physical or electronic mailing addresses set forth above, which may be amended by providing written notice to the other party.
13. Default, Remedies and Litigation Expenses. If a party to this TCE is in default in performance of its respective obligations hereunder, the other party has the right to an action for specific performance and/or damages. Prior to proceeding with any such action, the party not in default must first send written notice to the defaulting party specifying the default and affording such party a reasonable period to cure the default.
14. Assignment. The Grantee may not assign its rights under this TCE without the prior written consent of the Grantor.
15. Additional Terms and Conditions. Whenever used herein, the singular number includes the plural, the plural the singular, and the use of any gender is applicable to all genders. All of the covenants herein contained are binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, and assigns. The parties agree that this TCE is to be construed and enforced according to the laws of Colorado, and venue for any proceeding relating to the subject matter of this TCE shall be in Larimer County, Colorado. If any term of this TCE is determined by any court to be unenforceable, the other terms of this TCE shall nonetheless remain in full force and effect; provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in

order to adopt mutually agreeable amendments to this TCE as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.

16. Final Agreement. This TCE represents the entire understanding and agreement between the parties with respect to the subject matter hereof and supersedes and replaces all previous oral and written representations, understandings, and agreements between the parties pertaining to the subject matter of this TCE.

IN WITNESS WHEREOF, the parties have set their hands and seals on the date(s) written below, but this TCE shall be effective as of the Effective Date; and the Grantor has caused this TCE to be executed pursuant to Ordinance No. ____, 2025, passed on final reading by the City Council of the City of Fort Collins on _____, 2025.

[Signatures on the following page(s)]

GRANTOR:

Date: _____

Jeni Arndt, Mayor

ATTEST:

Delynn Coldiron, City Clerk

APPROVED AS TO FORM:

Ted Hewitt, Assistant City Attorney

ACCEPTANCE BY GRANTEE:

**Board of County Commissioners of Larimer
County, Colorado**

Date: _____

John Kefalas, Chair

ATTEST:

Signature

(Name, Title)

Exhibit A
Larger Parcel
 (Page 1 of 1)

Description:

164.876 acres, more or less, located in the Southwest Quarter (SW/4) of Section 27 and 28, T7N, R68W, 6th PM, Larimer County, Colorado, being more particularly described in the Special Warranty Deed from Cottonwood Land and Farms, LLC, to the City of Fort Collins, Colorado, dated February 11, 2014, recorded at Reception No. 20140008160, Clerk and Recorder's Records, Larimer County, Colorado.

Location Address:

4109 East Horsetooth Road
 Fort Collins, Colorado 80525

Assessor Parcel Number(s):

8728400901 & 8728400902

Map:

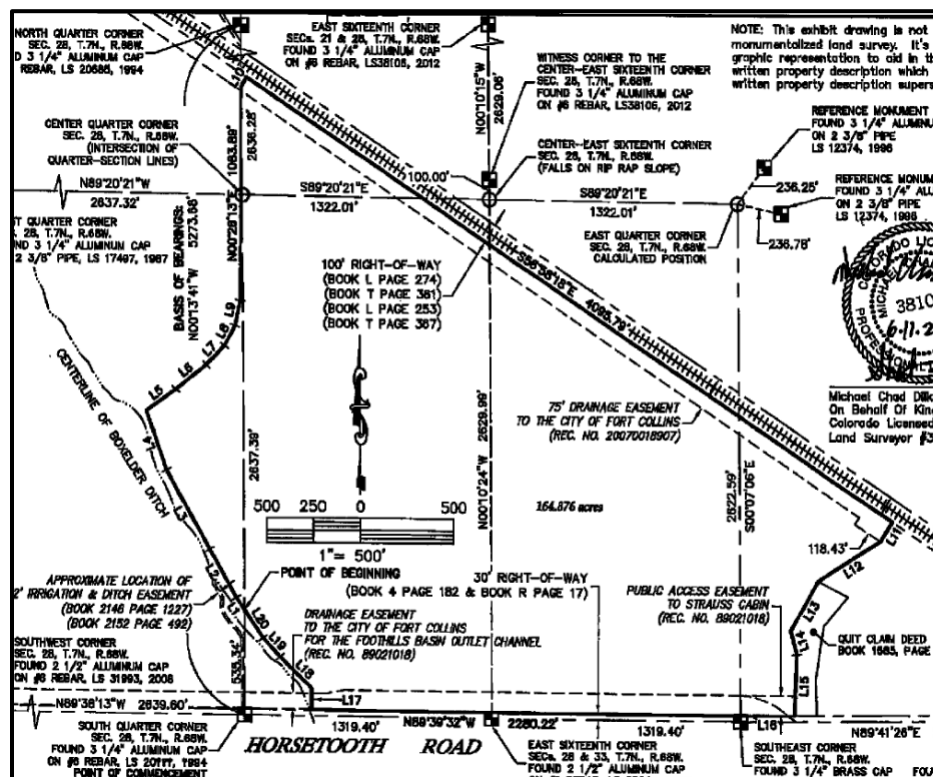


Exhibit B
TCE Legal Description and Depiction
(Page 1 of 4)

A TEMPORARY CONSTRUCTION EASEMENT OVER AND ACROSS A PARCEL OF LAND LOCATED IN
THE SE1/4 OF THE SE1/4 OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M.,
COUNTY OF LARIMER, STATE OF COLORADO

THE FOLLOWING IS A LEGAL DESCRIPTION FOR A TEMPORARY CONSTRUCTION EASEMENT
LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF
SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., LARIMER COUNTY,
COLORADO, ALSO BEING A PART OF RECEPTION NUMBER 20140008160 AND MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 28, SAID CORNER BEING MARKED
BY A 3.25 INCH ALUMINUM CAP ON A #6 REBAR STAMPED P.L.S. 31169, 2019, AND CONSIDERING THE
SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID
SECTION 28 TO BEAR N89° 22' 33"W, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N89° 22' 33"W, A DISTANCE OF 386.64 FEET TO A POINT ON SAID SOUTH LINE;

THENCE N00° 37' 27"E, A DISTANCE OF 30.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH
RIGHT-OF-WAY (R-O-W) LINE OF LARIMER COUNTY ROAD 40 (CR40) PER BOOK R, PAGE 17, SAID
POINT ALSO BEING THE POINT OF BEGINNING;

THENCE N89° 22' 33"W, A DISTANCE OF 5.00 FEET ALONG THE SAID NORTH R-O-W LINE;
THENCE DEPARTING SAID R-O-W N00° 01' 01"E A DISTANCE OF 67.24 FEET;
THENCE S89° 58' 49"E A DISTANCE OF 20.00 FEET;
THENCE S00° 01' 01"W A DISTANCE OF 67.45 FEET, MORE OR LESS, TO AFORESAID R-O-W;
THENCE ALONG SAID R-O-W N89° 22' 33"W A DISTANCE OF 5.00 FEET;
THENCE DEPARTING SAID R-O-W N00° 01' 01"E A DISTANCE OF 62.40 FEET;
THENCE N89° 58' 49"W A DISTANCE OF 10.00 FEET;
THENCE S00° 01' 01"W A DISTANCE OF 62.29 FEET, MORE OR LESS, TO AFORESAID R-O-W AND THE
POINT OF BEGINNING.

SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 0.017 ACRES OR 723.45 SQUARE FEET,
MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS AND RIGHT OF WAYS OF RECORD OR THAT
EXIST ON THE GROUND.

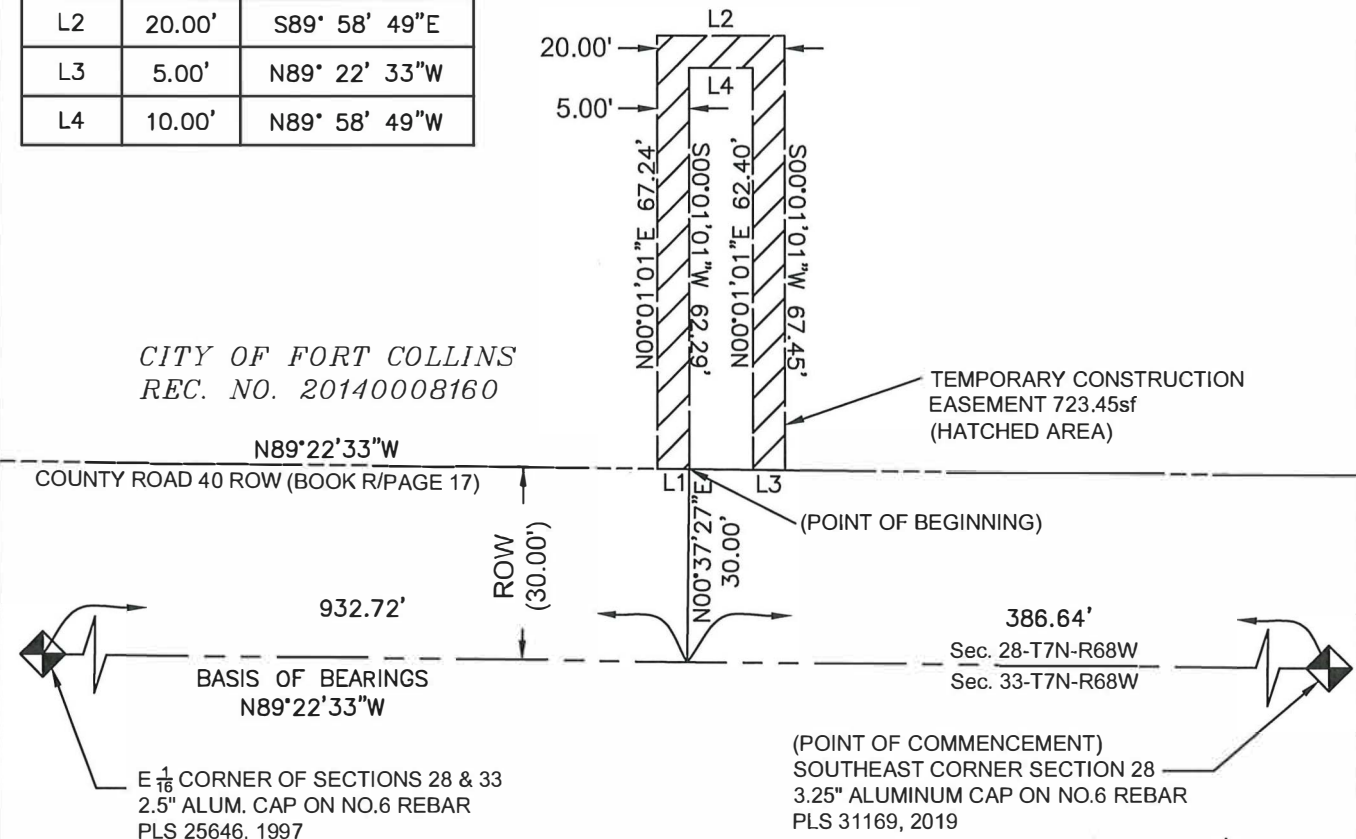


Celine M. Bromley – on behalf of Larimer County
Colorado Licensed Professional Land Surveyor #38779

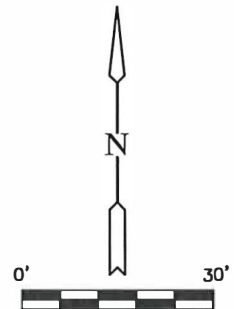
EXHIBIT B

A TEMPORARY CONSTRUCTION EASEMENT OVER AND ACROSS A PARCEL OF LAND LOCATED IN THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

Line Table		
Line #	Length	Bearing
L1	5.00'	N89° 22' 33"W
L2	20.00'	S89° 58' 49"E
L3	5.00'	N89° 22' 33"W
L4	10.00'	N89° 58' 49"W

**LEGEND**

- PROPOSED TEMPORARY EASEMENT
- EXISTING ROW
- SECTION LINE



ENGINEERING DEPARTMENT
200 WEST OAK, SUITE 3000
POST OFFICE BOX 1190
FORT COLLINS, COLORADO 80522-1190
(970)498-5700
(970)498-7986 FAX

EXHIBIT B

A TEMPORARY CONSTRUCTION EASEMENT OVER AND ACROSS A PARCEL OF LAND LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

THE FOLLOWING IS A LEGAL DESCRIPTION FOR A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO, ALSO BEING A PART OF RECEPTION NUMBER 20140008160 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 28, SAID CORNER BEING MARKED BY A 3.25 INCH ALUMINUM CAP ON A #6 REBAR STAMPED P.L.S. 31169, 2019, AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 28 TO BEAR N89° 22' 33"W, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE N89° 22' 33"W, A DISTANCE OF 1241.22 FEET TO A POINT ON SAID SOUTH LINE;

THENCE N00° 37' 27"E, A DISTANCE OF 30.00 FEET, MORE OR LESS, TO A POINT ON THE NORTH RIGHT-OF-WAY (R-O-W) LINE OF LARIMER COUNTY ROAD 40 (CR40) PER BOOK R, PAGE 17, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE N89° 22' 33"W, A DISTANCE OF 5.34 FEET ALONG THE SAID NORTH R-O-W LINE;

THENCE DEPARTING SAID R-O-W N21° 01' 41"E A DISTANCE OF 67.31 FEET;

THENCE S68° 58' 19"E A DISTANCE OF 20.00 FEET;

THENCE S21° 01' 41"W A DISTANCE OF 59.88 FEET, MORE OR LESS, TO AFORESAID R-O-W;

THENCE ALONG SAID R-O-W N89° 22' 33"W A DISTANCE OF 5.34 FEET;

THENCE DEPARTING SAID R-O-W N21° 01' 41"E A DISTANCE OF 56.74 FEET;

THENCE N68° 58' 19"W A DISTANCE OF 10.00 FEET;

THENCE S21° 01' 41"W A DISTANCE OF 60.45 FEET, MORE OR LESS, TO AFORESAID R-O-W AND THE POINT OF BEGINNING.

SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 0.016 ACRES OR 685.95 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS AND RIGHT OF WAYS OF RECORD OR THAT EXIST ON THE GROUND.



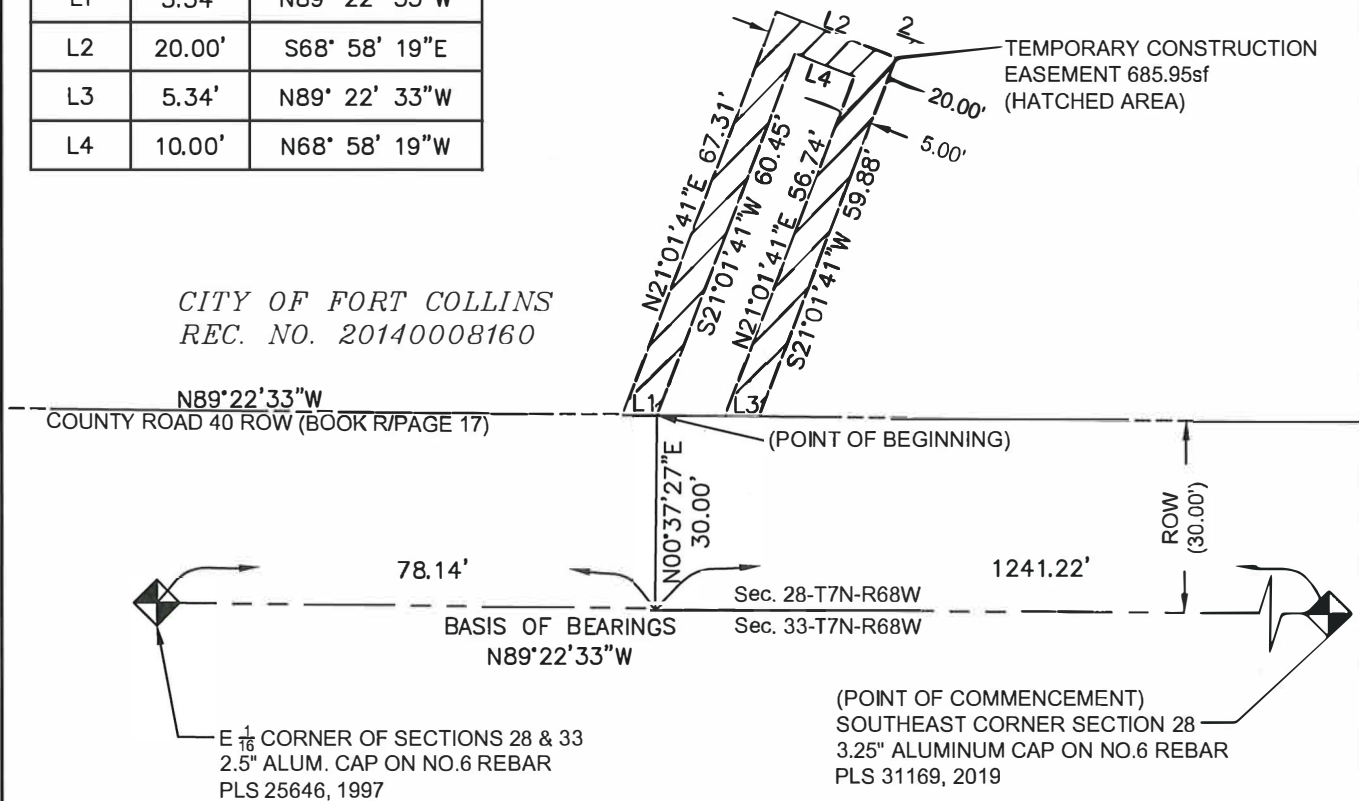
Celine M. Bromley – on behalf of Larimer County
Colorado Licensed Professional Land Surveyor #38779

EXHIBIT B

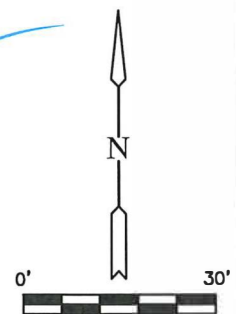
A TEMPORARY CONSTRUCTION EASEMENT OVER AND ACROSS A PARCEL OF LAND LOCATED IN THE SE $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO

Line Table		
Line #	Length	Bearing
L1	5.34'	N89° 22' 33"W
L2	20.00'	S68° 58' 19"E
L3	5.34'	N89° 22' 33"W
L4	10.00'	N68° 58' 19"W

CITY OF FORT COLLINS
REC. NO. 20140008160

**LEGEND**

- PROPOSED TEMPORARY EASEMENT
- EXISTING RIGHT OF WAY LINE
- SECTION LINE

**ENGINEERING DEPARTMENT**

200 WEST OAK, SUITE 3000
POST OFFICE BOX 1190
FORT COLLINS, COLORADO 80522-1190
(970)498-5700
(970)498-7986 FAX

File Attachments for Item:

9. Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program Funds.

A. First Reading of Ordinance No. 097, 2025, Making Supplemental Appropriations in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 098, 2025, Making Supplemental Appropriations in the HOME Investment Partnerships Grant Fund.

C. First Reading of Ordinance No. 099, 2025, Making Supplemental Appropriations in the HOME Investment Partnerships Grant American Rescue Plan Act Fund.

The purpose of these items are to appropriate the City's Fiscal Year (FY) 2025 Community Development Block Grant (CDBG) Entitlement Grant and FY2025 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), CDBG program income from FY2023 & FY2024 and HOME Program Income from FY2023 & FY2024, and supplemental funding to the FY21 HOME American Rescue Plan Act (HOME-ARP) Fund.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Beth Rosen, Grants Compliance and Policy Manager

SUBJECT

Items Relating to the Appropriation of Federal Funds in the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Program Funds.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 097, 2025, Making Supplemental Appropriations in the Community Development Block Grant Fund.

B. First Reading of Ordinance No. 098, 2025, Making Supplemental Appropriations in the HOME Investment Partnerships Grant Fund.

C. First Reading of Ordinance No. 099, 2025, Making Supplemental Appropriations in the HOME Investment Partnerships Grant American Rescue Plan Act Fund.

The purpose of these items are to appropriate the City's Fiscal Year (FY) 2025 Community Development Block Grant (CDBG) Entitlement Grant and FY2025 Home Investment Partnerships Program (HOME) Participating Jurisdiction Grant from the Department of Housing and Urban Development (HUD), CDBG program income from FY2023 & FY2024 and HOME Program Income from FY2023 & FY2024, and supplemental funding to the FY21 HOME American Rescue Plan Act (HOME-ARP) Fund.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

The Community Development Block Grant (CDBG) Entitlement Program provides annual grants on a formula basis to eligible cities and counties to improve the living conditions for low and moderate- income persons. Recipient communities develop their own programs and funding priorities. In the 2025-2029 Consolidated Plan which will be submitted to HUD by August 16, 2025, the City prioritized the use of these funds to further its affordable housing goals and provide public services for persons experiencing homelessness.

The HOME Investment Partnership Program (HOME) provides annual grants on a formula basis to Participating Jurisdictions to implement local housing strategies designed to increase homeownership and housing opportunities for low and very low-income residents. These funds are used annually to further the affordable housing goals outlined in the Housing Strategic Plan.

On May 14, 2025, the City received notice of its Fiscal Year 2025 CDBG and HOME allocations from the Department of Housing and Urban Development. This appropriation includes \$1,152,451 for CDBG and \$650,489.56 for HOME. Additionally, the City receives annual repayments into the CDBG & HOME programs, referred to as Program Income (PI), through the payoffs of Home Buyer Assistance (HBA) loans and loan payments on affordable housing projects. These payments go back to their respective programs for re-allocation to eligible projects. Since April 1, 2024, the CDBG program has received \$103,659 in Program Income and the HOME Program has received \$83,688 in Program Income.

Ordinance No. 097, 2025 appropriates a total of \$1,237,712 into the CDBG Program, which includes the Entitlement Award of \$1,152,451 and \$85,261 from Program Income.

Ordinance No. 098, 2025, appropriates a total of \$796,968.56 into the HOME Program, which includes the Entitlement Award of \$650,489.56 and \$146,479 from Program Income.

These funds are allocated through an annual Competitive Process, with funding recommendations being made to Council by the Human Services and Housing Funding Board. Recommendations for the use of these funds will be presented to Council at its regular meeting on June 17, 2025.

On April 30, 2025, the City received notification from HUD that it made an administrative error in the calculation of the 2021 American Rescue Plan Act funds allocated to the City through the HOME Investment Partnerships Program. Specifically, HUD determined that the City received \$3,941 less in its HOME-ARP allocation than it should have.

Ordinance No. 099, 2025, appropriates an additional \$3,941 into the HOME Investment Partnerships Grant American Rescue Plan Act (HOME-ARP) Fund.

These funds will supplement the existing Supportive Services funds already contracted with Subrecipients.

CITY FINANCIAL IMPACTS

These items will appropriate \$2,038,621.56 in federal funding to the City which will be allocated to housing and community development related programs and projects, and the administration of the funds, thereby reducing the demand on the City's General Fund budget to address such needs.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. FY2025 CDBG & HOME Formula Letter from HUD
2. Amended HOME-ARP Award Letter from HUD
3. Ordinance No. 097, 2025
4. Ordinance No. 098, 2025
5. Ordinance No. 099, 2025



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

Item 9.

May 14, 2025

The Honorable Jeni Arndt
Mayor of Fort Collins
PO Box 580
Fort Collins, CO 80522

Dear Mayor Arndt,

Secretary Scott Turner is committed to improving housing opportunities, reducing regulations to lower housing cost, and expanding housing supply for hardworking Americans. The nationwide shortage of rental and owner-occupied properties and the current rate of construction has not kept pace with the demand. This lack of adequate housing supply leads to higher prices for renters and homebuyers alike, forcing some into homelessness and preventing countless Americans from becoming homeowners. Across the country, partnerships between public and private sectors are providing millions of Americans an opportunity to get ahead. HUD is determined to continue its collaboration with you so programs are responsibly utilized and can spark additional leveraging and partnerships to address the nation's housing crisis.

As authorized by the Consolidated Appropriations Act (Public Law 119-4) on March 15, 2025, I am honored and excited to announce that your jurisdiction is receiving the following Fiscal Year 2025 allocations for the identified programs:

Community Development Block Grant (CDBG) - \$1,152,451.00

HOME Investment Partnerships (HOME) - \$650,489.56

Emergency Solutions Grants (ESG) - \$0.00

Housing Opportunities for Persons W/ HIV/AIDS (HOPWA) - \$0.00

Housing Trust Fund (HTF) - \$0.00

Recovery Housing Program (RHP) - \$0.00

In addition, your jurisdiction's CDBG allocation for this year provides you with \$5,762,255.00 in available Section 108 loan guarantee borrowing authority. Section 108 permits you to borrow up to five times of your current CDBG allocation. This loan allows jurisdictions to maximize access to low-interest capital, and provide long-term financing to invest in Opportunity Zones, or further address gap financing for big projects that you envision for your community.

As you are finalizing your Annual Action Plans or Consolidated Plans that are due for submission to our office by August 16, 2025, please be reminded that it is important to align with executive orders and applicable laws. If you or any member of your staff have questions, please do not hesitate to contact your local HUD Field Office in Denver or CPDGDAS@hud.gov.

Thank you for your interest in CPD programs and for ensuring that these dollars are responsibly achieving outcomes as intended by law. When people have a safe and stable place to call home, they can focus on contributing to the economy and be productive members of their respective communities.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Fernandez", with a stylized, flowing script.

Claudette Fernandez
General Deputy Assistant Secretary
for Community Planning and Development



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

April 30, 2025

The Honorable Jeni Arndt
Mayor of Fort Collins
City of Fort Collins
PO Box 580
Fort Collins, CO 80522

Dear Mayor Arndt:

In 2021, the Department of Housing and Urban Development's (HUD or the Department) Office of Community Planning and Development (CPD) allocated \$5 billion appropriated by the American Rescue Plan Act (ARP) of 2021 to HOME Investment Partnerships Program participating jurisdictions. These funds, known as "HOME-ARP," are intended to give you the financial tools to assist your most vulnerable citizens by providing housing, shelter, tenant-based rental assistance, and supportive services for persons experiencing or at risk of homelessness, fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, and other populations at greatest risk of housing instability.

While conducting recent quality control efforts, the Department discovered an administrative error in the allocations of the HOME-ARP funds. This error resulted in your jurisdiction inadvertently being allocated less HOME-ARP funds than it was legally entitled to receive. Specifically, the Department determined that your jurisdiction received \$3,941.00 less in its HOME-ARP allocation than it should have. This letter notifies you of the corrected amount of your HOME-ARP award.

Original HOME-ARP Award	Additional Allocation Amount	Revised HOME-ARP Award
\$2,628,410.00	\$3,941.00	\$2,632,351.00

Attached is an amended HOME-ARP grant agreement for your agency's signature, indicating the additional amount you are entitled to and your final corrected amount. Please sign this agreement and return it to your CPD Representative. Please note: Build America, Buy America provisions continue to be waived for HOME-ARP.

Additionally, you must amend your HOME-ARP allocation plan to include the correct amount of HOME-ARP funds in accordance with HUD Notice CPD-21-10 and your citizen participation plan. Depending upon the criteria for substantial amendments established in your citizen participation plan, you may be required to develop a substantial amendment to the HOME-ARP allocation plan.

The requirements for substantial amendments can be found in section V.C.6 of HUD Notice CPD-21-10. The Department can assist you in determining what may be required to be included in a substantial amendment.

The Department regrets this error and apologizes for any inconvenience it may cause. We are working hard to make this process as seamless as possible for all affected recipients. If you or your staff wish to discuss this correction or have any questions about HOME-ARP, please contact your local HUD Field Office or HUD's Office of Affordable Housing Programs at HOMEARP@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Fernandez", with a stylized flourish at the end.

Claudette Fernandez
General Deputy Assistant Secretary
for Community Planning and Development

ORDINANCE NO. 097, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS IN THE
COMMUNITY DEVELOPMENT BLOCK GRANT FUND

A. The City estimates it will receive in federal fiscal year 2025-2026 unanticipated revenue in the form of federal Community Development Block Grant ("CDBG") funds from Housing and Urban Development (HUD) totaling \$1,152,451.

B. The City received unanticipated CDBG Program income in the amount of \$85,261.

C. Recommendations for the use of these funds were presented to City Council at its regular meeting on June 17, 2025.

D. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and services the public purpose of providing human services and affordable housing for City residents.

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

F. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Community Development Block Grant Fund and that this appropriation will not cause the total amount appropriated in the Community Development Block Grant Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

G. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal grant or the City's expenditure of all funds received from such grant.

H. The City Council wishes to designate the appropriation herein for the Community Development Block Grant Entitlement Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds from HUD in the Community Development Block Grant Fund, the sum of ONE MILLION ONE HUNDRED FIFTY-TWO THOUSAND FOUR HUNDRED FIFTY-ONE DOLLARS (\$1,152,451), to be expended in the Community Development Block Grant Fund upon receipt thereof for federal fiscal year 2025-2026 Community Development Block Grant projects.

Section 2. There is hereby appropriated from new revenue or other funds from program income in the Community Development Block Grant Fund, the sum of EIGHTY-FIVE THOUSAND TWO HUNDRED SIXTY-ONE DOLLARS (\$85,261), to be expended in the Community Development Block Grant Fund for approved Community Development Block Grant projects.

Section 3. The appropriation herein for the Community Development Block Grant Entitlement Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025
 Approving Attorney: Ted Hewitt

Exhibits: None

ORDINANCE NO. 098, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS IN THE HOME
INVESTMENT PARTNERSHIPS GRANT FUND

A. The Home Investment Partnerships Program (the “HOME Program”) was authorized by the National Affordable Housing Act of 1990 to provide funds in the form of Participating Jurisdiction Grants for a variety of housing-related activities that would increase the supply of decent, safe, and affordable housing.

B. On March 1, 1994, the City Council adopted Resolution 1994-042 authorizing the Mayor to submit to the United States Department of Housing and Urban Development (“HUD”) a notification of intent to participate in the HOME Program.

C. On May 26, 1994, HUD designated the City as a Participating Jurisdiction in the HOME Program, allowing the City to receive an allocation of HOME Program funds as long as Congress re-authorizes and continues to fund the program.

D. The City estimates it will receive in federal fiscal year 2025-2026 unanticipated revenue in the form of Home Investment Partnership Program (“HOME”) funds from HUD totaling \$650,490.

E. The City received unanticipated HOME Program income in the amount of \$146,479.

F. Recommendations for the use of these funds were presented to City Council at its regular meeting on June 17, 2025.

G. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing affordable housing for City residents.

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

I. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Home Investment Partnerships Grant Fund and that this appropriation will not cause the total amount appropriated in the Home Investment Partnerships Grant Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

J. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal grant or the City's expenditure of all funds received from such grant.

K. The City Council wishes to designate the appropriation herein for the Home Investment Partnerships Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds from HUD in the HOME Investment Partnerships Grant Fund the sum of SIX HUNDRED FIFTY THOUSAND FOUR HUNDRED NINETY DOLLARS (\$650,490), to be expended in the HOME Investment Partnerships Grant Fund upon receipt from federal fiscal year 2025-2026 HOME Participating Jurisdiction Grant Funds.

Section 2. There is hereby appropriated from new revenue or other funds from program income in the HOME Investment Partnerships Grant Fund the sum of ONE HUNDRED FORTY-SIX THOUSAND FOUR HUNDRED SEVENTY-NINE DOLLARS (\$146,479), to be expended in the HOME Investment Partnerships Grant Fund for approved HOME Program projects.

Section 3. The appropriation herein for HOME Investment Partnerships Grant Entitlement Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025
Approving Attorney: Ted Hewitt

Exhibits: None

ORDINANCE NO. 099, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS IN THE HOME
INVESTMENT PARTNERSHIPS GRANT AMERICAN RESCUE
PLAN ACT FUND

A. The HOME Investment Partnerships American Rescue Plan Program (HOME-ARP) provides funding to HOME Participating Jurisdictions to reduce homelessness and increase housing stability across the country. On April 30, 2025, the City received notice that it would receive unanticipated Home-ARP income from the United State Department of Housing and Urban Development for the HOME Investments Partnerships Program in the amount of \$3,941.

B. This appropriation benefits the public health, safety and welfare of the residents of Fort Collins and serves the public purpose of providing housing and homelessness services for City residents.

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

D. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Home Investment Partnerships Grant Fund and that this appropriation will not cause the total amount appropriated in the Home Investment Partnerships Grant Fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

E. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal grant, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal grant or the City's expenditure of all funds received from such grant.

F. The City Council wishes to designate the appropriation herein for the Home Investment Partnerships Program as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds from HUD American Rescue Plan Act funds in the HOME Investment Partnerships Grant Fund the sum of THREE THOUSAND NINE HUNDRED FORTY-ONE DOLLARS (\$3,941), to be expended in the HOME Investment Partnerships Grant Fund for approved HOME Program projects.

Section 2. The appropriation herein for HOME Investment Partnerships Grant Entitlement Program is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025
Approving Attorney: Ted Hewitt

Exhibits: None

File Attachments for Item:

10. First Reading of Ordinance No. 100, 2025, Updating Various Provisions of the Code of the City of Fort Collins Related to Affordable Housing.

The purpose of this item is to conform the definitions relating to affordable housing in the City Code to those in the Land Use Code, to remove language for a program that was repealed, and to remove the requirement of a specific fee amount when requesting affordable housing fee delays.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Sue Beck-Ferkiss, Social Policy and Housing Programs Manager

Vanessa Fenley, Senior Housing Manager

Jacob Castillo, Chief Sustainability Officer

SUBJECT

First Reading of Ordinance No. 100, 2025, Updating Various Provisions of the Code of the City of Fort Collins Related to Affordable Housing.

EXECUTIVE SUMMARY

The purpose of this item is to conform the definitions relating to affordable housing in the City Code to those in the Land Use Code, to remove language for a program that was repealed, and to remove the requirement of a specific fee amount when requesting affordable housing fee delays.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Staff is actively engaged in updating the City's Land Use Code (LUC), originally established in 1997, to better meet the evolving needs of our community. This work is being implemented in two phases. The focus of the first phase was housing regulations. The first phase was successfully adopted by City Council on May 7, 2024, and became effective on May 17, 2024.

The updated LUC speaks to affordable housing development in Article 5, Division 5.2 and in Article 7 definitions. Section 5.2.1 (C) of the LUC establishes standards for rental and for-sale affordable housing. These updated and nuanced standards are different than those currently in the City Code.

The new LUC standard requirements for Rental units are:

- 10% of total units priced to 60% area median income (AMI) or
- 20% of total units priced to 80% AMI.

The new LUC standard requirements for For-sale units are:

- 10% of total units priced to 80% AMI or
- 20% of total units priced to 100% AMI.

Further, Section 5.2.1 (D) (3) of the LUC requires that affordable units stay affordable for at least sixty (60) years.

Section 26-631 of the City Code defines these terms differently and the definition in Section 26-631 is used in various other provisions of the Code. Both affordable housing units for rent and for-sale are defined as homes available on terms that would be affordable for households earning 80 % or less of the area median income of City residents. This section requires a minimum affordability period of only 20 years. That is in direct conflict with the new LUC regulation. To avoid confusion, the municipal language code will refer to the LUC definitions to assure consistency now and, in the future, should these standards change over time. Code updates will also apply the compliance, reporting, and monitoring requirements applicable to affordable housing developments under the Land Use Code to affordable housing developments under the Code.

This Ordinance also addresses two clean-up items. The first is to remove repeated references in the City Code to an incentive program that was repealed and replaced in 2020. Lastly, the Ordinance removes language imposing a \$50 fee for requesting affordable housing fee delays. The City does offer a fee delay program for some development fees paid by affordable housing developers. Any fee related to this incentive should be regulated through administrative processes and not be set in code language. Removing this reference allows flexibility in establishing whether a fee is required and if so, what is the appropriate amount.

CITY FINANCIAL IMPACTS

Only the change related to the \$50 could have financial impacts. Any financial impact is negligible because only one or two requests are made in any year and because the fee amount is so small.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Affordable Housing Board was advisory to staff and City Council during the updating of the LUC and supported the nuanced affordability definitions and increased minimum affordability term.

PUBLIC OUTREACH

Extensive public outreach was conducted during the LUC update process. No additional public outreach was done on this Ordinance.

ATTACHMENTS

1. Ordinance No. 100, 2025

ORDINANCE NO. 100, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
UPDATING VARIOUS PROVISIONS OF THE CODE OF THE
CITY OF FORT COLLINS RELATED TO AFFORDABLE HOUSING

A. The City seeks to update provisions in the Code relating to affordable housing. This Ordinance conforms usage of “affordable housing” in the City Code to the definition of that term in the Land Use Code, removes language for repealed affordable housing programs, and removes the codified \$50 fees for developers when requesting affordable housing fee delays.

B. Currently, both the Code and the Land Use Code provide benefits to the developers of affordable housing. These include fee credits and fee delays in Code and density and height bonuses in the Land Use Code. However, the Code and the Land Use Code define “affordable housing” differently. This Ordinance updates the definition of “affordable housing” within the Code to conform to the definition of “affordable housing” in the Land Use Code and applies the compliance, reporting, and monitoring requirements applicable to affordable housing developments under the Land Use Code to affordable housing developments under the Code.

C. This Ordinance also removes from Code references to two repealed programs: a sales and tax rebate program for affordable housing; and a fee waiver program for affordable housing developments.

D. Finally, this Ordinance also eliminates the Code provision setting \$50 fees for affordable housing developers when requesting a delay to pay capital expansion fees, utility development fees, and sales and use taxes, in order to allow such fees to be set administratively.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Subsection 51 of Section 5-27 of the Code of the City of Fort Collins is hereby amended to read as follows:

51. A new CHAPTER 36 SUSTAINABLE BUILDING CONSTRUCTION PRACTICES is hereby added to read as follows:

...

3604.2 Definitions applicable to this Chapter:

Affordable Housing: Residential occupancies that meet the criteria established in the Land Use Code Article 5.2.1(C)-(G) and Land Use Code Article 7 as affordable housing.

...

Section 2. Section 7.5-26 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-26. - Deferral of fees for affordable housing.

With respect to any building permit for a dwelling unit which is contained within or which constitutes an *affordable housing project development* as defined in § 26-631 **Article 7 of the Land Use Code and that meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code**, any fees established under this Article and not waived by the City Council under the provisions of Subsection 7.5-19(b) shall, upon the request of the applicant, be deferred until the date of issuance of a certificate of occupancy (whether temporary or permanent) for such unit or until the first day of December of the year in which the deferral was obtained, whichever first occurs. Notwithstanding any provision in this Chapter to the contrary, in the event that, during the period of deferral, the amount of the deferred fee is increased by ordinance of the City Council, the fee rate in effect at the time of the issuance of the building permit shall apply. ~~At the time of application for any such deferral, the applicant shall pay to the City a fee in the amount of fifty dollars (\$50.) to partially defray the cost of administration.~~ No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of fees under this Section.

Section 3. Section 7.5-71(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-71. - Neighborhood parkland capital expansion fee.

(c) If any such dwelling unit is contained within or constitutes an *affordable housing project development* as defined in Chapter 26, Article IX of the Code **Article 7 of the Land Use Code and that meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code**, the fee established in this Section, ~~if not waived by the City Council under the provisions of Subsection 7.5-71(c),~~ shall, upon the request of the applicant, be deferred until the date of issuance of a certificate of occupancy (whether temporary or permanent) for such unit(s) or until the first day of December of the year in which the deferral was obtained, whichever first occurs. Any person requesting such deferral shall, as a condition precedent to obtaining the deferral, secure the future payment of the deferred fee(s) by providing the City with a letter of credit or certificate of deposit in a form and amount acceptable to the City. ~~At the time of application for any such deferral, the applicant shall pay to the City a fee in the amount of fifty dollars (\$50.) to partially defray the cost of administration.~~ No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of fees under this Section.

Section 4. Section 7.5-101 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 7.5-101. - Definitions.

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:

Affordable housing unit shall mean an affordable housing unit for rent or an affordable housing unit for sale, or both such units.

Affordable housing unit for rent and *affordable housing unit for sale* shall have the same meanings as set forth in § 26-631 of this Code Article 7 of the Land Use Code, provided the unit meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code.

Credit shall mean funds designated and appropriated by the City Council to be applied towards the payment of fees as described in this Article.

Section 5. Chapter 25, Article II, Division 4 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

~~Sec. 25-55. Establishment.~~

~~There is hereby established a sales and use tax rebate program to provide relief from sales and use taxes charged on purchases of materials used in the construction of affordable housing units as that term is defined in § 26-631.~~

~~Sec. 25-56. Application for rebate.~~

~~Application for the sales and use tax rebate for affordable housing units shall be made on forms to be provided by the City.~~

~~Sec. 25-57. Qualifications.~~

~~In order to qualify for the rebate, the following requirements must be met:~~

~~(1) — The applicant must demonstrate to the satisfaction of the City that the materials upon which the sales and use taxes have been paid have been used in the construction of an affordable housing unit as defined in § 26-631 and that the applicant requesting the rebate is the same as the payor of the taxes, or, if not the same, has presented to the City the written permission of the payor to request and receive the rebate;~~

~~(2) — The applicant shall be in full compliance with all provisions of the Code and shall not be in default of the terms of any obligation, contract or other agreement with the City. If any application for a rebate is approved under the provisions of this Division, and the applicant for such rebate subsequently becomes delinquent in the payment of any tax, fee, charge or utility bill owed to the City, the rebate otherwise due said applicant may be applied by the City in whole or in part toward the payment of the delinquent tax, fee, charge or bill.~~

~~Sec. 25-58. Amount of rebate.~~

~~The amount of the rebate payable hereunder shall be the full amount of sales and use taxes paid for materials used in the construction of the affordable housing unit. The rebates provided for under this Division are subject to the appropriation of necessary funds, and the provisions of this Division shall not be construed as establishing any right or entitlement to a rebate on the part of any applicant.~~

~~Sec. 25-59. Administration.~~

~~The Financial Officer shall administer the program established by this Division and may prepare a rebate application form, adopt rules and regulations consistent with the provisions of this Division and audit and verify the applications submitted pursuant to this Division. Any rebate application form shall require the claimant to verify and sign the application under oath. The burden of proving eligibility for a rebate under this Division is on the claimant. The Financial Officer may require reasonable information to support the rebate application.~~

~~Sec. 25-60. Sunset provision.~~

~~The sales and use tax rebate provisions established in this Division shall terminate and be of no further force and effect on December 1, 2001, and no rebate shall be paid after said date except for affordable housing projects for which building permits have theretofore been issued, unless this sunset provision is repealed or modified by the City Council.~~

Section 6. Section 25-130 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-130. - Deferred sales and use tax payments for affordable housing projects.

All sales and use taxes for materials purchased and used in the construction of an *affordable housing project development*, as this term is defined in ~~Code § 26-631~~ **Article 7 of the Land Use Code that meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code**, shall, upon the request of the applicant, be deferred until the date of issuance of the certificate of occupancy (whether temporary or permanent) for such affordable housing project, or portion thereof, or until the first day of December of the year in which the deferral was obtained, whichever first occurs. ~~At the time of application for any such deferral, the applicant shall pay to the City a fee in the amount of fifty dollars (%50.) to partially defray the cost of administration.~~ No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of taxes under this Section.

Section 7. The definition of *Affordable housing project* contained in Section 26-631 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-631. - Definitions.

~~Affordable housing project shall mean a development project in which: (1) at least seventy-five (75) percent of the gross acreage to be developed under the plan is to be developed as residential dwelling units or mobile home park spaces; (2) at least ten (10) percent of said dwelling units or spaces (the "affordable housing units") are to be available for rent or purchase on the terms described in the definitions of *affordable housing unit for rent* or *affordable housing unit for sale* (as applicable); (3) the construction of the dwelling units or spaces is to occur as part of the initial phase of the project and (i) prior to the construction of the market rate units or (ii) on a proportional basis, according to the same ratio as the number of affordable units bears to the number of the market rate units; and (4) the units will be required, by binding legal instrument acceptable to the City and duly recorded with the County Clerk and Recorder, to be occupied by and affordable to low-income households for at least twenty (20)~~ **development means an affordable housing development as defined in Article 7 of the Land Use Code that meets the requirements of Article 5.2.1(C) through (G) of the Land Use Code.**

Section 8. The definitions of *Affordable housing unit for rent* and *Affordable housing unit for sale* contained in Section 26-631 of the Code of the City of Fort Collins are hereby deleted in their entirety.

~~*Affordable housing unit for rent* shall mean a dwelling unit which is available for rent on terms that would be affordable to households earning eighty (80) percent or less of the median income of City residents, as adjusted for family size, and paying less than thirty (30) percent of their gross income for housing, including rent and utilities. The unit must be occupied by and affordable to such low-income household(s) for a period of not less than twenty (20) years.~~

~~*Affordable housing unit for sale* shall mean a dwelling unit which is available for purchase on terms that would be affordable to households earning eighty (80) percent or less of the median income of City residents, as adjusted for family size, and paying less than thirty-eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees. The unit must be occupied by and affordable to such low-income household(s) for a period of not less than twenty (20) years.~~

Section 9. Section 26-632 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 26-632. - Deferral of fees.

With respect to any dwelling unit which is contained within or which constitutes an *affordable housing project* **development** ~~as defined in § 26-631~~, the Water Plant Investment Fee ("WPIF"), Sewer Plant Investment Fee ("SPIF"), Stormwater Plant Investment Fee, the Water Supply Requirement Cash Payment, and the Electric

Development Fees and Charges, as established in this Chapter, shall, upon the request of the applicant, be deferred until the date of issuance of a certificate of occupancy (whether temporary or permanent) for such unit(s) or until the first day of December of the year in which the deferral was obtained, whichever first occurs. Notwithstanding any provision in this Chapter to the contrary, in the event that, during the period of deferral, the amount of the deferred fee is increased by ordinance of the City Council, the fee rate in effect at the time of the issuance of the building permit shall apply. ~~At the time of application for any such deferral, the applicant shall pay to the City a fee in the amount of fifty dollars (\$50.00) to partially defray the cost of administration.~~ No person shall knowingly make any false or misleading statement of fact in order to obtain any deferral of fees under this Section.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025
 Approving Attorney: Ted Hewitt

Exhibits: None

File Attachments for Item:

11. First Reading of Ordinance No. 101, 2025, Authorizing the Conveyance of a Permanent Drainage Easement on Fossil Creek Reservoir Natural Area to South Fort Collins Sanitation District.

The purpose of this item is to authorize the conveyance of a drainage easement to South Fort Collins Sanitation District ("SFCSD") across the southwest side of Fossil Creek Reservoir Natural Area. The request is tied to an expansion of SFCSD's infrastructure at their headquarters immediately adjacent to the natural area. The proposed easement alignment would cross Highway 392 (north to south) via a culvert into Duck Lake.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Katie Donahue, Natural Areas Director
Julia Feder, Environmental Program Manager
Tawnya Ernst, Natural Areas
Jonathan Piefer, Senior Real Estate Specialist

SUBJECT

First Reading of Ordinance No. 101, 2025, Authorizing the Conveyance of a Permanent Drainage Easement on Fossil Creek Reservoir Natural Area to South Fort Collins Sanitation District.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the conveyance of a drainage easement to South Fort Collins Sanitation District ("SFCSD") across the southwest side of Fossil Creek Reservoir Natural Area. The request is tied to an expansion of SFCSD's infrastructure at their headquarters immediately adjacent to the natural area. The proposed easement alignment would cross Highway 392 (north to south) via a culvert into Duck Lake.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Fossil Creek Reservoir Natural Area (Fossil Creek Reservoir NA) is located in southeast Fort Collins adjacent to I-25 and Highway 392 (Carpenter Road) intersection. Fossil Creek Reservoir NA was acquired in a series of transactions between 1998 and 2017 in partnership with Larimer County Open Lands. The City and County share ownership of approximately 470 acres of the natural area, including the 116 acres that encompass Duck Lake. Each holds an undivided 50% interest in the property rights to Duck Lake. Duck Lake water quality has historically been impacted by agricultural runoff which has resulted in high nutrient levels and severe algal blooms. These issues are exacerbated by lack of water cycling. Fossil Creek Reservoir provides crucial habitat to bald eagles (in the winter) and other types of raptors, and many species of shorebirds, songbirds, and waterfowl. Coyotes, deer, and prairie dogs also frequent the property.

South Fort Collins Sanitation District (SFCSD), established in 1964, provides sanitary sewer service to more than 60,000 customers in south Fort Collins, north Loveland and west Timnath and Windsor. SFCSD owns a 17-acre property immediately adjacent to Fossil Creek Reservoir NA. SFCSD acquired the property in 1974 – it contains their administrative headquarters and water reclamation facility. SFCSD has outgrown their current office space and is proposing to build a new administrative building on site. SFCSD is undergoing a site planning review with Larimer County Planning as well as the permitting process with the Colorado Department of Transportation (CDOT) for the road improvements to Highway 392. The project

will entail construction of a 4,100 sq. ft. administration building with associated internal site roadway and parking improvements, utilities, drainage infrastructure (including a detention pond), and landscaped areas. In addition, SFCSD proposes to construct turn lane improvements in conjunction with the new administrative building to address traffic impacts and improve safety and site circulation. SFCSD conducted a traffic study as part of the CDOT permitting process. CDOT is not requiring the new turn lanes but the SFCSD Board was motivated to add the turn lanes due to safety concerns. Their staff have experienced many near-misses and one operator was rear-ended turning into the SFCSD headquarters.

As a condition of site plan review, SFCSD is required to obtain the necessary easements to handle stormwater runoff. Natural Areas staff were contacted in spring 2024 about the potential need for a drainage easement across City property to address the stormwater anticipated from the proposed development. Staff submitted the easement application to Larimer County Open Lands for their review as well. The Open Lands and Advisory Board was presented with the request at their April meeting. OLAB members asked for clarification about measures being taken to protect water quality and to schedule construction to limit potential impacts to migratory waterfowl.

In addition, staff also shared the easement request with Fort Collins Community Development and Neighborhood Services (CDNS) staff to determine if the project necessitated a 1041 permit review. CDNS staff reviewed the project information and issued a determination that the project is **excluded** from the definitions City Council designated as an activity of state interest subject to 1041 regulations.

Currently, stormwater runoff from roughly 6 acres on the southern portion of the SFCSD property and approximately 24 acres of Fossil Creek Reservoir NA runs westerly along a drainage swale on the north side of Highway 392. In smaller storm events (up to a 10-year event), the existing swale carries stormwater through two culverts to another drainage swale on the west side of the SFCSD property where stormwater then drains north to Fossil Creek Reservoir. In larger storm events, stormwater overtops Highway 392 (up to 37 cfs in the 100-year storm event) and drains south onto the Duck Lake side of Fossil Creek Reservoir NA. From there, stormwater flows westward toward an outfall pipe on the west side of Duck Pond and is carried northwesterly back across Highway 392 to the drainage swale west of SFCSD that links to the reservoir.

Larimer County Planning is requiring SFCSD to construct storm drainage and water quality improvements as part of the site plan approval process for the new SFCSD headquarters improvements. The SFCSD drainage system being proposed would capture and direct runoff towards an onsite detention pond. The SFCSD site will feature a full spectrum detention pond (as defined in the Urban Drainage and Flood Control District manual) designed to capture stormwater and release it slowly with discharges that approximate pre-developed conditions – reducing pollutant loading and channel erosion.

The City of Fort Collins Natural Areas and Conserved Lands Easement Policy (adopted by City Council 1/3/2012) states the following:

“Drainage Facilities for Private Development. Drainage facilities that serve new development (such as detention, retention, or water quality ponds) shall be located on private land within the development and not on City-owned natural areas or conserved land. Easements for conveyance facilities will be considered on a case-by-case basis when the city-owned land is located between the private parcel and the historic receiving channel or stream. The design of the new flow conveyance must utilize existing drainages to the maximum extent feasible and must blend into the surrounding terrain, must not impact the existing geomorphic character of the drainage and must enhance the natural habitat features and character of the site.”

Natural Areas staff review of the stormwater outfall easement request has focused on minimizing ecological impacts to the natural area. SFCSD, with feedback from Natural Areas, has submitted several alternatives.

Alternative A

Alternative A provides for a new culvert to be constructed on the south side of the SFCSD property that would carry stormwater underneath Highway 392 and route it directly to Duck Lake. A drainage outfall easement (approximately 2,560 square feet (0.06 acres) in size would be located between the culvert in CDOT right-of-way and Duck Lake. This concept is not the preferred alternative because it would require a significantly larger 24"x38" elliptical pipe compared to an 18" circular pipe proposed in Alternative D – preferred alternative) to convey stormwater westerly across the private SFCSD driveway to the north.

Alternative B

Alternative B mimics the historic condition, namely, stormwater drains west along a roadside swale and overtops Highway 392 in large storm events. In this alternative, storm sewer construction across Highway 392 would not be necessary and an easement from NAD would likely not be necessary. This concept is not the preferred alternative because CDOT would not allow this historic condition to persist given the safety hazards of overtopping and the likelihood of future road widening. The roadside swale and culverts on the north side of the road will need to convey all stormwater so that Highway 392 is not overtopped in a large storm event.

Alternative C

Alternative C is similar to Alternative B except that all drainage swales and culverts would be sized to convey the entire 100-year storm event on the north side of the road so that no overtopping of Highway 392 occurs. Stormwater would continue to follow its existing path toward Fossil Creek Reservoir. In this alternative, storm sewer construction across Highway 392 would not be necessary. This concept is not the preferred alternative because it would require a significantly larger elliptical pipe and would require a much larger drainage swale on the north side of the road, significantly impact existing fiber optic, gas, and electric lines on the north side of the road.

Alternative D (Preferred)

Similar to Alternative A, this alternative proposes a new culvert on the east side of the SFCSD property that would take stormwater underneath Highway 392 and route it directly to Duck Lake. The total area that would drain to Duck Lake is approximately 30-acres (including 6 acres of the SFCSD site and 24 acres of Fossil Creek Reservoir).

- The proposed culvert underneath Highway 392 is a 24"x38" elliptical concrete pipe capable of conveying the entire 100-year storm event of 43 cfs. The 10-year, 5-year, and 2-year storm events are approximately 10 cfs, 5 cfs, and 2 cfs respectively.
- Construction work would involve installation of a concrete flared end section on the end of the concrete pipe and placement of rip rap that will cover an area approximately 15'x8'. This will involve excavation of roughly two feet of soil and installation of 6 inches of bedding material and then approximately 18 inches of 3 inch to 5 inch-riprap. SFCSD has offered to bury the riprap to eliminate the visual intrusion.
- The impacted area would be seeded post-construction with a native seed mix approved by Natural Areas.
- Placing the culvert under Highway 392 on the east side of the SFCSD driveway also puts the culvert closer to where the majority of the stormwater is coming from (primarily Fossil Creek NA and also reduces the possibility of the driveway culvert plugging and stormwater inadvertently overtopping Highway 392. Reducing that risk is seen as a benefit to Highway 392 and the downstream Natural Areas property.

This option would improve stormwater management along Highway 392.

In this concept, a 30' drainage easement is proposed from the northern NAD border to Duck Lake. The total proposed easement area is 3,250 square-feet (0.075 acres).

Natural Areas staff support the preferred alternative in part because it has the potential to bring more water into Duck Lake. The Duck Lake basin is a very small, localized low-lying area with significant potential nutrient inputs from adjacent farming and livestock production. Any additional water inputs into the system from relatively nutrient-free locations would assist with decreasing nutrient concentrations within the shallow body of water and would complement NAD management actions aimed at tying up phosphate in the system.

Environmental Impact

Considering the preferred alternative (Alternative D), the overall impact to Fossil Creek NA would be relatively minimal, with only a small amount of initial disturbance to the property when the outlet pipe and riprap are installed in the Highway 392 ROW. The only visible component within the natural area's boundaries limits will be the proposed flared end section of the outlet pipe.

An ecological characteristics study was conducted. The project area contains Duck Lake, a pond waterfowl used as a migration resting and mating area. The proposed project area does not support an extensive population of native vegetation, although several native species are present. The CDOT right-of-way areas are characterized by upland grassland species, including western wheatgrass (*Pascopyrum smithii*), pigweed (*Amaranthus* spp.), and various annual weeds. In the wetland zone along the boundary of Duck Lake, cattails (*Typha* spp.) and assorted sedges (*Eleocharis* spp.) predominate. Additionally, a solitary rubber rabbitbrush (*Ericameria nauseosa*) was observed near the proposed outflow location for the new stormflow path. A CODEX report indicates that documented occurrences of protected species have occurred within 1 mile of the Project Area. According to the High Priority Habitat dataset and field observations, the project is within a buffer for an eagle roost site associated with Fossil Creek Reservoir.

Stormwater runoff from the SFCSD site will be treated in an extended detention and water quality ponds where the water will settle and slowly drain through an outlet structure before it enters the drainage swale and culvert along Highway 392. The runoff from the Natural Area is treated as it flows through grass buffers and the grass-lined drainage swale that runs on the north side of Highway 392.

Construction is anticipated to take two weeks, and its timing will be coordinated to minimize impact to migrating waterfowl.

CITY FINANCIAL IMPACTS

Application fee	\$5,000.00
Mitigation Fee- \$3,985/ac. @ 0.075 acres	\$3,985.00
Easement fee - \$43,560/ac. x 0.075/ac. @ 50% of fair market value	\$3,086.00

The application fee and mitigation fee will be paid to the Natural Areas Department to support administrative costs and land conservation efforts. The mitigation fee is set in the easement policy and provides a cost per acre for mitigation with a minimum of one acre. Real Estate Services provided an in-house market valuation to calculate the underlying fee value of the City property that was used as the basis for the easement value.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its May 14, 2025, meeting, the Land Conservation and Stewardship Board voted (8 -0) to recommend that City Council approve the conveyance of the drainage easement, Alternative D, to South Fort Collins Sanitation District.

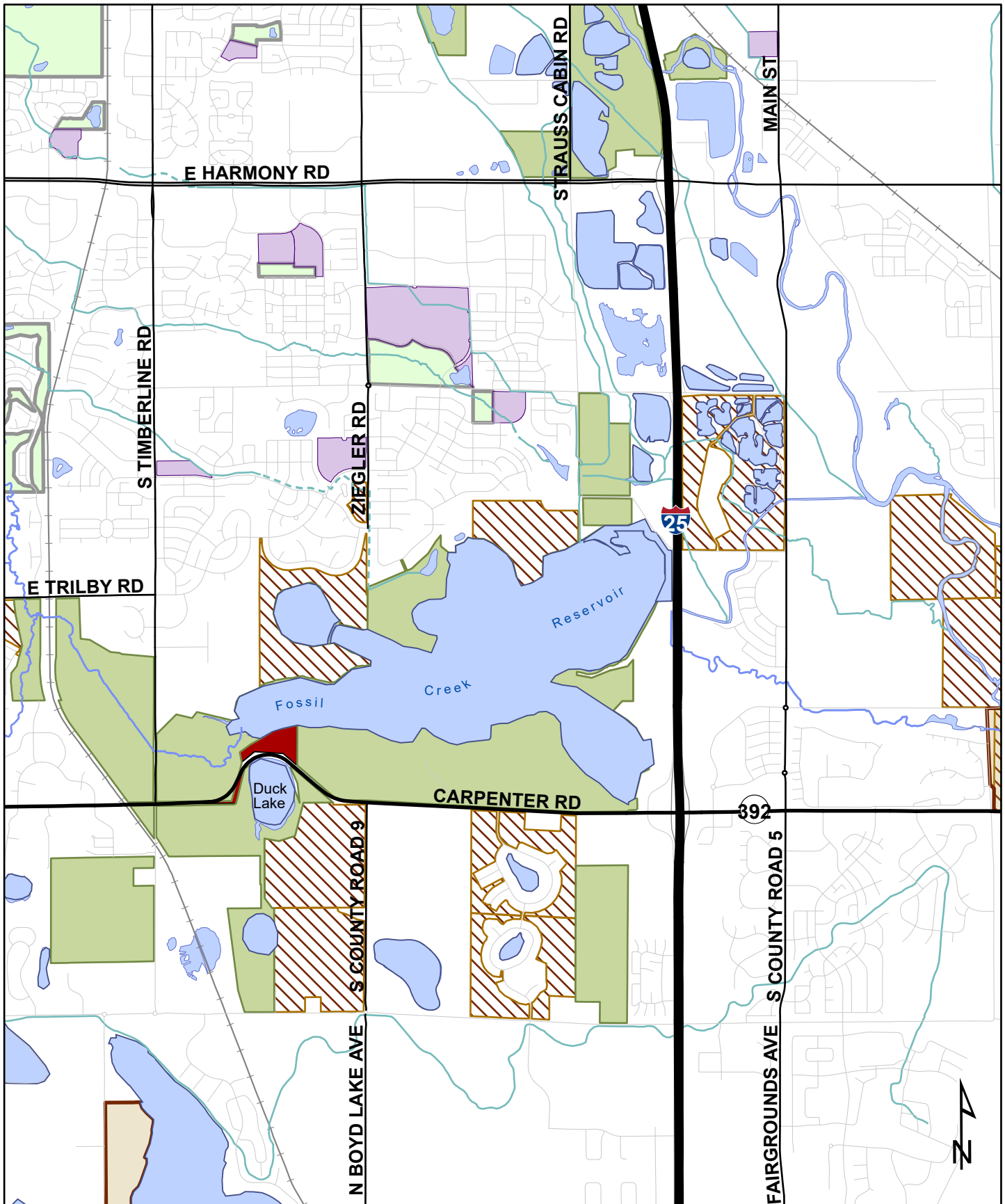
PUBLIC OUTREACH

None.

ATTACHMENTS

1. Vicinity Map
2. Ordinance No. 101, 2025

Vicinity Map



ORDINANCE NO. 101, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A PERMANENT
DRAINAGE EASEMENT ON FOSSIL CREEK RESERVOIR
NATURAL AREA TO SOUTH FORT COLLINS SANITATION
DISTRICT

A. Fossil Creek Reservoir Natural Area (the “Property”) is located in southeast Fort Collins near the I-25 and Highway 392 intersection. The Property was acquired in a series of transactions between 1998 and 2017 in partnership with Larimer County. The City and Larimer County share ownership of approximately 470 acres of the Property, including the 116 acres that encompass Duck Lake. Each holds an undivided 50% interest in the property rights to Duck Lake.

B. South Fort Collins Sanitation District (“SFCSD”) provides sanitary sewer service to more than 60,000 customers in south Fort Collins, north Loveland and west Timnath and Windsor. SFCSD owns a 17-acre property (the “SFCSD Property”) immediately adjacent to the Property. The SFCSD Property contains SFCSD’s administrative headquarters and water reclamation facility. Because SFCSD has outgrown its current office space, SFCSD seeks to construct a 4,100 square foot administration building with associated internal roadway and parking improvements, utilities, drainage infrastructure (including a detention pond), and landscaped areas. In addition, SFCSD proposes to construct turn lane improvements in conjunction with the new administrative building to address traffic impacts and improve safety and site circulation. These improvements are collectively referred to hereafter as the “Improvements”. Larimer County Planning is requiring SFCSD to construct storm drainage and water quality improvements as part of the site plan approval process for the Improvements.

C. To allow for development of the Improvements, the City, through this Ordinance, authorizes the conveyance of one drainage easement of 0.075 acres (the “Easement Area”) on the Property. The form of the Easement Agreement granting the Easement with its terms and conditions is shown on Exhibit A, attached hereto and incorporated herein by this reference. The Board of County Commissioners is scheduled to review the Easement on July 1, 2025. The Easement Area is described on Exhibit B to the Easement Agreement.

D. The City has estimated the fair market value of the Easement is \$3,086, which will be charged to SFCSD; the City and County will evenly split this amount. Consistent with the City of Fort Collins Natural Areas and Conserved Lands Easement Policy, the City will also charge SFCSD a \$5,000 application fee and a \$3,985 mitigation fee.

E. Section 23-111(a) 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.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the Easement on the terms and conditions described herein is in the best interests of the City.

Section 2. That the City Council hereby authorizes the Mayor to execute the Easement Agreement substantially in the form attached hereto as Exhibit A with such modifications or 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 on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A - Easement with Terms and Conditions

EASEMENT WITH TERMS AND CONDITIONS**Fossil Creek Reservoir Natural Area****Grantor A:** City of Fort Collins, Colorado, a municipal corporation**Grantor A Signing Authority and Title:** Jenni Arndt, Mayor**Grantor A Mailing Address:** P.O. Box 580, Fort Collins, Colorado 80522**Grantor A Phone Number/Email:** _____**Grantor B:** Board of County Commissioners of Larimer County, Colorado, a governmental subdivision of the State of Colorado**Grantor B Signing Authority and Title:** _____**Grantor B Mailing Address:** 200 West Oak Street, Fort Collins, CO 80521**Grantor B Phone Number/Email:** _____*Grantor A and Grantor B are collectively known as "Grantor"***Grantee:** South Fort Collins Sanitation District**Grantee Signing Authority and Title:** _____**Grantee Mailing Address:** 2560 E County Rd 32, Fort Collins, CO 80528**Grantee Phone Number/Email:** _____**Easement Appurtenant to Grantee's Property?** ☒ **Y** ☐ **N:** If yes, see **Exhibit C**.**Effective Date:** _____**Easement Improvements:** Stormwater outfall channel and flared end of culvert, as shown in the Plans (also referred to herein as the "Improvements")**Consideration:** \$3,086.00 easement fee and \$3,985.00 mitigation fee = Total of \$7,071.00**Special Restoration Requirements?** ☒ **Y** ☐ **N:** If yes, see **Exhibit D**.**Exhibits** [check all that apply]:☒ Exhibit A – Grantor's Property (number of pages): Three (3)☒ Exhibit B – Easement Area (number of pages): Two (2)☒ Exhibit C – Grantee's Property (number of pages): Two (2)☒ Exhibit D – Special Restoration Requirements (number of pages): One (1)☒ Exhibit D-1– General Resource Protection Standards (number of pages): Nine (9)☒ Exhibit E– Plans (number of pages):

All checked exhibits are attached and incorporated into this Deed by reference.

This **EASEMENT WITH TERMS AND CONDITIONS** (the "Deed") is made and entered into on the Effective Date by and between Grantor and Grantee.1. Grantor's Property. Grantor is the owner of that certain parcel of real property located in Larimer County, Colorado, which is legally described on **Exhibit A** (the "Grantor's Property").

2. Grant of Easement – Consideration. For and in consideration of the covenants and agreements herein set forth, the sum of the Consideration and other good and valuable consideration, the receipt and adequacy of which Grantor acknowledges, Grantor grants, sells, and conveys to Grantee, its successors and assigns, a perpetual, non-exclusive easement (the “Easement”) on, over, under, and across the Grantor’s Property as described more fully on **Exhibit B**, (the “Easement Area”), for the benefit of Grantee’s Property described more fully on **Exhibit C**, if applicable, subject to the conditions and restrictions set forth below. The Easement includes the right of ingress and egress to the Easement Area, and the right to install, maintain, and use gates in all fences that cross the Easement Area now or in the future.

3. Purpose and Use of Easement. Grantee may use the Easement to install, access, operate, maintain, repair, reconstruct, relocate, improve, enlarge, replace, inspect, and remove, at any time and from time to time, the Easement Improvements, and for the temporary storage and staging of materials and equipment. Grantor further grants to Grantee:

- The right of ingress to and egress from the Easement Area over and across Grantor’s Property by means of any roads and lanes thereon, or as otherwise agreed in writing by Grantor;
- The right to mark the location of the Easement Area by suitable markers set in the ground; and
- The right to install temporary fencing and gates for security and safety purposes during construction activities.

After initial installation of the Improvements, if Grantee wishes to relocate or replace the Improvements with any other number or type of similar improvements, either in the original location or at any alternate location or locations within the Easement Area, such improvements must be generally consistent with the intended purposes of the Easement, and Grantee must give Grantor advance notice of any change in the type, number or location of improvements and cannot proceed until Grantor has provided its written consent, which shall not be unreasonably withheld or delayed.

The parties agree that the Easement Improvements are accurately described in the Plans which have been approved and accepted by each of the parties. The Plans, being the complete plan set for the Easement Improvements, are the Exhibit E to this Conveyance, but, for purposes of recordation and execution.

4. Grantor’s Rights in Easement Area.

- A. Grantor reserves the right to use the Easement Area for purposes that will not interfere with Grantee’s full enjoyment of the rights granted herein, including but not limited to Grantor’s right to operate or allow others to operate utility improvements within the Easement Areas.
- B. Grantor may plant or maintain permanent trees, shrubs or other plant material in the Easement Area provided that no such plantings may be planted directly over the Grantee’s Improvements. Grantor may install or utilize signs or paths over the

Easement Area, and may pave, surface in some other manner, or otherwise improve the Easement Area as Grantor desires. Additionally, Grantor may install permanent buildings or structures over the Easement Area; however, Grantor agrees to remove such structures at its expense if reasonably required for Grantee's access to the Easement Area, and to assume all risk, repair, and maintenance if any damage occurs to these permanent buildings and/or structures as a result of Grantee's reasonable use of or activities over or within the Easement Area.

5. Grantee's Obligations Regarding Easement Areas.

- A. All activities by the Grantee on the Easement Area, including access across Grantor's Property, must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of said property, any improvements thereon, and the Grantor's intended purposes therefor. Access shall be limited to the reasonable means necessary to provide access to the Easement Area, and Grantee shall, to the extent reasonably practicable, use existing streets, roads, or other similar facilities, including any Grantee owned property interests adjoining the Easement Area, to avoid any unnecessary disruption of Grantor's use and possession of the Grantor's Property. Access does not permit Grantee to use, occupy, or traverse any portion of the Grantor's Property not included within the Easement Area by means of any heavy machinery, equipment, or vehicles, provided that Grantee may seek to acquire a temporary construction easement from Grantor to allow the same.
- B. Grantee must maintain its Improvements in an entirely secure, safe and sanitary condition, and repair the Improvements as necessary to ensure the Improvements do not cause injury or damage to persons or property.
- C. Grantee shall notify Grantor a minimum of one business day prior to performing any construction, maintenance, repair, or other work on or within the Easement Area and shall in advance of any non-emergency work submit a construction plan and schedule to Grantor for approval, which approval shall not be unreasonably delayed or withheld. Grantee may seek to acquire a Temporary Construction Easement from Grantor if working on Grantor's Property outside of the Easement Area. Notwithstanding these notification requirements, in cases of emergency repair, Grantee shall notify Grantor of the emergency and provide related construction plans and schedules as soon as reasonably practicable.
- D. In the event damage occurs from Grantee's use of or activities over or within the Easement Area or on Grantor's Property, including but not limited to the installation, maintenance, or operation of the Improvements within the Easement Area, Grantee agrees to make such repairs or take such other action as may be necessary to restore the Easement Area and Grantor's Property to a condition comparable to their condition prior to Grantee's activities in the Easement Area, including but not limited to the reseeding and replanting of any disturbed areas in a manner reasonably satisfactory to the Grantor, and the provision of ongoing

maintenance of any seeded or planted areas, correction of any subsidence, and restoration of any other improvements or conditions impacted by Grantee's activities, until such time as any such repair and restoration is fully established and stabilized. If applicable, Grantee shall comply with the special restoration requirements on **Exhibit D**.

6. Maintenance of the Easement Area.

- A. Grantor will maintain the surface of the Easement Area (except for the Easement Improvements) in a sanitary condition in compliance with any applicable weed, nuisance or other legal requirements; however, Grantor is not responsible for any conditions directly caused by Grantee's use and occupancy of the Easement Area.
- B. Grantor will not deposit, or permit, or allow to be deposited, earth, rubbish, debris, or any other substance or material, whether combustible or noncombustible, on the Easement Area.

7. As-Built Drawings. Grantee will provide Grantor with as-built drawings accurately depicting the location and nature of the Improvements constructed within the Easement Area no later than thirty (30) days following completion of the Improvements, and no later than thirty (30) days following a change in the type, number or location of the Improvements, as described in Section 3.

8. Representations of Grantor. Grantor makes no representations or warranties as to lawful ownership of Grantor's Property.

9. Recordation. Grantee will record this Deed in the records of the Larimer County Clerk and Recorder and furnish evidence of such recording to Grantor. This Deed will not be valid until it is recorded. If this Deed has not been recorded with the Larimer County Clerk and Recorder within ninety (90) days of the Effective Date, then this Deed will be null and void and have no force and effect whatsoever, and the parties will be relieved of any remaining obligations hereunder as of the date of such termination.

10. Abandonment. Should Grantee fail to construct the Improvements within five (5) years from the date of this Deed, or should Grantee permanently discontinue maintaining and using the Improvements within the Easement Area for a period of five (5) years, this shall constitute an abandonment of the Easement, the Improvements and Grantee's rights under this Deed, and the Easement shall automatically terminate, and Grantee shall, at its own sole cost and expense, remove all Improvements from the Easement Area, provided that Grantee shall consult with Grantor in advance of any such removal, and Grantor shall be entitled to require Grantee to leave some or all such Improvements in place. If Grantee removes the Improvements from the Easement Area, Grantee shall carry out such removal consistent with the requirements set forth in Section 5 and restore the Easement Area, at its sole cost and expense, to a condition comparable to its condition just prior to Grantee's removal activities. Grantee shall then execute and record a termination or quitclaim to Grantor of the Easement.

11. Indemnity and Insurance.

- A. Grantee agrees to release and, unless Grantee is a governmental entity, indemnify Grantor, its officers, agents, employees, representatives, successors and assigns from and against all claims that may accrue to Grantee for personal injury, death or property damage resulting from or arising out of Grantee's use of the Easement Area or other activities on Grantor's Property. To the extent permitted by law, and without waiving any of the provision so the Colorado Governmental Immunity Act, Grantee assumes responsibility, as between Grantor and Grantee, for any liability to third parties arising out of Grantee's use of the Easement Area or other activities on Grantor's Property, including but not limited to the construction, installation, operation, repair, and maintenance of improvements within the Easement Area, and for any actions or omissions by Grantee in violation of this Deed.
- B. Grantee shall procure, pay for, and keep in full force and effect during the term of this Deed a comprehensive policy of general liability insurance covering the Improvements and insuring Grantee in an amount not less than One Million dollars (\$1,000,000.00) covering bodily injury, including death to persons, personal injury, and property damage liability arising out of a single occurrence. Such coverage must include, without limitation, the insured's liability for property damage, bodily injuries, and death of persons in connection with Grantee's activities in the Easement Area or on Grantor's Property, the operation, maintenance, or use of the Improvements (including acts or omissions of Grantee or of its officers, employees, or agents), and protection against liability for non-owned and hired automobiles. Such coverage must also include coverage for such other risks as are customarily required by private institutional mortgage lenders with regard to property similar in construction, location, and use as the Improvements. All policies of insurance required hereunder must name Grantor as an additional insured and shall contain a provision that the policy or policies cannot be canceled or materially altered either by the insured or the insurance company until fifteen (15) days' prior written notice thereof is given to Grantor. Upon issuance or renewal of any such insurance policy, Grantee shall furnish a certificate of insurance to Grantor. In the event Grantee fails or neglects to maintain, or require its contractor to procure and maintain, as applicable, the insurance required by this paragraph, then Grantor shall have the right, upon giving Grantee reasonable notice of its election to do so, to take out and maintain such insurance at the expense of Grantee, and in such event the cost of such insurance shall be paid for by Grantee promptly upon receipt of an invoice covering such charges.

12. Notices. Any notice or other communication relating to this Deed must be in writing and shall be deemed given (i) when delivered personally, or (ii) on the first business day which is three (3) days following mailing by certified mail, electronic mail, return receipt requested and postage prepaid, or (iii) the next business day after sending by a nationally recognized overnight delivery service, and addressed to the party at its respective address on the first page of this Deed.

13. Default, Remedies and Litigation Expenses. If a party to this Deed is in default in performance of its respective obligations hereunder, the other party has the right to an action for specific performance or damages or both. Prior to proceeding with any such action, the party not in default must first send written notice to the defaulting party specifying the default and affording such party a reasonable period to cure the default. In the event a party defaults in any of its covenants or obligations and the party not in default commences and substantially prevails in any legal or equitable action against the defaulting party, the defaulting party expressly agrees to pay all reasonable expenses of the litigation, including a reasonable sum for attorneys' fees or similar costs of legal representation.

14. Assignment. Intentionally omitted.

15. Additional Terms and Conditions. Whenever used herein, the singular number includes the plural, the plural the singular, and the use of any gender is applicable to all genders. All the covenants herein contained are binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, and assigns. This Deed is to be construed and enforced according to the laws of Colorado, and venue in any proceeding related to this Deed shall be in Larimer County, Colorado. If any term of this Deed is determined by any court to be unenforceable, the other terms of this Deed shall nonetheless remain in full force and effect; provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in order to adopt mutually agreeable amendments to this Deed as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.

16. Authority. Each person executing this Deed represents and warrants that he or she is duly authorized to execute this Deed in his or her individual or representative capacity as indicated.

IN WITNESS WHEREOF, Grantee has hereunder set its hand and seal the day and year written below; and Grantor has caused this Deed to be executed by its Mayor, attested to by its City Clerk, and its corporate seal to be hereunto affixed, all pursuant to Ordinance No. _____ 2025, passed on final reading by the City Council of the City of Fort Collins on the _____ day of _____, 2025.

[Signatures on following pages]

GRANTOR:

THE CITY OF FORT COLLINS, COLORADO
a municipal corporation

 Date

 Jeni Arndt, Mayor

ATTEST:

 City Clerk

 (Printed name)

APPROVED AS TO FORM:

 Assistant City Attorney

 (Printed name)

STATE OF COLORADO)
)ss
 COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
 _____, by _____, as Mayor of the City of Fort Collins. Witness my hand
 and official seal.

My Commission expires:

 Notary Public

ACCEPTED BY GRANTEE:
South Fort Collins Sanitation District

Date

Grantee Signing Authority and Title

EXHIBIT A**Legal Description of the Grantor's Property****Page 1 of 3****Tract 1**

A parcel of land being part of the South Half (S1/2) of Section Seventeen (17), and part of the North Half (N1/2) of Section Twenty (20), all in Township Six North (T.6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest Corner of said Section 20 and assuming the North line of the Northwest Quarter (NW1/4) of said Section 20 as bearing North 89°28'41" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2677.37 feet, with all other bearings contained herein relative thereto:

THENCE North 89°28'41" East along said North line a distance of 1270.87 feet to the **TRUE POINT OF BEGINNING**:

THENCE continuing North 89°28'41" East along said North line a distance of 905.31 feet to the Southwest Corner of that parcel of land as described in that document as recorded May 29, 1920 in Book 405 on Page 396 of the records of the Larimer County Clerk and Recorded (LCCR);

Thence along the Northerly line of the aforesaid parcel of land by the following Four (4) courses and distances:

THENCE North 10°12'42" East a distance of 920.40 feet;

THENCE North 51°41'42" East a distance of 407.80 feet;

THENCE South 72°41'18" East a distance of 690.80 feet;

THENCE South 19°43'18" East a distance of 752.13 feet;

THENCE South 65°22'59" West a distance of 1279.43 feet;

THENCE South 89°36'46" West a distance of 1136.71 feet;

THENCE North 00°23'14" West a distance of 287.37 feet to the **TRUE POINT OF BEGINNING**.

EXHIBIT A**Legal Description of the Grantor's Property continued****Page 2 of 3****Tract 2**

A parcel of land being part of the Southeast Quarter (SE1/4) of Section Seventeen (17), and part of the North Half (N1/2) of Section Twenty (20), all in Township Six North (T.6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

BEGINNING at the Northwest Corner of said Section 20 and assuming the North line of the Northwest Quarter (NW1/4) of said Section 20 as bearing North 89°28'41" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, a distance of 2677.37 feet, with all other bearings contained herein relative thereto:

THENCE North 89°28'41" East along said North line a distance of 1270.87 feet;
THENCE South 00°23'14" East a distance of 287.37 feet to the **TRUE POINT OF BEGINNING**:

THENCE North 89°36'46" East a distance of 1136.71 feet;
THENCE North 65°22'59" East a distance of 1279.43 feet to the Northerly line of that parcel of land as described in that document as recorded May 29, 1920 in Book 405 on Page 396 of the records of the Larimer County Clerk and Recorder (LCCR);
THENCE South 19°43'18" East along said Northerly line a distance of 245.97 feet to the South line of the SE1/4 of said Section 17 and being the Southeast Corner of the aforesaid parcel of land. From said point the Northeast Corner of said Section 20 bears North 89°28'41" East a distance of 1699.00 feet;
THENCE North 89°28'41" East along said South line a distance of 91.73 feet;
THENCE South 14°18'46" West a distance of 571.04 feet;
THENCE South 73°06'32" West a distance of 1183.47 feet;
THENCE South 89°36'46" West a distance of 1196.98 feet;
THENCE North 00°23'14" West a distance of 595.36 feet to the **TRUE POINT OF BEGINNING**.

(CONT)

EXHIBIT A**Legal Description of the Grantor's Property continued****Page 3 of 3****Tract 3**

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 17, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE 6TH P.M. IN LARIMER COUNTY, COLORADO, AND DESCRIBED MORE SPECIFICALLY AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF THE SE 1/4 OF SAID SECTION 17 AS BEARING SOUTH 89°31'09"W AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT THE SE CORNER OF SAID SECTION 17, THENCE ALONG THE SAID SOUTH LINE S 89°31'09"W, 851.20 FEET TO THE TRUE POINT OF BEGINNING:

THENCE, CONTINUING ALONG SAID SOUTH LINE SOUTH 89°31'09"W 847.80 FEET TO A POINT WHICH IS 30 FEET ABOVE HIGH WATER LINE OF DUCK LAKE DESCRIBED ON A PLAT PREPARED BY JAMES STEWART FOR FOSSIL CREEK RESERVOIR, DATED JANUARY, 1975; THENCE ALONG SAID 30 FEET ABOVE HIGH WATER LINE NORTH 07°03'W, 525.59 FEET; THENCE, NORTH 24°32' WEST, 408.52 FEET; THENCE LEAVING SAID 30 FOOT ABOVE HIGH WATER LINE, NORTH 40°34' EAST, 33.29 FEET TO A POINT ALONG THE APPARENT SOUTHWESTERLY RIGHTS-OF-WAY OF A COUNTY ROAD, SAID POINT BEING ALONG THE EXISTING FENCE LINE; THENCE SOUTH 49°19'00" EAST, 1396.16 FEET ALONG SAID EXISTING FENCE LINE TO THE TRUE POINT OF BEGINNING.

Tract 4

All that portion of the SE1/4 and the SE1/4 SW1/4 of Section 17, Township 6 North, Range 68 West of the 6th P.M. lying south of the right-of-way of Larimer County Road #32.

EXHIBIT B**Legal Description and Depiction of the Easement Area****Page 1 of 2**

A parcel of land, being a portion of property dedicated in Quitclaim Deed, Recorded June 24th 2004, as Reception No. 20040061354 of the Records of Larimer County, located in the Southeast Quarter (SE1/4) of Section Seventeen (17), Township Six North (T.6N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 17 and assuming the South line of said Section 17 as bearing South 89°28'41" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 5354.74 feet with all other bearings contained herein relative thereto;

THENCE South 89°28'41" West along the South line of Section 17 a distance of 851.20 feet to the Southeast corner of property referred to as Tract A (Williams), recorded February 13th 2002, as Reception No. 2002016953 of the records of Larimer County and to the Southerly Right of Way of Larimer County Road 32 (Carpenter Road).

The following two courses and distances are along the Easterly and Northerly lines of said Tract A (Williams)

THENCE North 49°21'26" West along the Southerly Right of Way of Carpenter Road, a distance of 1398.16 feet, to the Northeast corner of Tract A (Williams) and to the **POINT OF BEGINNING**;

THENCE South 40°31'43" West a distance of 33.29 feet to the Northwest corner of Tract A (Williams);

THENCE South 55°57'25" West a distance of 82.95 feet to the Easterly line of property referred to as Duck Lake in deed recorded February 7th 2002, as Reception No. 2002014481 of the records of Larimer County;

THENCE North 19°43'17" West along the Easterly line of said Duck Lake, a distance of 30.96 feet;

THENCE North 55°57'25" East a distance of 71.23 feet;

THENCE North 40°31'34" East a distance of 29.06 feet to the South Right of Way of Carpenter Road as recorded in Road Book 5, Page 57;

THENCE South 49°47'16" East along the Southerly Right of Way of Carpenter Road a distance of 30.00 feet to the **POINT OF BEGINNING**.

Said described parcel of land contains 3,248 Square Feet or 0.075 Acres, more or less (±), and is subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

SURVEYORS STATEMENT

I, Paul B. Groves, a Colorado Licensed Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Paul B. Groves - on behalf of King Surveyors
Colorado Licensed Professional
Land Surveyor #38209

KING SURVEYORS
650 East Garden Drive
Windsor, Colorado 80550
(970) 686-5011

EXHIBIT B – continued

Legal Description and Depiction of the Easement Area

Page 2 of 2

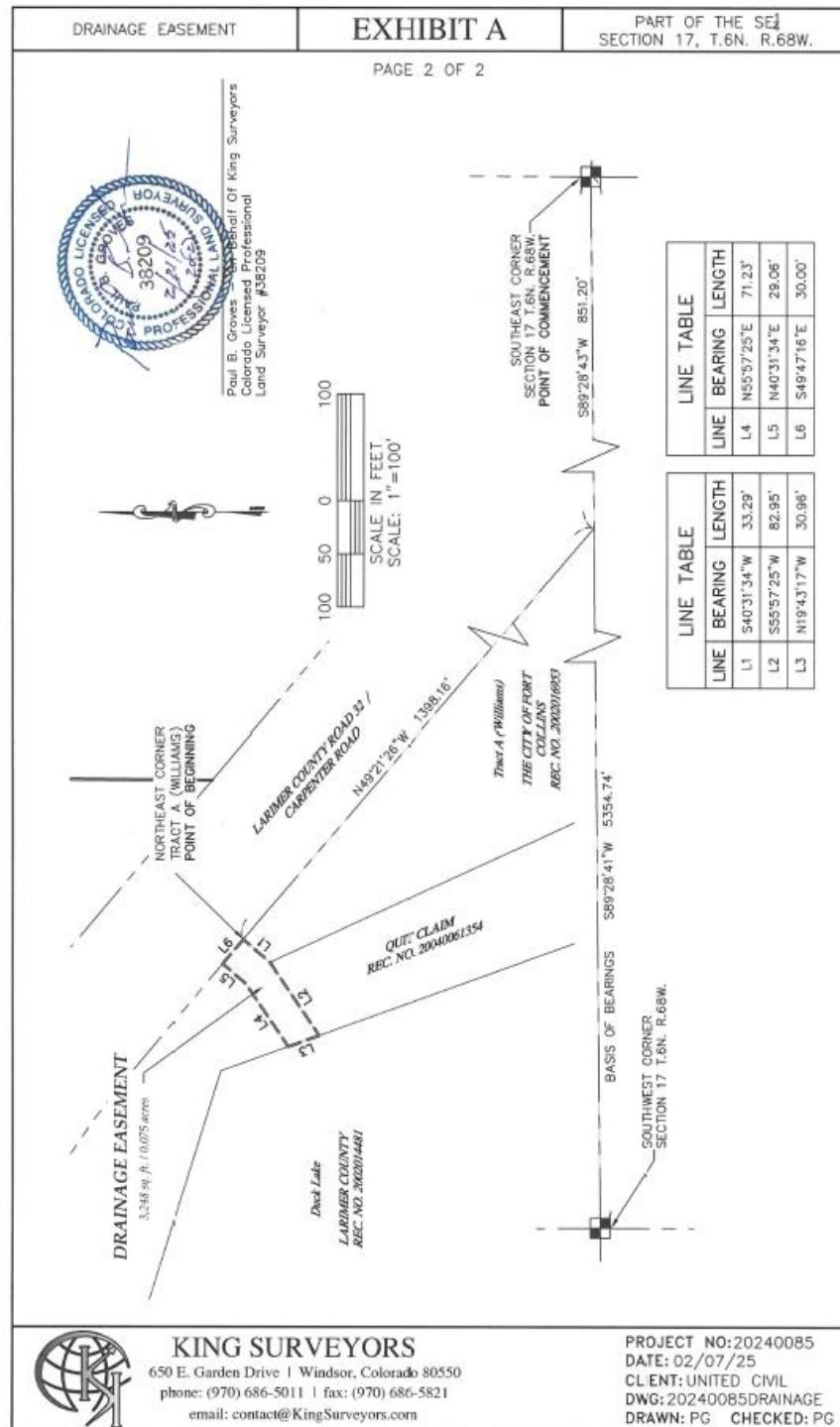


Exhibit C

Legal Description and Depiction of Grantee's Property

Page 1 of 2

A tract of land located in the S 1/2 of Section 17, Township 6 North, Range 68 West of the Sixth P. M., Larimer County, Colorado, being more particularly described as follows:

Considering the East line of the S 1/2 of said Section 17 as bearing N 00°21' E. and with all bearings contained herein relative thereto:

Commencing at the SE Corner of said Section 17; thence along the following courses per a plat prepared by James H. Stewart on the 11th day of December 1969, and also recorded in Book 397, page 546 of the Larimer County Records:

N 00°21' E. 1837.00 feet to a point on the south side of Fossil Creek Reservoir property boundary; thence, along said Fossil Creek Reservoir property boundary and the said James H. Stewart's plat on the following courses:

N. 88°57' W. 505.00 feet; thence,
 N. 80°28' W. 465.00 feet; thence,
 S. 81°25' W. 377.00 feet; thence,
 N. 78°46' W. 434.00 feet, point also being the
 True Point of Beginning; thence continuing,
 S. 78°06' W. 390.00 feet; thence,
 S. 79°40' W. 176.00 feet; thence,
 S. 58°48' W. 435.00 feet; thence,
 S. 61°18' W. 292.00 feet; thence,
 S. 54°05' W. 347.00 feet; thence,
 S. 11°04' E. 271.00 feet;
 thence, leaving the south boundary of the Fossil Creek Reservoir property as recorded in the aforementioned James H. Stewart survey; thence along the following courses as recorded in Book 397, page 546;

N. 51°18' E. 79.00 feet; thence,
 N. 50°54' E. 352.00 feet; thence,
 S. 86°30' E. 721.00 feet; thence,
 S. 49°32' E. 457.00 feet; thence,
 N. 00°33'14" E. 1016.34 feet to the True Point of
 Beginning.

The above described tract contains 16.993 acres.

Exhibit C continued

Legal Description and Depiction of Grantee's Property

Page 2 of 2



Exhibit D**Special Restoration/Mitigation and Monitoring Requirements**

All Grantee's activities on the Easement Areas, and any access across the Grantor's Property, must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of the Grantor's Property and the Grantor's use thereof. If damage results from the maintenance, operation or presence of the Facilities, or Grantee's activities on the Easement Areas or elsewhere on the Grantor's Property, Grantee will make such repairs or take such other action as may be necessary to restore the Grantor's Property to a condition reasonably comparable to its prior condition, including without limitation the provision of ongoing maintenance of any seeded or planted areas, correction of any subsidence, and restoration of any other improvements or conditions impacted by Grantee's activities, until such time as any such repair and restoration is fully established and stabilized. Such restoration shall be completed in accordance with the Grantor's then-current specifications for comparable work on City of Fort Collins natural areas. For the purpose of the initial installation of the Facilities, Grantee agrees to rely on the Grantor's applicable Resource Protection Standards (RPS) to specify current standards for activities undertaken in City of Fort Collins Natural Areas, a copy of which is attached as **Exhibit "D-1"** and incorporated herein by reference. The parties acknowledge that sensitive vegetation, habitat or other natural conditions may require special effort by Grantee to protect, restore, or replace in the event they are disturbed by Grantee's activities.

Following final grading and initial seeding of the Easement Areas after initial reconstruction of the Facilities, Grantee must seek the issuance of a Certificate of Conditional Acceptance from the Grantor. Upon such issuance, the Grantor will assume responsibility for ongoing vegetation management, including weed control, mowing, and reseeding, as needed, in areas disturbed by said reconstruction and seeded in accordance with RPS and the provisions of this Agreement. The current one-time charge for the Grantor to assume and perform said vegetation management for initial installation of the Improvements is \$3,985.00 per acre of disturbance. The Grantor may from time to time, at its sole discretion, revise this estimated cost to reflect then current estimates for vegetation management costs, and such updated estimate will be the applicable charge for vegetation management in connection with future disturbance of the Easement Area, if any. In accordance with this requirement, Grantee will compensate the Grantor in the amount of \$3,985.00, due upon the Grantor's issuance of a Certificate of Conditional Acceptance for the final grading and initial seeding. This one-time vegetation management cost is in addition to the consideration stated above for the conveyance of the Easements.

Grantee will from time to time consult with the Grantor to ascertain applicable standards for identification of wildlife species and wildlife habitat on the Grantor's Property, and, except for emergencies shall conform its maintenance and other activities on the Easement Areas to the then current City of Fort Collins standards for identification and protection of the same. Grantee is responsible for obtaining from the Grantor's Natural Areas Department any permits required by the City Code for wildlife monitoring activities.

Exhibit D-1**General Resource Protection Standards**

Updated March 2020

Introduction

This document lists the various resource protection standards that may be required as conditions of granting an easement, license to enter, or right-of-way (collectively referred to in this document as “easements”) on City Natural Areas and other conserved lands, in order to protect or restore natural resource values. These measures are consistent with the requirements in the City Land Use Code for Ecological Characterization Studies and for Resource Protection associated with development projects. The measures will be evaluated for each easement request and applied as needed, depending on the site location, characteristics of the site, and on the nature of the easement.

The applicable resource protection standards will be specifically included in the terms of the easement agreement. They must also be included as notes on the approved construction plans for the easement request. The easement holder (“Grantee”) must provide these standards to all contractors who will be doing work for the Grantee within the easement area. The City may also attach some or all of these requirements as an addendum to the Grantee’s Development Agreement, if applicable.

These resource protection standards are current as of March 2020. They may be updated from time to time by the Natural Areas Department based on new information about the resources of the City’s natural areas or on new information about best management practices. Applicants must contact the Natural Resources Department for a current list of standards.

The Grantee is responsible for completing, or requiring all its contractors and sub-contractors to complete, each of the following conditions that the City determines is applicable to the Grantee’s project:

Plans and Permits

Prior to starting any construction on the Project:

1. Submit final plans to the City and ensure that they have been approved and signed on behalf of the City. Confirm that all permanent and temporary easements have been approved by City Council and that the easement documents have been signed by both parties and recorded at the County Clerk’s Office. Plans must include: 1’-2’ contours; property lines with adjoining property ownership shown; all wetlands; streams; ditches; riparian areas; prairie dog colonies; raptor nests and raptor nests buffer zones; all existing and proposed man-made structures; all existing utilities; all needed easements for access, construction staging areas, and construction (limits of disturbance); construction plans and profiles; restoration plans; and general notes stating all construction and restoration requirements.
2. Obtain a City Excavation Permit.
3. Perform field investigations and surveys to determine the presence and location of sensitive plants or animal species and geological or archeological features.
4. Develop an erosion control plan. This plan must comply with the City’s *Storm Drainage Design Criteria and Construction Standards*. Ensure that the erosion control plan has been approved and signed by the City.

5. Contact the Corps of Engineers to obtain a 404 permit and/or clearance of the project. Submit two copies of the permit, or the letter of clearance from the Corps, to the City.
6. Conduct a Preble's meadow jumping mouse survey according to U.S. Fish and Wildlife Service guidelines. Submit two copies of the report and letter of clearance from the U.S. Fish and Wildlife Service to the City.
7. Conduct a Ute ladies' tresses orchid survey according to U.S. Fish and Wildlife Service guidelines. Submit two copies of the report and letter of clearance from the U.S. Fish and Wildlife Service to the City.

Construction Coordination and Project Acceptance

8. Arrange for the City's designated representative to attend the pre-construction meeting to meet the contractors, discuss the importance of the resource protection requirements, discuss and approve the construction schedule and establish lines of communication to be used during construction.
9. Maintain ongoing communication with the City's representative during construction to communicate progress, changes in schedule, problems, and periodic inspections.
10. Once the project has been completed, arrange for the City's representative to inspect the project site to verify that the project was completed, and the site restored according to the applicable plans and agreements. Once the City accepts the restoration work, the City will generally take over the vegetation maintenance, per the specific terms of the easement agreement.
11. Provide the City with Drawings of Record within sixty (60) days after the completion of the improvements.

Wildlife

12. Raptors: Survey the site to determine if any of the following species are present and check with the City for information on possible nesting, feeding or roosting sites.
 - a. All construction falling within raptor nest buffer zones will adhere to construction requirements for these zones.
 - b. If the site is used as a winter-feeding area by large birds of prey, construction cannot take place from October 15 through March 15 to avoid disturbing feeding eagles and large hawks, unless otherwise directed by the City.
 - c. If a bald eagle and/or ferruginous hawk winter night roost is located near the proposed easement, construction cannot take place from October 15 through March 15 to avoid disturbing night-roosting eagles and/or hawks.
 - d. If a Swainson's hawk nest is located near the proposed easement, construction cannot take place from April 1 through July 15 to avoid disrupting the nesting cycle of the hawk.
 - e. If a red-tailed hawk nest is located near the proposed easement, construction cannot take

place from March 1 through July 15 to avoid disrupting the nesting cycle of the hawk.

- f. If burrowing owls are nesting within 330 feet of the limits of development, construction cannot take place from April 1 through August 1 to avoid disrupting the nesting cycle of the owls.
13. If construction will be taking place in or through an area that contains or may contain prairie dogs, either relocate the prairie dogs or fumigate the burrows immediately prior to any grading. Relocation of Prairie dogs between February 1 and August 1 is not permitted. Burrowing owl survey required prior to fumigation. Proof of prairie dog eradication required prior to grading.
 14. Perform the wildlife surveys described below, notify the City of the survey results and obtain approval of construction schedule prior to starting construction. These surveys may be done several months prior to construction, but if done more than 30 days prior to construction they must be performed again within 30 days prior to the start of construction to verify results.
 - a. The site may contain den sites for red foxes. Conduct surveys to determine if any foxes are denning within 100 feet of the limits of development. If foxes are found to be denning within 100 feet, then construction cannot take place during the normal denning and pup-rearing season (February 1 through October 1).
 - b. The site may contain den sites for coyotes. Conduct surveys to determine if any coyotes are denning within 300 feet of the limits of development. If coyotes are found to be denning within 300 feet, then construction cannot take place during the normal denning and pup-rearing season (February 1 through October 1).
 - c. The site may contain den sites for badgers. Conduct surveys to determine if any badgers are denning within 300 feet of the limits of development. If badgers are found to be denning within 300 feet, then construction cannot take place during the normal denning and young-rearing season (January 1 through August 1).

Plants

15. The site may contain plant species listed as rare in Colorado. If a rare plant is discovered prior to or during construction activities, notify the City. The City may, in its discretion, require the Grantee to remove all such plants within the limits of disturbance prior to construction, keep plants alive and replant after construction is completed, or the City may salvage existing plants and shrubs for transplanting to other sites.
16. The site may contain native shrubs and/or trees that may be within the limits of development. Any native shrubs/trees removed to allow construction or damaged during construction must be replaced or mitigated as approved by city staff and detailed in the mitigation plan.

Structures

17. Remove, store, protect and replace any man-made structures (e.g., kiosks, raptor perch poles, prairie dog barriers and fencing) within the limits of disturbance.
18. Repair any damage to concrete bike trails, fences, parking lots, or any other improvements caused

directly or indirectly by the construction. Repair/replace improvements immediately to current City standards, including matching the color of the concrete.

Field Demarcation

19. Install orange construction fencing to mark the easement limits (limits of disturbance) on the site. Do not begin any construction activities until the City's representative has approved the fence location.
20. Post temporary signs informing the public that this is the Grantee's project and indicating the purpose of the project and the Grantee's phone number. Signs must be posted at the locations designated by the City.

Erosion Control

21. Have erosion control measures in place and approved by a City representative prior to any construction.
22. Obtain erosion control and de-watering permits as necessary.

Grading/Construction

23. Required documentation that equipment has been washed/disinfected prior to arriving on site to prevent the spread of noxious species.
24. For areas with native vegetation, strip topsoil in all areas of excavation to a depth of 8 inches and stockpile separately. Wetland and upland soils must be stockpiled separately from each other. Place the topsoil in an 8-inch layer on top of the subsoil in the corresponding zone immediately following the completion of construction.
25. For areas with non-native vegetation, strip the top 2 inches of topsoil from the entire construction easement area and remove the topsoil from the site to remove the non-native vegetation seed source. Then strip 8 inches of topsoil from the area to be excavated and stockpile separately. Wetland and upland soils must be stockpiled separately from each other. Place the topsoil in an 8-inch layer on top of the subsoil in the corresponding zone immediately following the completion of construction.
26. Maintain a safe work area and protect the safety and welfare of Grantee's employees, contractors or subcontractors, and the general public, including without limitation providing barricades and safety fences around excavations and drop-offs left open at the end of a workday. Safety precautions must be in compliance with all applicable laws, rules and regulations.
27. Compact backfill in trenches to 95% Standard Proctor Density. Test the compacted soils at 100' intervals horizontally and 2' intervals vertically within the area of excavation to ensure that this requirement has been met. Submit to the City all laboratory Proctor density results, and a copy of all field compaction tests. After compaction to final subgrade (8" below finished grade), the top 6 inches of subsoil must be ripped (no more than 20" between intervals), and the previously stripped and stockpiled topsoil materials spread evenly over the excavated areas. Soils in

backfilled, compacted, topsoil trenches must match the grade of the surrounding undisturbed areas.

28. Set all manhole covers, valve lids, vaults, etc. below or flush with the finished topsoil surface. If any improvements are approved for construction above the final grade, they must be painted with a color approved by the City.
29. Remove the upper sections of all existing manholes to be abandoned and fill the holes with soil. This soil must be compacted to 95% Standard Proctor Density to prevent settlement.
30. Remove the upper sections of all existing manholes to be retained, but that are not flush with the finished topsoil surface and rebuild to be flush with the topsoil surface.
31. Bring to grade (match surrounding topography) all settled and eroded areas along the existing pipeline, if any, to be abandoned during construction of the new pipeline. Repair any settlement that occurs over the existing pipeline or new pipelines after completion and acceptance of the project by the City. Any necessary repairs must be conducted in a manner and at a time directed by the City. Repaired areas must be restored as per restoration requirements outlined in this document or in the easement agreement.
32. Areas within the limits of disturbance that have been driven over, compacted or rutted by equipment must be scarified to a depth of 8" (not to exceed 10" between intervals), and regraded to original grade and contours.
33. Meet with the City's representative to discuss and get approval of the final grading and the seeding/mulching process prior to reseeded. Seed all disturbed and topsoiled areas with a seed mix of native species specified by the City. The seed must be drilled into the soil an appropriate depth for the species in the mix and existing conditions, using a range drill (not a Brillion). Immediately following seeding, roll the seeded areas with a sheep's foot roller to lightly compact and imprint the soil. This removes air voids, provides better seed-soil contact and provides indentions in the soil that will capture moisture. All seeded areas must then be hydro-mulched in accordance with the City's *Storm Drainage Design Criteria and Construction Standards*. Following final grading and initial seeding of the Construction Easement Area and acceptance by the City, the City will be responsible for ongoing restoration management, including weed control, mowing, and reseeded, as needed, in areas disturbed and seeded in accordance with this paragraph. The cost for the City to perform restoration management over the next five to ten years is calculated to be three thousand nine hundred eighty-five dollars (\$3,985.00) per acre of disturbance, or \$3,985 for disturbed areas less than 1-acre, based on grassland/shrubland cover types. Restoration management fees will be determined on a case-by-case basis for other cover types.

Any requirements listed above that are not completed in a timely manner may be corrected by the City at the Grantee's expense. The City will bill the Grantee for the cost of the correction plus management costs.

Standards and Guidelines for Restoration

Updated March 2020

PART 1 – GENERAL

1.1 DESCRIPTION

This section covers the requirements for the revegetation of utility easements on City Natural Areas and Open Lands. This includes but is not necessarily limited to upland and wetland soil stockpiling, preparation, and placement, soil amendments, seeding, mulching, sediment and erosion control fabrics, watering and initial care, and final inspection and acceptance by the City. This section addresses all areas disturbed during the work shown or indicated in the executed utility easement documents and approved project plans.

1.2 PROJECT MONITORING

The recipient of the utility easement (Grantee) shall notify the Natural Areas Department (NAD) at least three (3) working days prior to the commencement of any work. NAD will monitor the progress of the work throughout. NAD will also, at its discretion, collect samples during construction of seed, soil additives, water, or any other materials it deems necessary to ensure specifications are met.

1.3 SUBMITTALS

General - The Grantee shall be required to submit statements of guarantee and/or certifications from vendors who supply seed, mulches, tackifiers, and any soil amendments or other materials utilized on the project. These submittals are detailed in Part 2 – Materials.

Required Soils Testing – The Grantee shall, if requested by NAD, sample project soils and submit them for analysis to a qualified soil testing laboratory prior to the start of any seeding operations. As least one soil sample per project soil type must be collected. The location of soil samples shall be jointly determined by the Grantee and NAD. Soil Samples shall be analyzed for the following minimum parameters:

1. pH
2. % Organic Matter
3. Texture (actual % sand, silt, clay, not an estimate)
4. CEC (Contaminants of Emerging Concern)
5. Nitrate, Phosphorous, Potassium, Zinc, Iron, Copper, and Manganese (results in ppm)

The laboratory shall be informed of the species proposed to be planted and the general nature of the project. Based on this information, the laboratory shall provide written recommendations for soil amendments. This report shall be submitted to NAD, where it will be reviewed and approved or modified prior to any soil preparation or seeding.

1.4 GRANTEE'S SITE RESPONSIBILITIES

It shall be the responsibility of the Grantee to locate and protect all utilities, structures, roadways, parking areas, fences, survey markers, existing vegetation (e.g. trees), etc. on all work sites. Any damage caused by the Grantee or their subcontractors shall be immediately repaired or corrected by the Grantee at no expense to the City of Fort Collins.

1.5 CLEANING

All work sites shall be kept clean and free from all debris. At the conclusion of work, the Grantee shall remove and haul from the site all excess materials, debris, and equipment. Any damage (e.g. damaged fencing, damaged road surfaces, excessive tire furrows, mud tracked onto pavement, etc.) resulting from the Grantee's activities shall be repaired by the Grantee to the satisfaction of NAD at no expense to the City of Fort Collins.

1.6 INSPECTION; ACCEPTANCE

Initial inspection – The Grantee shall give the NAD three (3) working days written notice prior to the beginning of any revegetation work. The Grantee and NAD will inspect the site and verify that all utility work has been completed in accordance with specifications, including but not limited to backfill and compaction, final site grading, replacement of topsoil, removal of all construction materials, and site cleanup. When this has been verified, NAD will notify the Grantee in writing that revegetation work may begin.

Conditional Acceptance - When work has been completed on the project or on any portion or phase of the project designated in the documents and plans, the Grantee and NAD shall inspect the site together and determine whether or not the work is complete and has been done in accordance with easement documents and specifications. If mutual agreement cannot be reached on these issues, the determinations made by NAD shall be final. Deficiencies in the work, if any, shall be noted and a checklist of these deficiencies given to the Grantee by NAD. The Grantee shall immediately correct any deficiencies listed on the checklist. When all checklist items are completed to the satisfaction of NAD, NAD shall issue a Certificate of Conditional Acceptance.

Final Inspection & Final Approval

The Grantee shall pay the City of Fort Collins Natural Area Department a lump sum of \$3,985 per acre disturbed, or \$3,985 for disturbances less than 1-acre, prior to signing and recording the easement. Once the initial restoration is completed the Grantee is issued a conditional letter of acceptance as defined above, the City will assume maintenance responsibility for the revegetated area. This acceptance **DOES NOT** relieve the Grantee from the warranty of the work as defined below in the **Warranty** paragraph.

Warranty

The Grantee shall warrant all seeded areas against defective materials and workmanship for two growing seasons from the date of Conditional Acceptance. At any time during the warranty period, NAD may order any samples collected at the time of seeding to be tested for purity, weed content, species present, etc. The Grantee shall be responsible for the cost of these tests. The Grantee shall rework and reseed (in accordance with the provisions in the original project specifications) any areas that are dead, diseased, contain too many weedy species, or in the opinion of NAD are in an unhealthy condition as a result of defective materials or workmanship, at no cost to the City. Any and all reseeding or other remedial measures required shall be completed within ten days of notification by NAD.

PART 2. MATERIALS

2.1 GENERAL

All materials used shall be new and without flaws or defects of any type and shall be the best of their class and kind. All materials furnished shall be free of noxious weeds as defined in Article III, Section 20-41 of the Code of the City of Fort Collins, including but not limited to Russian Knapweed, Canada Thistle, Field Bindweed, Johnsongrass, Leafy Spurge, and Kochia. Any materials which have become wet, moldy, or otherwise damaged in transit or in storage will not be used.

All materials shall be furnished in original manufacturers shipping bags or containers and remain in these bags or containers until they are used. All materials shall be stored in a manner which will prevent contact with precipitation, surface water, or any other contaminating substance.

2.2 SEED

The seed mix will be specified by NAD. All seed shall be mixed by a wholesale seed supplier in the proportions determined by NAD in order to obtain the application rate specified by NAD. All seed shall conform to all current State and Federal regulations and will be subject to the testing provisions of the Association of Official Seed Analysis. All seed and seed mixes shall be furnished in bags or containers clearly labeled to show the name and address of the supplier, the common, scientific, and variety name(s) of the seed(s), the lot number, point of origin, net weight, percent of weed content, and the guaranteed percentage of purity and germination. **These labels shall be submitted to NAD for approval prior to seeding.** The Grantee shall furnish to NAD a signed statement certifying that the seed furnished is from a lot that has been tested by a recognized laboratory for seed testing within six months prior to the date of delivery.

2.3 FERTILIZER

Fertilizers are not permitted.

2.4 MULCH

General - The type of mulching material to be used shall be designated by NAD.

Hay or Straw Mulch - All hay or straw mulch shall be grass hay or straw. At least seventy-five (75%) percent of the mulch by weight shall be ten (10") inches or more in length. Mulch shall not contain any noxious weed, must, mold, cake, or decay. All mulch must be certified, copies of certification to be submitted to NAD for approval prior to transport to the construction site.

Native Grass Hay Mulch – At least seventy-five (75%) of the mulch by weight shall be ten (10") inches or more in length. Native grass hay mulch shall be certified, copies of the certification to be submitted to NAD for approval prior to transport to the construction site.

Hydraulic Mulch - Hydromulch material shall consist of at least ninety (90%) percent virgin wood cellulose fiber and be free of any substance or factor which might inhibit germination or growth of grass seed. The wood cellulose fibers shall have the property of becoming evenly dispersed and suspended when agitated in water. Hydraulic mulch shall be clean and shall not contain the seeds of noxious weeds or unspecified grasses. It shall be dyed a color to allow

visual metering of its application. When sprayed uniformly on the surface of the soil, the fibers shall form a blotter-like ground cover which readily absorbs water and allows infiltration to the underlying soil. Weight specifications for hydraulic mulch from suppliers and for all applications shall refer only to air dry weight of the fiber, a standard equivalent to ten (10%) percent moisture. The hydraulic mulch material shall be supplied in packages having a gross weight not in excess of one hundred (100 lbs.) pounds and shall be marked by the manufacturer to show the air-dry weight content.

The Grantee shall obtain and submit to the project manager certifications from suppliers of hydraulic mulch that laboratory and field testing of their product has been accomplished, and that it meets all the foregoing requirements pertaining to wood cellulose fiber mulch.

2.5 ORGANIC TACKIFIER/BINDER

Tackifier, if needed for hydro mulching operations, shall be approved by NAD prior to its use. Tackifier shall be an approved commercial grade product (such as "M-Binder" from Ecology Controls, P.O. Box 1275, Carpinteria, CA 93013) suitable for use with virgin wood cellulose fiber mulch. Any tackifier shall be a non-toxic, non-corrosive, all organic powder which forms a resilient, re-wettable membrane when combined with wood fiber mulches and water. Tackifier materials shall be furnished in original manufacturer's bags or containers clearly labeled to show the name and address of the supplier, and the material chemical contents. Labels and certificates shall be submitted to NAD

2.6 EROSION CONTROL NETTING, BLANKETS, MATS, FABRICS

Erosion control blankets, mats, or other commercial products for stabilizing land disturbed areas may be required in certain areas. If so, the type, manufacturer, and installation method for these products will be specified by NAD.

2.7 WATER

All water used on projects under this Contract shall be free of any substances harmful to plant germination and growth, or to the environment in general. The Grantee shall be responsible for furnishing and applying water which meets these requirements. NAD may, at the Grantee's expense, submit samples of water used on any project for laboratory analysis (of a reasonable number and kind) to ensure the quality of the water.

EXHIBIT E

Plans

To be replaced with copy of plans

File Attachments for Item:

12. First Reading of Ordinance No. 102, 2025, Authorizing the Conveyance of One Drainage Easement and One Temporary Construction Easement on Golden Meadows Park.

This item has been amended to include the Utility Plan Sheet.

The purpose of this item is to authorize the conveyance of one (1) Temporary Construction Easement of 0.0474 acres (the "TCE") and one (1) Drainage Easement of 0.0168 acres (the "DE") (the "Easements"), being a portion of City property presently known as Golden Meadows Park, for the construction and installation of stormwater outfall infrastructure improvements.

June 17, 2025



AGENDA ITEM SUMMARY

City Council

STAFF

Raime Lanham, Real Estate Specialist
Jonathan Piefer, Lead Real Estate Specialist
Missy Nelson, Sr Technical Project Manager

SUBJECT

First Reading of Ordinance No. 102, 2025, Authorizing the Conveyance of One Drainage Easement and One Temporary Construction Easement on Golden Meadows Park.

EXECUTIVE SUMMARY

The purpose of this item is to authorize the conveyance of one (1) Temporary Construction Easement of 0.0474 acres (the "TCE") and one (1) Drainage Easement of 0.0168 acres (the "DE") (the "Easements"), being a portion of City property presently known as Golden Meadows Park, for the construction and installation of stormwater outfall infrastructure improvements.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

A portion of the land now used for Golden Meadows Park (the "Park") was acquired by the City to be used by the Parks Department. It was conveyed to the City by Golden Meadows Business Park in that certain Warranty Deed dated December 20, 1978, recorded at Reception No. 285189, Clerk and Recorder's Records, Larimer County, Colorado.

The owners and developers of a planned pickleball facility located immediately south of the Park (the "Pickleball Facility"), 4401 Innovation Drive L.L.C. ("Innovation") and Kederike, LLC ("Kederike"), propose to install an 18-inch stormwater outfall pipe (and related improvements) within the Easements to transport treated stormwater - collected in a water quality chamber on the proposed Pickleball facility site - into the existing drainage swale and then into the detention pond located within the Park ("Golden Meadows Pond"). The existing drainage swale currently manages untreated stormwater runoff from the surrounding area and conveys it east along the southern boundary of the Park into Golden Meadows Pond.

The proposed 18-inch stormwater outfall pipe will be installed using open trench methods. The upper 6 inches of existing vegetation will be carefully removed, preserved, and restored upon completion of construction activities. The new stormwater outfall pipe will maintain a minimum vertical clearance of 18 inches above existing utilities.

There are no City-owned trees within the DE, but existing willow shrubs will be restored with willow plugs. The trees at the perimeter of the TCE will not be impacted. The trees located on the Pickleball Facility will be pruned prior to construction and protected with fencing to prevent damage during construction. This has

been verified by City Forestry staff during the site visit. Any landscaping within the Easements that is damaged and not designated for removal shall be replaced as part of the project. No hazardous materials, including fuels or lubricants, shall be stored within the Easements.

Alternative Location Analysis

The proposed discharge location is consistent with the site's natural drainage patterns, where stormwater runoff currently flows northward toward Golden Meadows Park. Given the site's topography and the requirement to convey stormwater to the Golden Meadows Pond, discharge to the north represents the only practical option. The site naturally drains from south to north, making southern discharge unviable. Similarly, the adjacent property to the west also drains northward, meaning any western discharge would ultimately require routing through Golden Meadows Park. Discharge to the east is not feasible due to vertical constraints and the inability to adequately treat stormwater on-site in that direction.

CITY FINANCIAL IMPACTS

Aside from staff time, there is no cost to the City associated with the TCE or DE. Innovation will reimburse the City for the cost of staff time related to this matter. Additionally, City Staff estimates the fair market value of the Easements to total \$901, being itemized as follows (the "Property Values"):

- 1) Drainage Easement – \$695; and
- 2) Temporary Construction Easement – \$206.

The Property Values for the Easements will be charged to Innovation upon execution and delivery of the conveyance documents.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

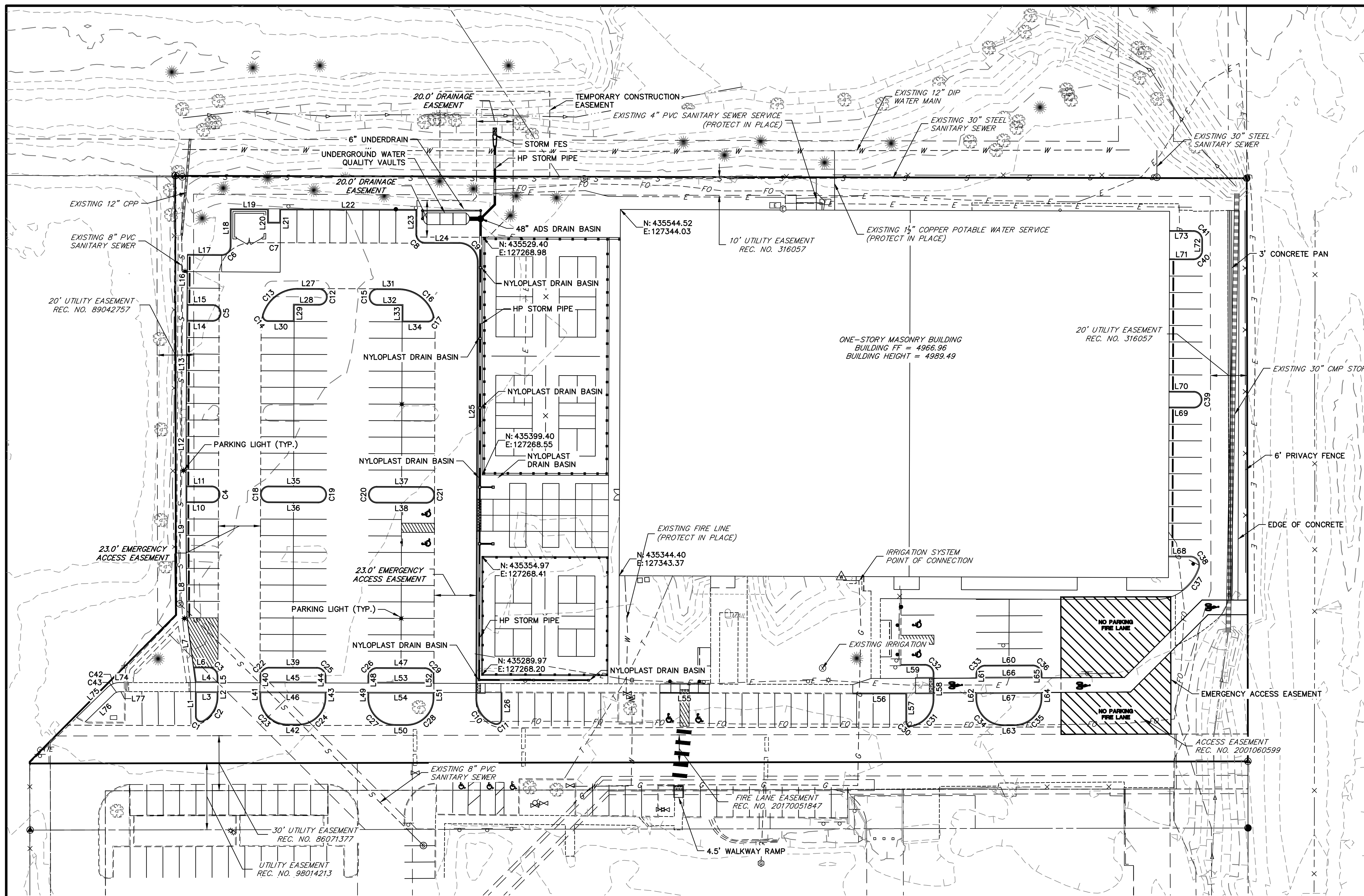
The current existing policy is to notify the Parks and Recreation Advisory Board on upcoming projects impacting existing Parks and Trails, large and impactful land purchases, sales, or policies, because the duties of Parks and Recreation Board relate to "rules, regulations, policies and administrative and budgetary matters". This Agenda item for two easements was evaluated to show minimal or no impact on the underlying uses of Golden Meadows Park because the easements are located on the edge of the park in an existing drainage swale. When City staff deem easements on Parks properties to have a minimal impact on the underlying property's purpose and function, it has not been a part of our typical practice to bring to the Board. However, the Board was updated at the meeting held on May 28, 2025.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Utility Plan Sheet
2. Ordinance No. 102, 2025



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°05'52"W	13.52'
L2	S00°05'52"E	2.95'
L3	N89°48'41"W	12.21'
L4	N89°48'41"W	12.23'
L5	S00°11'14"W	3.42'
L6	S89°48'46"E	8.36'
L7	N00°27'31"W	26.97'
L8	N00°46'45"W	34.34'
L9	N00°06'31"W	28.84'
L10	S89°50'20"E	13.97'
L11	N89°50'20"E	14.02'
L12	N00°09'40"E	40.15'
L13	N00°27'11"E	47.19'
L14	S89°35'53"E	14.02'
L15	N89°35'53"W	14.02'
L16	N00°27'11"E	27.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L17	S89°35'53"E	18.72'
L18	N00°11'14"E	20.00'
L19	S89°48'46"E	20.00'
L20	S00°11'14"W	14.50'
L21	N00°11'14"E	14.50'
L22	S89°48'46"E	74.00'
L23	S00°11'14"W	13.00'
L24	S89°48'46"E	18.63'
L25	S00°11'14"W	238.43'
L26	N00°00'00"E	14.36'
L27	S89°48'46"E	11.50'
L28	N89°48'46"W	13.50'
L29	S00°11'14"W	9.00'
L30	N89°48'46"W	14.25'
L31	N89°48'46"W	11.50'
L32	S89°48'46"E	13.50'

LINE TABLE		
LINE	BEARING	DISTANCE
L33	S00°11'14"W	9.00'
L34	S89°48'46"E	14.25'
L35	N89°48'46"W	27.00'
L36	S89°48'46"E	27.00'
L37	N89°48'46"W	27.00'
L38	S89°48'46"E	27.00'
L39	S89°48'46"E	26.00'
L40	N00°11'14"E	3.42'
L41	S00°11'14"W	3.00'
L42	S89°48'41"E	6.00'
L43	N00°11'14"E	3.00'
L44	S00°11'14"W	3.43'
L45	S89°48'41"E	36.00'
L46	N89°48'41"W	36.00'
L47	S89°48'46"E	26.00'
L48	N00°11'14"E	3.43'

LINE TABLE		
LINE	BEARING	DISTANCE
L49	N00°11'14"E	3.00'
L50	N89°48'41"W	6.00'
L51	S00°11'14"W	3.00'
L52	S00°11'14"W	3.43'
L53	S89°48'41"E	36.00'
L54	S89°48'46"E	36.00'
L55	S89°45'55"E	27.00'
L56	S89°56'55"E	29.05'
L57	S00°00'00"E	15.37'
L58	N00°10'36"E	14.16'
L59	S89°45'59"W	12.96'
L60	N89°45'59"E	26.00'
L61	N00°10'39"E	2.00'
L62	S00°10'39"W	2.89'
L63	N89°45'59"E	6.00'
L64	N00°10'39"E	3.11'

LINE TABLE		
LINE	BEARING	DISTANCE
L65	S00°10'39"W	1.93'
L66	S89°45'59"W	36.00'
L67	S89°45'59"W	36.00'
L68	S89°48'57"E	12.01'
L69	S89°48'46"E	13.50'
L70	N89°48'46"W	13.50'
L71	S89°48'57"E	13.00'
L72	N00°11'03"E	5.82'
L73	N89°48'57"W	13.00'
L74	N89°25'20"W	2.25'
L75	S45°49'26"W	22.93'
L76	N45°49'26"E	20.97'
L77	S89°58'48"E	2.31'

LEGEND


	EXISTING	PROPOSED
PROPERTY LINE	_____	_____
CENTERLINE	_____	_____
ELECTRIC	_____ E _____	_____ E _____
GAS MAIN	_____ G _____	_____ G _____
SANITARY SEWER	_____ S _____	_____ ● _____
STORM DRAIN	_____	_____ ● _____
WATER MAIN	_____ W _____	_____
CONCRETE WALK	_____	_____
SANITARY SEWER CLEANOUT		CC

- ## NOTES
1. DEPTH AND LOCATION OF EXISTING UTILITIES TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION
 2. SEE SHEET 4 FOR OVERALL LEGEND
 3. PLEASE REFER TO THE EROSION CONTROL PLAN SHEETS AND REPORT FOR TEMPORARY CONTROL MEASURES AND CONSTRUCTION SEQUENCING THAT SHALL BE USED TO PREVENT LOADING OF STORMTECH DRAINAGE FACILITY WITH SEDIMENT DURING CONSTRUCTION.
 4. CONTRACTOR SHALL PROVIDE REGULAR MAINTENANCE ON INLET PROTECTION MEASURES.
 5. SEE SHEET 7 - FOR EROSION CONTROL PLAN.
 6. SEE SHEET 11 FOR NYLOPLAST INLET DETAIL. USE PEDESTRIAN INLET GRATES.
 7. SEE SHEET 10 FOR SANITARY SEWER SERVICE/CLEANOUT DETAILS.
 8. SEE SHEET 10 FOR WATER SERVICE AND METER DETAILS.
 9. THERE SHALL BE NO ENCROACHMENT OR STORAGE OF MATERIALS ON PARKS DEPARTMENT PROPERTY (GOLDEN MEADOWS PARK) UNLESS A TEMPORARY CONSTRUCTION EASEMENT HAS BEEN GRANTED. THIS INCLUDES ANY RELATED CONSTRUCTION ACTIVITY, EQUIPMENT STAGING, OR STORAGE OF MATERIALS

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	118°51'45"	3.00'	6.22'
C2	61°08'15"	15.00'	16.01'
C3	90°00'00"	5.00'	7.85'
C4	180°00'00"	4.50'	14.14'
C5	180°00'00"	4.50'	14.14'
C6	90°12'53"	5.00'	7.87'
C7	180°00'00"	3.50'	11.00'
C8	90°00'00"	5.00'	7.85'
C9	90°00'00"	10.00'	15.71'
C10	71°18'29"	15.00'	18.67'
C11	108°52'45"	3.00'	5.70'
C12	180°00'00"	4.50'	14.14'
C13	72°53'43"	20.00'	25.45'
C14	107°06'17"	3.00'	5.61'
C15	180°00'00"	4.50'	14.14'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C16	72°35'43"	20.00'	25.45'
C17	107°06'17"	3.00'	5.61'
C18	180°00'00"	4.50'	14.14'
C19	180°00'00"	4.50'	14.14'
C20	180°00'00"	4.50'	14.14'
C21	180°00'00"	4.50'	14.14'
C22	90°00'00"	5.00'	7.85'
C23	89°59'55"	15.00'	23.56'
C24	90°00'05"	15.00'	23.56'
C25	90°00'00"	5.00'	7.85'
C26	90°00'00"	5.00'	7.85'
C27	89°59'55"	15.00'	23.56'
C28	90°00'05"	15.00'	23.56'
C29	90°00'00"	5.00'	7.85'
C30	100°23'15"	2.50'	4.38'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C31	79°26'05"	15.00'	20.80'
C32	90°22'41"	5.00'	7.89'
C33	89°35'19"	5.00'	7.82'
C34	90°22'41"	15.00'	23.67'
C35	89°35'19"	15.00'	23.45'
C36	90°22'41"	5.00'	7.89'
C37	35°02'26"	25.00'	15.29'
C38	108°06'35"	5.00'	9.43'
C39	180°00'00"	4.50'	14.14'
C40	90°00'00"	5.00'	7.85'
C41	90°00'00"	5.00'	7.85'
C42	44°11'47"	10.00'	7.71'
C43	44°11'47"	5.00'	3.86'

PICKLEBALL VENTURES – PICKLEBALL FACILITY UTILITY PLAN	SHEET 13 OF 21	H-SCALE V-SCALE DATE DESIGNED BY DRAWN BY CHECKED BY	1" = 30' N/A 05/07/25 JMF JW —	No. REVISION	BY DATE	 <p>J.R. ENGINEERING A Westrian Company</p> <p>Centennial 303-740-9393 • Colorado Springs 719-580-2593 Fort Collins 970-491-9998 • www.jrengineering.com</p>	PREPARED FOR 4401 INNOVATION DRIVE LLC 4401 INNOVATION DRIVE FORT COLLINS, CO. 80525 NEIL BELLEFEUILLE P-970.889.4700 NEIL@BILDTOMORROW.COM	UNTIL SUCH TIME AS THESE DRAWINGS ARE APPROVED BY THE APPROPRIATE REVIEWING AGENCIES, J.R. ENGINEERING APPROVES THEIR USE. THIS PROJECT HAS BEEN DESIGNATED BY WRITTEN AUTHORIZATION.

ORDINANCE NO. 102, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF ONE DRAINAGE
EASEMENT AND ONE TEMPORARY CONSTRUCTION
EASEMENT ON GOLDEN MEADOWS PARK

A. About one quarter mile north of Harmony Road, located at 4324 McMurray Avenue, lies the City's Golden Meadows Park (the "Property").

B. Two companies, 4401 Innovation Drive L.L.C. and Kederike, LLC, own a parcel of land to the south of the Property, more particularly described as 4401 Innovation Commercial Condominiums (the "Southern Parcel"). The companies propose to install an 18-inch stormwater outfall pipe across the Property for the purpose of conveying stormwater runoff first into a stormwater apparatus on the Property and then into a City stormwater pond. The Property and the City stormwater pond are shown in Exhibit A, which is attached hereto. A description of the Southern Parcel is included in Exhibit B, which is attached hereto.

C. To allow for the installation of the 18-inch stormwater outfall pipe across the Property, the City, through this Ordinance, authorizes the conveyance of one drainage easement of 0.0168 acres (the "DE") and one temporary construction easement of 0.0474 acres (the "TCE") (together, the "Easements") to benefit the Southern Parcel. The form of the DE is attached hereto as Exhibit C. The form of the TCE is attached hereto as Exhibit D.

D. The area and location of the land encumbered by the DE are described in Exhibit B to the form of DE attached as Exhibit C.

E. The area and location of the land encumbered by the TCE are described in Exhibit B to the form of TCE attached as Exhibit D.

F. The proposed discharge location is consistent with the Southern Parcel's natural drainage patterns, where stormwater runoff currently flows northward toward the Property. Given the Southern Parcel's topography and the stormwater requirement to convey stormwater to the City's stormwater pond to the east of the Property, discharge to the north across the Property represents the only practical option.

G. The City has estimated the fair market value of the DE is \$695. The City has estimated the fair market value of the TCE is \$206. The City will convey the Easements for fair market value.

H. Section 23-111(a) 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.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council finds that granting the Easements on the terms and conditions described herein and as shown in Exhibit C and Exhibit D is in the best interests of the City.

Section 2. The City Council hereby authorizes the Mayor to execute the Easement substantially in the form attached hereto as Exhibit C and the Temporary Construction Easement substantially in the form attached hereto as Exhibit D, with such modifications or 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 on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

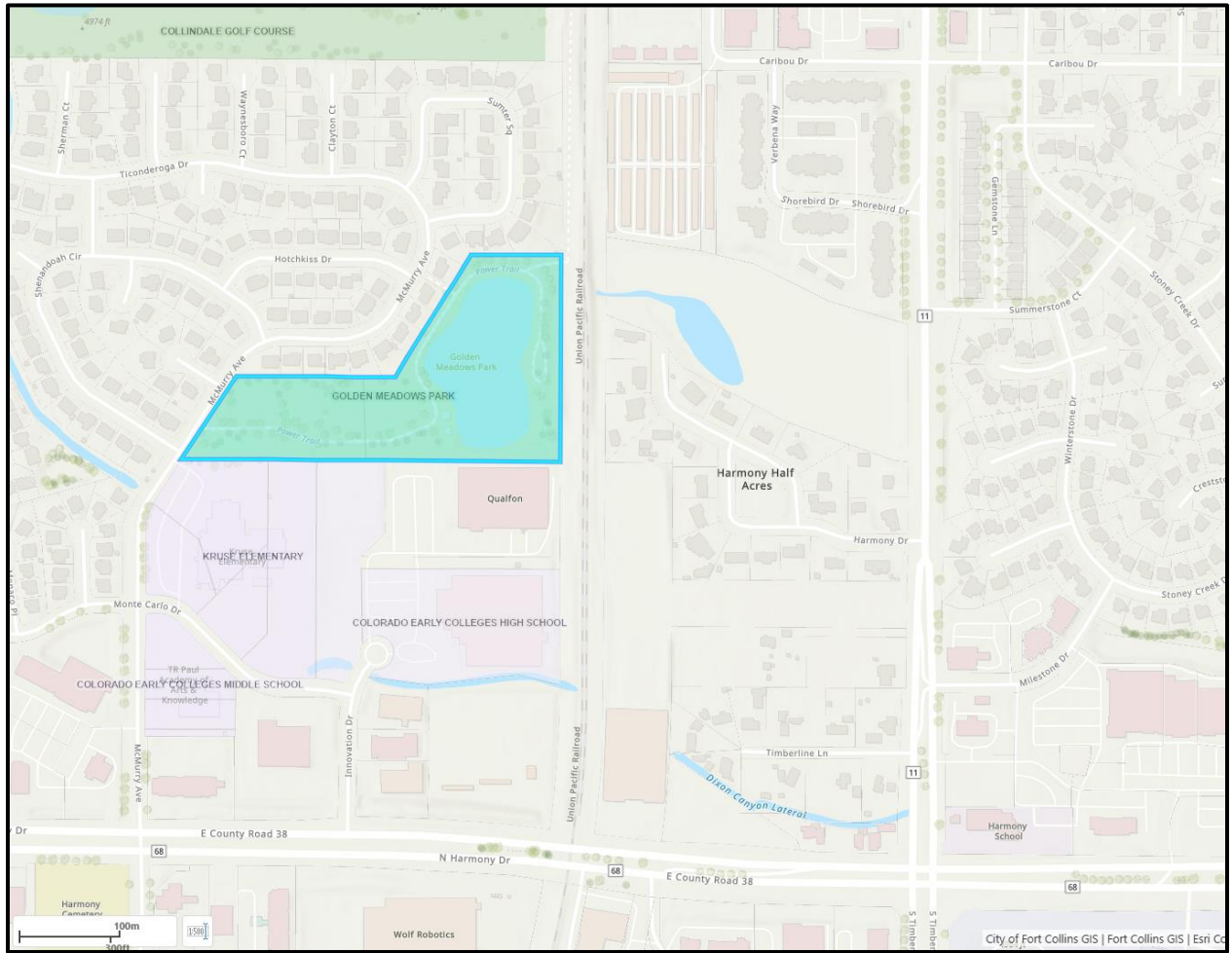
ATTEST:

City Clerk

Effective Date: July 11, 2025

Approving Attorney: Ted Hewitt

Exhibits: Exhibit A - Property Map
 Exhibit B - Southern Parcel Description
 Exhibit C - Drainage Easement
 Exhibit D - Temporary Construction Easement



The Southern Parcel

Description:

4.88 acres, more or less, located in the Southeast Quarter (SE/4) of Section 31, T7N, R68W, 6th PM, Larimer County, Colorado, being more particularly described as all of the lands described in the Condominium Map recorded April 14, 2025, at Reception No. 20250015271, Clerk and Recorder’s Records, Larimer County, Colorado.

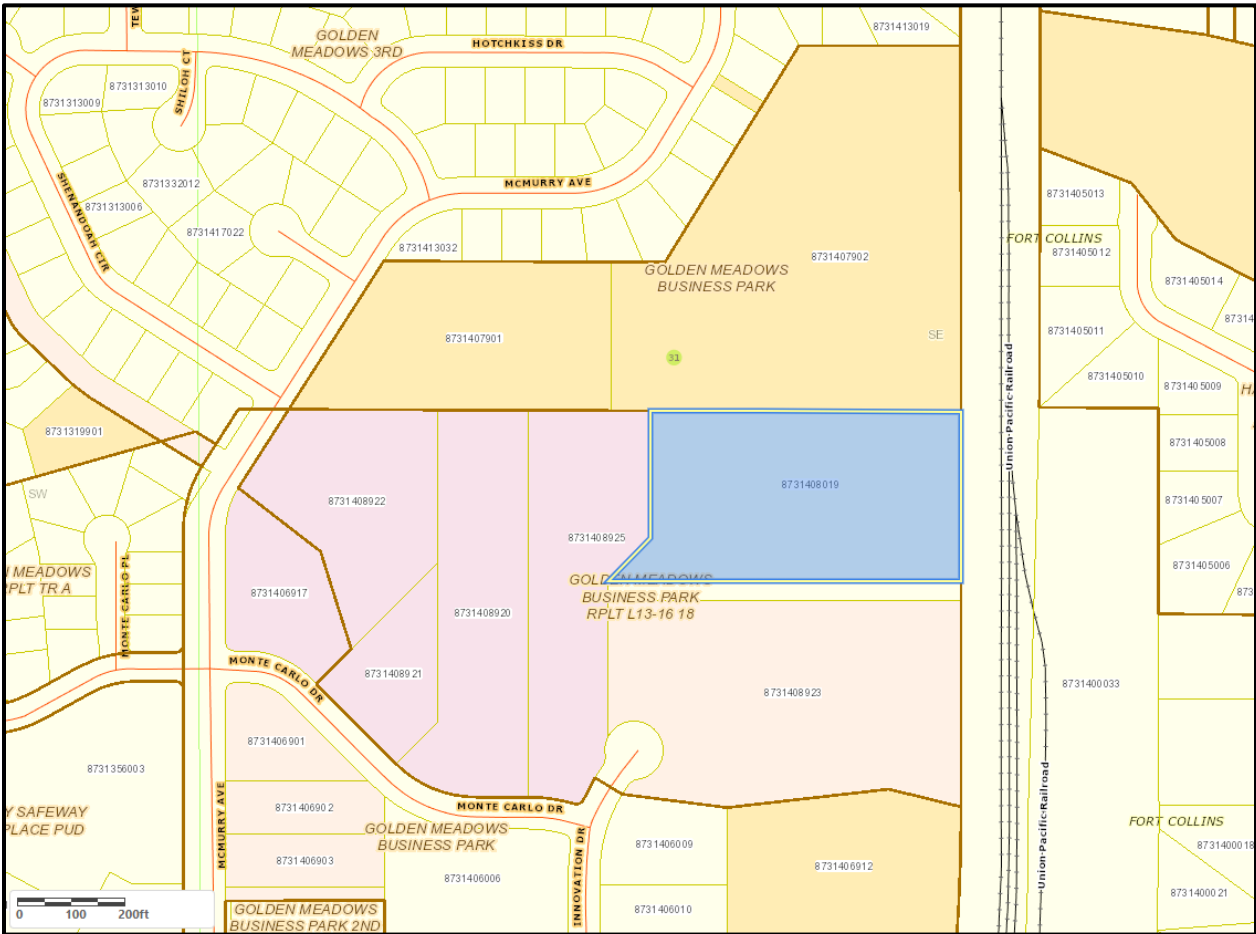
Location Address:

4401 Innovation Dr.
Fort Collins, Colorado 80525

Assessor Parcel Number(s):

8731408019

Map:



PERMANENT EASEMENT
(City Property)

Grantor: City of Fort Collins, Colorado, a municipal corporation

Grantor Signing Authority and Title: Jenni Arndt, Mayor

Grantor Mailing Address: Real Estate Services, P.O. Box 580, Fort Collins, Colorado 80522

Grantor Phone Number/Email: 970-221-6211 / RealEstateServices@fcgov.com

Grantee: 4401 Innovation Dr L.L.C and Kederike, LLC

Grantee Signing Authority and Title: Neil Bellefeuille, Partner

Grantee Mailing Address: 4401 Innovation Dr, Fort Collins, CO 80525

Grantee Phone Number/Email: 970.889.4700

/ neil@zerozerotwo.pro

Effective Date: July 1, 2025

Consideration: \$695.00

Easement Improvements: Drainage Improvements, including one (1) eighteen (18) inch storm pipe, buried rip-rap, and related restoration

Easement Appurtenant to Grantee's Property? ☒ Y ☐ N: If so, see **Exhibit C**

Special Restoration Requirements? ☐ Y ☒ N: If yes, see **Exhibit D**.

Exhibits [check all that apply]:

☒ **Exhibit A – Grantor's Property** (number of pages): 1

☒ **Exhibit B – Easement Area** (number of pages): 2

☒ **Exhibit C – Grantee's Property** (number of pages): 1

☐ **Exhibit D – Special Restoration Requirements** (number of pages):

All checked exhibits are attached and incorporated into this Conveyance by reference.

This **PERMANENT EASEMENT** (the "Conveyance") is made and entered into on the Effective Date by and between Grantor and Grantee.

1. Grantor's Property. Grantor is the owner of that certain parcel of real property located in Larimer County, Colorado, which is legally described on **Exhibit A** (the "Grantor's Property").

Grant of Easement – Consideration. For and in consideration of the covenants and agreements herein set forth, the sum of the Consideration and other good and valuable consideration, the receipt and adequacy of which Grantor acknowledges, Grantor grants, sells, and conveys to Grantee, its successors and assigns, a perpetual, non-exclusive easement (the "Easement") on, over, under, and across the Grantor's Property as described more fully on **Exhibit B**, (the "Easement Area"), for the benefit of Grantee's Property, which is described in **Exhibit C**, attached hereto. The Easement includes the right of vehicular and pedestrian ingress and egress to the Easement Area, and the right to install, maintain, and use gates in all fences that cross the Easement Area now or in the future.

2. Purpose and Use of Easement. Grantee may use the Easement to install, access, operate, maintain, repair, reconstruct, relocate, improve, enlarge, replace, inspect, and remove, at any time and from time to time, the Easement Improvements, and for the temporary storage and staging of materials and equipment. Grantor further grants to Grantee:

- The right of ingress to and egress from the Easement Area over and across Grantor's Property by means of any roads and lanes thereon, or as otherwise agreed in writing by Grantor;
- The right to mark the location of the Easement Area by suitable markers set in the ground;
- The right to install temporary fencing and gates for security and safety purposes during construction activities.

After initial installation of the Improvements, if Grantee wishes to relocate or replace the Improvements with any other number or type of similar improvements, either in the original location or at any alternate location or locations within the Easement Area, such improvements must be generally consistent with the intended purposes of the Easement, and Grantee must give Grantor advance notice of any change in the type, number or location of improvements and cannot proceed until Grantor has provided its written consent, which shall not be unreasonably withheld or delayed.

3. Grantor's Rights in Easement Area.

- A. Grantor reserves the right to use the Easement Area for purposes that will not interfere with Grantee's full enjoyment of the rights granted herein, including but not limited to Grantor's right to operate or allow others to operate utility improvements within the Easement Area.
- B. Grantor may plant or maintain permanent trees, shrubs or other plant material in the Easement Area provided that no such plantings may be planted directly over the Easement Improvements. Grantor may install or utilize signs or paths over the Easement Area, and may pave, surface in some other manner, or otherwise improve the Easement Area as Grantor desires. Additionally, Grantor may install permanent buildings or structures over the Easement Area; however, Grantor agrees to remove such structures at its expense if reasonably required for Grantee's access to the Easement Area, and to assume all risk, repair, and maintenance if any damage occurs to these permanent buildings and/or structures as a result of Grantee's use of or activities over or within the Easement Area.

4. Grantee's Obligations Regarding Easement Areas.

- A. All activities by the Grantee on the Easement Area, including access across Grantor's Property, must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of said property, any improvements thereon, and the Grantor's intended purposes therefor.

- B. Grantee must maintain the Easement Improvements in an entirely secure, safe and sanitary condition, and repair the Easement Improvements as necessary to ensure the Easement Improvements do not cause injury or damage to persons or property.
 - C. Grantee shall notify Grantor a minimum of one week prior to performing any construction, maintenance, repair, or other work on or within the Easement Area and shall in advance of any non-emergency work submit a construction plan and schedule to Grantor for approval, which approval shall not be unreasonably delayed or withheld. Grantee will need a Temporary Construction Easement from Grantor if working on Grantor's Property outside of the Easement Area. Notwithstanding these notification requirements, in cases of emergency repair, Grantee shall notify Grantor of the emergency and provide related construction plans and schedules as soon as reasonably practicable.
 - D. In the event damage occurs from Grantee's use of or activities over or within the Easement Area or on Grantor's Property, including but not limited to the installation, maintenance, or operation of the Easement Improvements within the Easement Area, Grantee agrees to make such repairs or take such other action as may be necessary to restore the Easement Area and Grantor's Property to a condition comparable to their condition prior to Grantee's activities in the Easement Area, including but not limited to the reseeding and replanting of any disturbed areas in a manner reasonably satisfactory to the Grantor, and the provision of ongoing maintenance of any seeded or planted areas, correction of any subsidence, and restoration of any other improvements or conditions impacted by Grantee's activities, until such time as any such repair and restoration is fully established and stabilized. If applicable, Grantee shall comply with the special restoration requirements on **Exhibit D**.
5. Maintenance of the Easement Area.
- A. Grantor will maintain the surface of the Easement Area (except for the Easement Improvements) in a sanitary condition in compliance with any applicable weed, nuisance or other legal requirements; however, Grantor is not responsible for any conditions directly caused by Grantee's use and occupancy of the Easement Area.
 - B. Grantor will not deposit, or permit, or allow to be deposited, earth, rubbish, debris, or any other substance or material, whether combustible or noncombustible, on the Easement Area.
6. As-Built Drawings. Grantee will provide Grantor with as-built drawings accurately depicting the location and nature of the Easement Improvements constructed within the Easement Area no later than thirty (30) days following completion of the Easement Improvements, and no later than thirty (30) days following a change in the type, number or location of the Easement Improvements, as described in Section 3.
7. Representations of Grantor. Grantor makes no representations or warranties as to lawful

ownership of Grantor's Property.

8. Recordation. Grantee will record this Conveyance in the records of the Larimer County Clerk and Recorder and furnish evidence of such recording to Grantor. This Conveyance will not be valid until it is recorded. If this Conveyance has not been recorded with the Larimer County Clerk and Recorder within ninety (90) days of the Effective Date, then this Conveyance will be null and void and have no force and effect whatsoever, and the parties will be relieved of any remaining obligations hereunder as of the date of such termination.

9. Abandonment. Should Grantee fail to construct the Improvements within five (5) years from the date of this Conveyance, or should Grantee permanently discontinue maintaining and using the Easement Improvements within the Easement Area for a period of five (5) years, this shall constitute an abandonment of the Easement, the Easement Improvements, and Grantee's rights under this Conveyance, and the Easement shall automatically terminate, and Grantee shall, at its own sole cost and expense, remove all Easement Improvements from the Easement Area, provided that Grantee shall consult with Grantor in advance of any such removal, and Grantor shall be entitled to require Grantee to leave some or all such Easement Improvements in place. If Grantee removes the Easement Improvements from the Easement Area, Grantee shall carry out such removal consistent with the requirements set forth in Section 4 and restore the Easement Area, at its sole cost and expense, to a condition comparable to its condition just prior to Grantee's removal activities. Grantee shall then execute and record a termination or quitclaim to Grantor of the Easement.

10. Indemnity and Insurance.

- A. Grantee agrees to release and, unless Grantee is a governmental entity, indemnify Grantor, its officers, agents, employees, representatives, successors and assigns from and against all claims that may accrue to Grantee for personal injury, death or property damage resulting from or arising out of Grantee's use of the Easement Area or other activities on Grantor's Property. To the extent permitted by law, and without waiving any of the provision so the Colorado Governmental Immunity Act, Grantee assumes responsibility, as between Grantor and Grantee, for any liability to third parties arising out of Grantee's use of the Easement Area or other activities on Grantor's Property, including but not limited to the construction, installation, operation, repair, and maintenance of improvements within the Easement Area, and for any actions or omissions by Grantee in violation of this Conveyance.
- B. Grantee shall procure, pay for, and keep in full force and effect during the term of this Conveyance a comprehensive policy of general liability insurance covering the Easement Improvements and insuring Grantee in an amount not less than One Million dollars (\$1,000,000.00) covering bodily injury, including death to persons, personal injury, and property damage liability arising out of a single occurrence. Such coverage must include, without limitation, the insured's liability for property damage, bodily injuries, and death of persons in connection with Grantee's activities in the Easement Area or on Grantor's Property, the operation,

maintenance, or use of the Easement Improvements (including acts or omissions of Grantee or of its officers, employees, or agents), and protection against liability for non-owned and hired automobiles. Such coverage must also include coverage for such other risks as are customarily required by private institutional mortgage lenders with regard to property similar in construction, location, and use as the Easement Improvements. All policies of insurance required hereunder must name Grantor as an additional insured and shall contain a provision that the policy or policies cannot be canceled or materially altered either by the insured or the insurance company until fifteen (15) days' prior written notice thereof is given to Grantor. Upon issuance or renewal of any such insurance policy, Grantee shall furnish a certificate of insurance to Grantor. In the event Grantee fails or neglects to maintain, or require its contractor to procure and maintain, as applicable, the insurance required by this paragraph, then Grantor shall have the right, upon giving Grantee reasonable notice of its election to do so, to take out and maintain such insurance at the expense of Grantee, and in such event the cost of such insurance shall be paid for by Grantee promptly upon receipt of an invoice covering such charges.

11. Notices. Any notice or other communication relating to this Conveyance must be in writing and shall be deemed given (i) when delivered personally, or (ii) on the first business day which is three (3) days following mailing by certified mail, return receipt requested and postage prepaid, or (iii) the next business day after sending by a nationally recognized overnight delivery service, and addressed to the party at its respective address on the first page of this Conveyance.

12. Default, Remedies and Litigation Expenses. If a party to this Conveyance is in default in performance of its respective obligations hereunder, the other party has the right to an action for specific performance or damages or both. Prior to proceeding with any such action, the party not in default must first send written notice to the defaulting party specifying the default and affording such party a reasonable period to cure the default. In the event a party defaults in any of its covenants or obligations and the party not in default commences and substantially prevails in any legal or equitable action against the defaulting party, the defaulting party expressly agrees to pay all reasonable expenses of the litigation, including a reasonable sum for attorneys' fees or similar costs of legal representation.

13. Assignment. Grantee may not assign its rights under this Conveyance without the prior written consent of Grantor.

14. Additional Terms and Conditions. Whenever used herein, the singular number includes the plural, the plural the singular, and the use of any gender is applicable to all genders. All the covenants herein contained are binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, and assigns. This Conveyance is to be construed and enforced according to the laws of Colorado, and venue in any proceeding related to this Conveyance shall be in Larimer County, Colorado. If any term of this Conveyance is determined by any court to be unenforceable, the other terms of this Conveyance shall nonetheless remain in full force and effect; provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in

order to adopt mutually agreeable amendments to this Conveyance as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.

15. Authority. Each person executing this Conveyance represents and warrants that he or she is duly authorized to execute this Conveyance in his or her individual or representative capacity as indicated.

IN WITNESS WHEREOF, Grantee has hereunder set its hand and seal the day and year written below; and Grantor has caused this Conveyance to be executed by its Mayor, attested to by its City Clerk, and its corporate seal to be hereunto affixed, all pursuant to Ordinance No. _____ 20____, passed on final reading by the City Council of the City of Fort Collins on the _____ day of _____, 20____.

[Signatures on following page(s)]

GRANTOR:

THE CITY OF FORT COLLINS, COLORADO
a municipal corporation

Date

Jeni Arndt, Mayor

ATTEST:

City Clerk

(Printed name)

APPROVED AS TO FORM:

Assistant City Attorney

(Printed name)

ACCEPTANCE BY GRANTEE:

4401 Innovation Dr LLC

Date: _____

Neil Bellefeuille, Partner

ATTEST:

Signature

(Name, Title)

ACCEPTANCE BY GRANTEE:

Kederike, LLC

Date: _____

Officer with signing authority

ATTEST:

Signature

(Name, Title)

Page 188



EXHIBIT

DRAINAGE EASEMENT PICKLEBALL FACILITY AT 4401 INNOVATION DRIVE

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACT A, GOLDEN MEADOWS BUSINESS PARK RECORDED UNDER RECEPTION NO. 266612 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTHERLY LINE OF LOT 19, REPLAT OF LOTS 13, 14, 15, 16, AND 18, GOLDEN MEADOWS BUSINESS PARK, BEING MONUMENTED AT THE WEST END BY A 1" YELLOW PLASTIC CAP STAMPED "LS 18471" AND AT THE EAST END BY A NO. 4 REBAR WITH NO CAP, BEARING S89°52'12"E AS REFERENCED TO COLORADO STATE PLANE NORTH ZONE.

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 19, REPLAT OF LOTS 13, 14, 15, 16, AND 18, GOLDEN MEADOWS BUSINESS PARK, RECORDED UNDER RECEPTION NO. 316057 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER;

THENCE ON THE NORTHERLY LINE OF SAID LOT 19, ALSO BEING THE SOUTHERLY LINE OF TRACT A, GOLDEN MEADOWS BUSINESS PARK RECORDED UNDER RECEPTION NO. 266612, S89°52'12"E A DISTANCE OF 164.61 FEET, TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID SOUTHERLY LINE, N00°00'00"E A DISTANCE OF 36.56 FEET;

THENCE N90°00'00"E A DISTANCE OF 20.00 FEET;

THENCE S00°00'00"W A DISTANCE OF 36.61 FEET, TO A POINT ON SAID SOUTHERLY LINE;

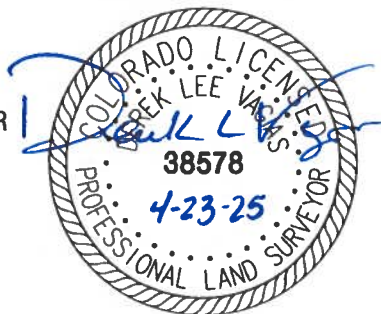
THENCE ON SAID LINE, N89°52'12"W A DISTANCE OF 20.00 FEET, TO THE POINT OF BEGINNING.

CONTAINING A CALCULATED AREA OF 732 SQUARE FEET OR 0.0168 ACRES.

PROPERTY DESCRIPTION STATEMENT

I, DEREK LEE VAGIAS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

DEREK LEE VAGIAS, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38578
FOR AND ON BEHALF OF JR ENGINEERING, LLC

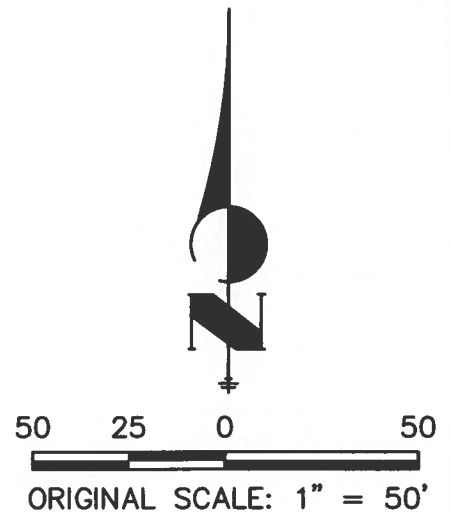
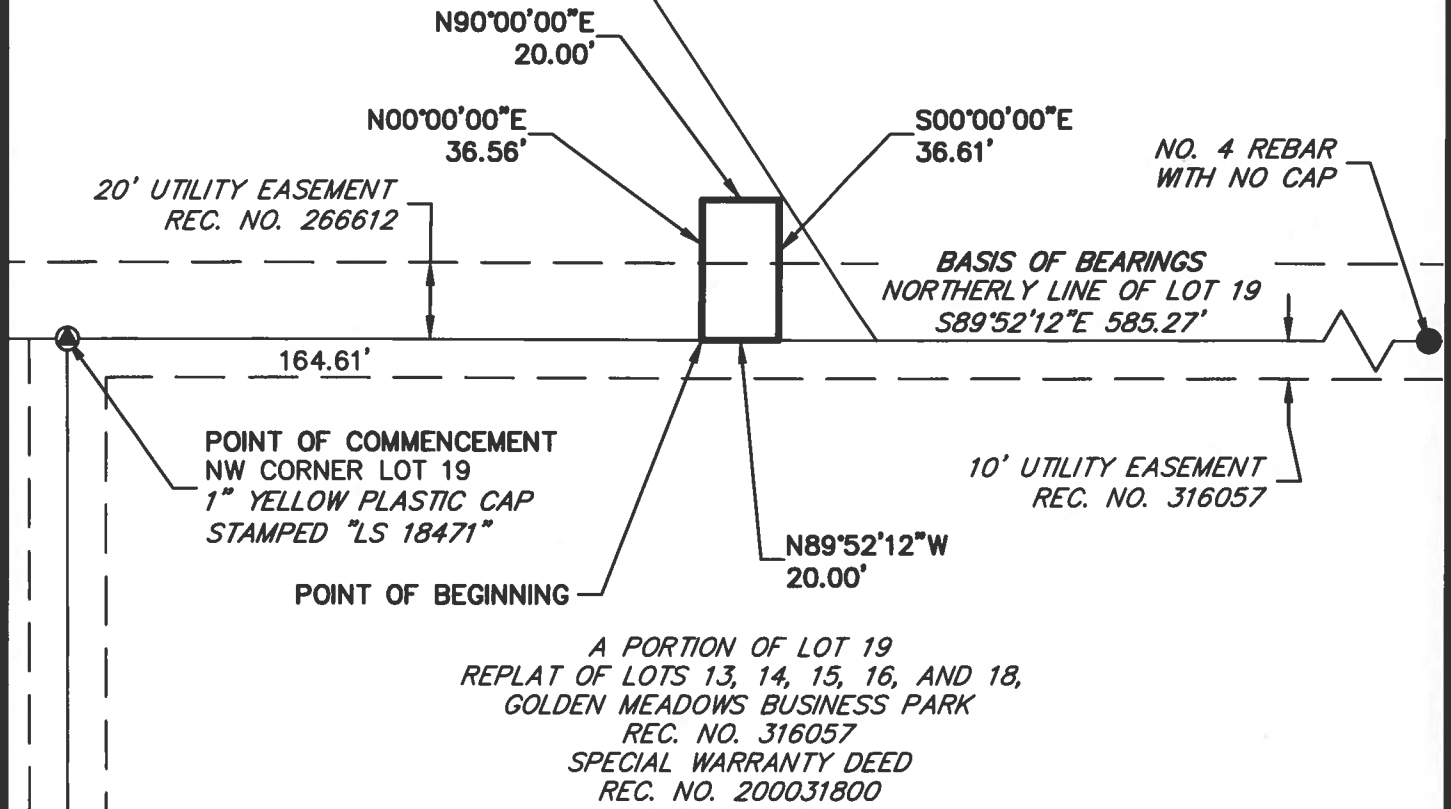


EXHIBIT

TRACT A
GOLDEN MEADOWS
BUSINESS PARK
REC. NO. 266612

SE1/4 SEC. 31,
T7N, R68W, 6TH PM

TRACT B
GOLDEN MEADOWS
BUSINESS PARK
REC. NO. 266612



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

DRAINAGE EASEMENT
PICKLEBALL FACILITY AT 4401 INNOVATION DRIVE
PROJECT NO.: 39838.00
DATE: 4/21/2025

SHEET: 2 OF 2



J-R ENGINEERING
A Westrian Company

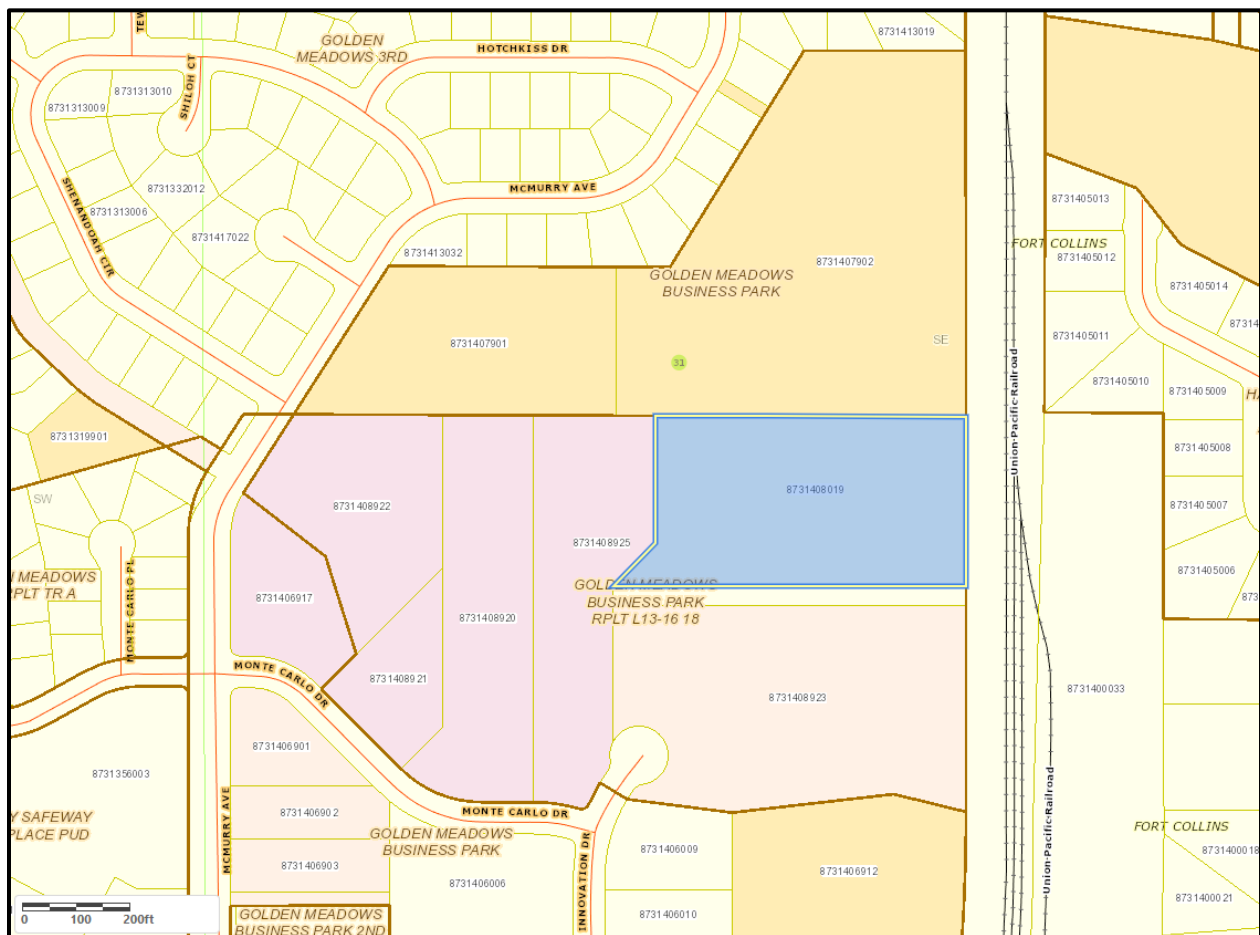
Centennial 303-740-8383 • Colorado Springs 719-583-2583
Fort Collins 970-491-8888 • www.jrengineering.com

Description:

Location Address:

Assessor Parcel Number(s):

Map:



TEMPORARY CONSTRUCTION EASEMENT
(City Property)

Grantor: City of Fort Collins, Colorado, a municipal corporation

Grantor Signing Authority and Title: Jenni Arndt, Mayor

Grantor Mailing Address: C/O Real Estate Services,
P.O. Box 580,

Fort Collins, Colorado 80522

Grantor Phone Number/Email: (970) 221-6211 / RealEstateServices@fcgov.com

Grantee: 4401 Innovation Dr L.L.C. and Kederike, LLC

Grantee Signing Authority and Title: Neil Bellefeuille, Partner

Grantee Mailing Address: 4401 Innovation Dr, Fort Collins, CO 80525

Grantee Phone Number/Email: 970.889.4700 / neil@zerozerotwo.pro

Project: Drainage Improvements, including one (1) eighteen (18) inch storm pipe, buried rip-rap and related restoration.

Effective Date: Date of mutual execution

Expiration Date: One (1) year after the Effective Date

Consideration: \$206.00

Exhibit A – Larger Parcel Description: 1 page

Exhibit B – TCE Area Legal Description and Depiction: 3 pages

This **TEMPORARY CONSTRUCTION EASEMENT** (the “TCE”) is made and entered into by and between Grantor and Grantee on the dates written below, and the above referenced Exhibits A through B are attached to and made a part of this TCE.

1. Grantor’s Property. Grantor is the owner of that certain parcel of real property located in Larimer County, Colorado, which is legally described on **Exhibit A** (the “Larger Parcel”).
2. Grant of Easement. For and in consideration of the covenants and agreements herein set forth, the sum of the Consideration, and other good and valuable consideration, the receipt and adequacy of which Grantor acknowledges, Grantor grants, sells, and conveys to Grantee, its successors and assigns, a temporary construction easement (the “Easement”) on, over, under, and across that certain portion of the Larger Parcel described more fully and depicted on **Exhibit B** (the “TCE Area”), subject to the conditions and restrictions set forth below.
3. Purpose and Use of Easement.
 - A. During the term of this TCE, Grantee may use the TCE Area for the following temporary activities related to the Project (defined above):
 - i. Construction activities;

- ii. Marking the location of the TCE Area by suitable markers set in the ground;
- iii. Storage and staging of materials and equipment;
- iv. Fencing and gates for security and safety purposes;
- v. Ingress and egress to the construction site;
- vi. The right to use existing gates in all fences which now cross or shall hereafter cross the TCE Area.

B. Grantee's use of the Easement is subject to the following:

- i. Grantee may only access the TCE Area from the project site, 4401 Innovation Dr, and Grantee has no right of ingress and egress across any portion of the Larger Parcel not included in the TCE Area;
- ii. If Grantor's main access to the Larger Parcel is located within the TCE Area, Grantee must allow for Grantor's reasonable access to the Larger Parcel;
- iii. All activities by Grantee in the TCE Area must be carried out in a manner and on a schedule reasonably expected to minimize disturbance to the natural features of said property and Grantor's intended purposes and uses therefor; Grantee shall protect all trees located on the Larger Parcel from any damage by Grantee's construction activities;
- iv. Grantee shall restore the TCE Area in accordance with Section 6 below;
- v. Grantee shall provide Grantor notice of the date it intends to commence construction operations for the Project, insofar as said operations pertain to the TCE Area, at least seven (7) calendar days prior to such date, and such notice shall include any construction plans and construction schedule for the Project. Grantee shall coordinate such work in the TCE Area with Grantor;
- vi. All activities by Grantee within the TCE Area must be carried out in a secure and sanitary manner and to prevent injury or damage to persons or property;
- vii. Grantee shall provide Grantor notice of any accident, emergency, or other dangerous or hazardous occurrence in the TCE Area within one calendar day of such occurrence and Grantee must make best efforts to correct or mitigate any such occurrence as soon as practicably possible; and
- viii. Grantee shall not be permitted to enter any portion of any building located within the TCE Area without obtaining the prior written consent of Grantor.

4. [Reserved]

5. Maintenance of the TCE Area. During the term of this TCE, the Grantee will maintain the surface of the TCE Area, specifically limited to any conditions directly caused by Grantee's use and occupancy of the TCE Area or conditions reasonably within Grantee's control. Grantee will not release, or permit, or allow to be released any hazardous or combustible substance or material within the TCE Area.

6. Restoration of TCE Area.

A. Prior to the Expiration Date, Grantee, in accordance with the requirements of this Section 6, will make such repairs or take such other action as may be necessary to

- restore the TCE Area to a condition comparable to its condition as of the Effective Date (the “Construction Repairs”), including but not limited to the reseeding and replanting of any disturbed areas, correction of any subsidence, compaction, and restoration of any other improvements or conditions impacted by Grantee’s activities, as set forth in the “Pickleball Ventures” Final Development Plans and Development Agreement, on file with the Grantor.
- B. The Grantee agrees to provide to Grantor a two-year maintenance guarantee and a two-year repair guarantee covering the design, construction, and maintenance of the Construction Repairs (the “Restoration Guarantees”), as set forth in the “Pickleball Ventures” Final Development Plans and Development Agreement, on file with the Grantor. The Restoration Guarantees shall commence upon the date of the City’s final approval and acceptance of the Construction Repairs, which shall be in writing (the “Final Approval”). Subject to the foregoing, the ownership of the Construction Repairs shall pass to Grantor upon Final Approval.
7. Term. This TCE will commence on the Effective Date and will automatically terminate thirty (30) days after final completion of the Project, but in no event later than the Expiration Date. No extension of this TCE term shall be effective unless an amendment hereto is executed by both parties, and no release or notice of termination shall be required to be filed to evidence the automatic termination of this TCE.
8. No Recordation. The parties agree that this TCE shall not be recorded by either party.
9. Authority. Each person executing this TCE represents and warrants that he or she is duly authorized to execute this TCE in his or her individual or representative capacity as indicated.
10. Representations of Grantor. Grantor makes no representations or warranties as to the lawful ownership of the Larger Parcel.
11. Indemnity and Insurance.
- A. Grantee agrees to release and, unless Grantee is a governmental entity, indemnify Grantor, its officers, agents, employees, representatives, successors, and assigns from and against all claims that may accrue to Grantee for personal injury, death, or property damage resulting from or arising out of the Grantee’s use of the TCE Area or other activities on the Larger Parcel. To the extent permitted by law, and without waiving any of the provision so the Colorado Governmental Immunity Act, Grantee assumes responsibility, as between Grantor and Grantee, for any liability to third parties arising out of Grantee’s use of the Easement Area or other activities on Grantor’s Larger Parcel, including but not limited to the construction, installation, operation, repair, and maintenance of improvements within the TCE Area, and for any actions or omissions by Grantee in violation of this TCE. Nothing shall require Grantee to indemnify Grantor from any claim or liability, including reasonable attorney’s fees and costs, for claims arising from the negligence or willful misconduct of Grantor.

- B. Grantee shall procure, pay for, and keep in full force and effect during the term of the TCE a comprehensive policy of general liability insurance insuring Grantee in an amount not less than One Million Dollars (\$1,000,000.00) covering bodily injury, including death to persons, personal injury, and property damage liability arising out of a single occurrence. Such coverage must include, without limitation, the insured's liability for property damage, bodily injuries, and death of persons in connection with Grantee's activities in the TCE Area or on Grantor's Larger Parcel (including acts or omissions of Grantee or of its officers, employees, or agents), and protection against liability for non-owned and hired automobiles.
- C. All policies of insurance required hereunder must name Grantor as an additional insured and shall contain a provision that the policy or policies cannot be canceled or materially altered either by the insured or the insurance company until fifteen (15) days' prior written notice thereof is given to Grantor. Upon issuance or renewal of any such insurance policy, Grantee shall furnish a certificate of insurance to Grantor.
- D. In the event Grantee fails or neglects to maintain, or require its contractor to procure and maintain, as applicable, the insurance required by this paragraph, then Grantor shall have the right, upon giving the Grantee reasonable notice of its election to do so, to take out and maintain such insurance at the expense of the Grantee, and in such event the cost of such insurance shall be paid for by the Grantee promptly upon receipt of an invoice covering such charges.
12. Notice. Any notice or other communication relating to this TCE must be in writing and shall be deemed given upon actual receipt at the physical or electronic mailing addresses set forth above, which may be amended by providing written notice to the other party.
13. Default, Remedies and Litigation Expenses. If a party to this TCE is in default in performance of its respective obligations hereunder, the other party has the right to an action for specific performance and/or damages. Prior to proceeding with any such action, the party not in default must first send written notice to the defaulting party specifying the default and affording such party a reasonable period to cure the default.
14. Assignment. The Grantee may not assign its rights under this TCE without the prior written consent of the Grantor.
15. Additional Terms and Conditions. Whenever used herein, the singular number includes the plural, the plural the singular, and the use of any gender is applicable to all genders. All of the covenants herein contained are binding upon and inure to the benefit of the parties hereto, their personal representatives, successors, and assigns. The parties agree that this TCE is to be construed and enforced according to the laws of Colorado, and venue for any proceeding relating to the subject matter of this TCE shall be in Larimer County, Colorado. If any term of this TCE is determined by any court to be unenforceable, the other terms of this TCE shall nonetheless remain in full force and effect; provided, however, that if the severance of any such provision materially alters the rights or obligations of the parties, the parties shall engage in good faith negotiations in

order to adopt mutually agreeable amendments to this TCE as may be necessary to restore the parties as closely as possible to the initially agreed upon relative rights and obligations.

16. Final Agreement. This TCE represents the entire understanding and agreement between the parties with respect to the subject matter hereof and supersedes and replaces all previous oral and written representations, understandings, and agreements between the parties pertaining to the subject matter of this TCE.

IN WITNESS WHEREOF, the parties have set their hands and seals on the date(s) written below, but this TCE shall be effective as of the Effective Date; and the Grantor has caused this TCE to be executed pursuant to Ordinance No. ____, 2025, passed on final reading by the City Council of the City of Fort Collins on ____, 2025.

[Signatures on the following page(s)]

GRANTOR:

Date: _____

Jeni Arndt, Mayor

ATTEST:

Delynn Coldiron, City Clerk

APPROVED AS TO FORM:

Ted Hewitt, Assistant City Attorney

ACCEPTANCE BY GRANTEE:

4401 Innovation Dr L.L.C.

Date: _____

Neil Bellefeuille, Partner

ATTEST:

Signature

(Name, Title)

ACCEPTANCE BY GRANTEE:

Kederike, LLC

Date: _____

Officer with signing authority

ATTEST:

Signature

(Name, Title)

Page 199



EXHIBIT

TEMPORARY CONSTRUCTION EASEMENT PICKLEBALL FACILITY AT 4401 INNOVATION DRIVE

PROPERTY DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF TRACT A AND TRACT B, GOLDEN MEADOWS BUSINESS PARK RECORDED UNDER RECEPTION NO. 266612 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE NORTHERLY LINE OF LOT 19, REPLAT OF LOTS 13, 14, 15, 16, AND 18, GOLDEN MEADOWS BUSINESS PARK, BEING MONUMENTED AT THE WEST END BY A 1" YELLOW PLASTIC CAP STAMPED "LS 18471" AND AT THE EAST END BY A NO. 4 REBAR WITH NO CAP, BEARING S89°52'12"E AS REFERENCED TO COLORADO STATE PLANE NORTH ZONE.

COMMENCING AT THE NORTHWESTERLY CORNER OF LOT 19, REPLAT OF LOTS 13, 14, 15, 16, AND 18, GOLDEN MEADOWS BUSINESS PARK, RECORDED UNDER RECEPTION NO. 316057 IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER;

THENCE ON THE NORTHERLY LINE OF SAID LOT 19, ALSO BEING THE SOUTHERLY LINE OF TRACT A, GOLDEN MEADOWS BUSINESS PARK RECORDED UNDER RECEPTION NO. 266612, S89° 52'12"E A DISTANCE OF 144.61 FEET, TO THE POINT OF BEGINNING;

THENCE DEPARTING SAID SOUTHERLY LINE, N00°00'00"E A DISTANCE OF 46.52 FEET;

THENCE N90°00'00"E A DISTANCE OF 60.00 FEET;

THENCE S00°00'00"E A DISTANCE OF 46.65 FEET, TO A POINT ON SAID SOUTHERLY LINE;

THENCE ON SAID LINE, N89° 52'12"W A DISTANCE OF 20.00 FEET;

THENCE DEPARTING SAID SOUTHERLY LINE, N00° 00'00"E A DISTANCE OF 36.61 FEET;

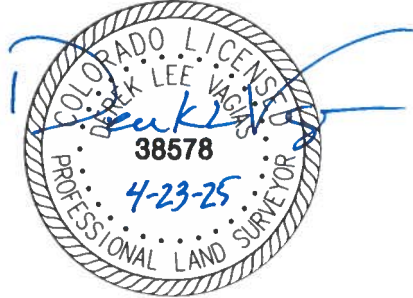
THENCE N90°00'00"W A DISTANCE OF 20.00 FEET;

THENCE S00°00'00"E A DISTANCE OF 36.56 FEET, TO A POINT ON SAID SOUTHERLY LINE;
THENCE ON SAID LINE, N89°52'12"W A DISTANCE OF 20.00 FEET, TO THE POINT OF BEGINNING;
CONTAINING A CALCULATED AREA OF 2,063 SQUARE FEET OR 0.0474 ACRES.

PROPERTY DESCRIPTION STATEMENT

I, DEREK LEE VAGIAS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE THAT THE ABOVE PROPERTY DESCRIPTION AND ATTACHED EXHIBIT WERE PREPARED UNDER MY RESPONSIBLE CHARGE, AND ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, ARE CORRECT.

DEREK LEE VAGIAS, PROFESSIONAL LAND SURVEYOR
COLORADO NO. 38578
FOR AND ON BEHALF OF JR ENGINEERING, LLC

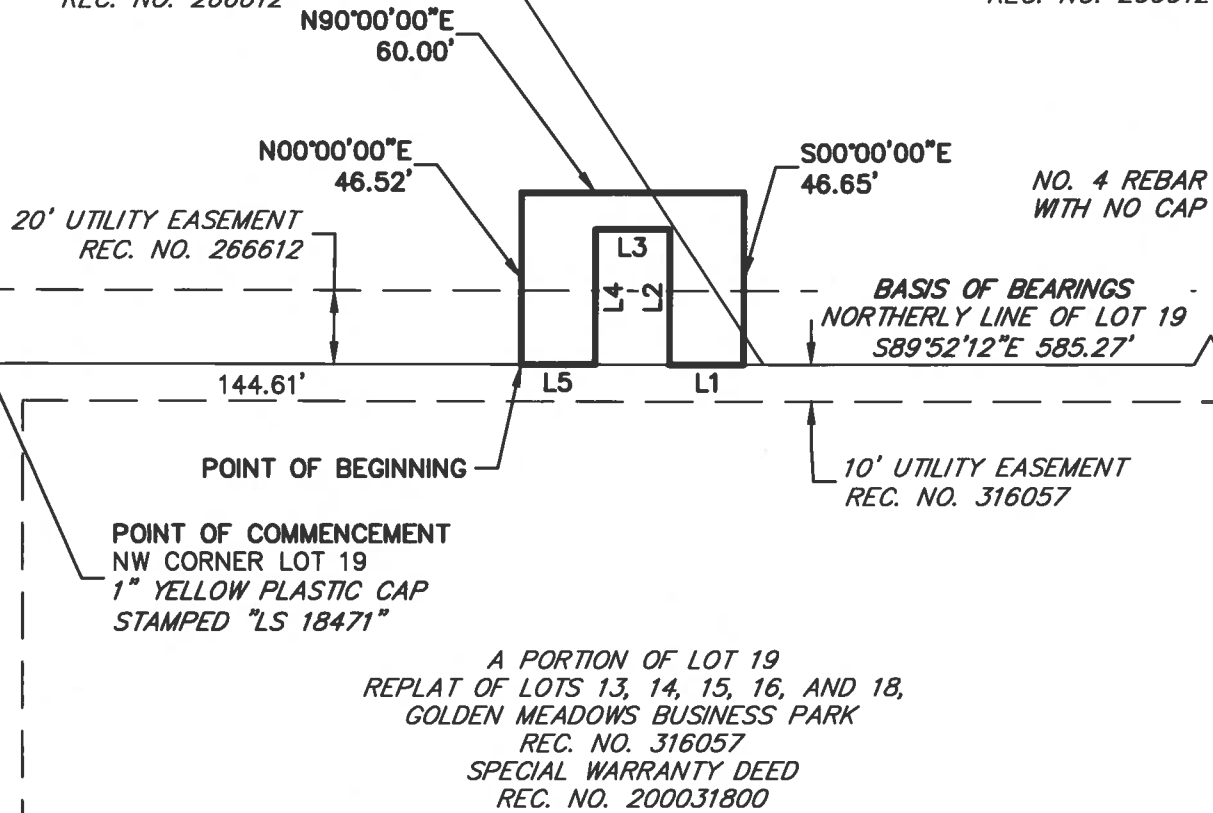


EXHIBIT

TRACT A
GOLDEN MEADOWS
BUSINESS PARK
REC. NO. 266612

SE1/4 SEC. 31,
T7N, R68W, 6TH PM

TRACT B
GOLDEN MEADOWS
BUSINESS PARK
REC. NO. 266612



LINE TABLE

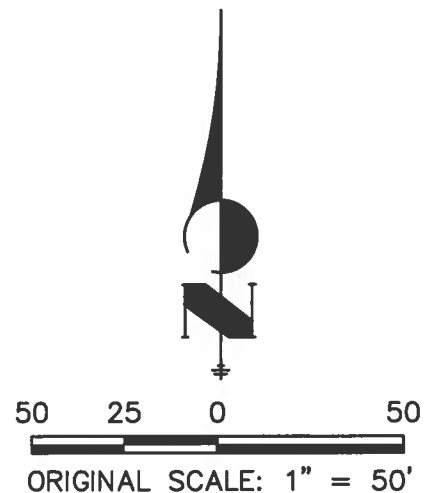
LINE	BEARING	DISTANCE
L1	N89°52'12"W	20.00'
L2	N00°00'00"E	36.61'
L3	N90°00'00"W	20.00'
L4	S00°00'00"E	36.56'
L5	N89°52'12"W	20.00'



NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED PROPERTY DESCRIPTION.

DRAINAGE EASEMENT
PICKLEBALL FACILITY AT 4401 INNOVATION DRIVE
PROJECT NO.: 39838.00
DATE: 4/23/2025

SHEET: 3 OF 3



J-R ENGINEERING
A Westbrian Company

Centennial 303-740-8883 • Colorado Springs 719-588-2583
Fort Collins 970-491-8888 • www.jrengineering.com

File Attachments for Item:

13. First Reading of Ordinance No. 103, 2025, Vacating Alley Right-of-Way in the Ghent Subdivision Subject to Conditions.

The purpose of this item is to vacate 16 feet of public right-of-way dedicated by the Ghent subdivision plat. The right-of-way is no longer desirable or necessary to retain for street purposes. The right-of-way vacation will be conditional upon the relocation of an existing Lumen utility line which is currently within the right-of-way.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Sophie Buckingham, Civil Engineer II

SUBJECT

First Reading of Ordinance No. 103, 2025, Vacating Alley Right-of-Way in the Ghent Subdivision Subject to Conditions.

EXECUTIVE SUMMARY

The purpose of this item is to vacate 16 feet of public right-of-way dedicated by the Ghent subdivision plat. The right-of-way is no longer desirable or necessary to retain for street purposes. The right-of-way vacation will be conditional upon the relocation of an existing Lumen utility line which is currently within the right-of-way.

STAFF RECOMMENDATION

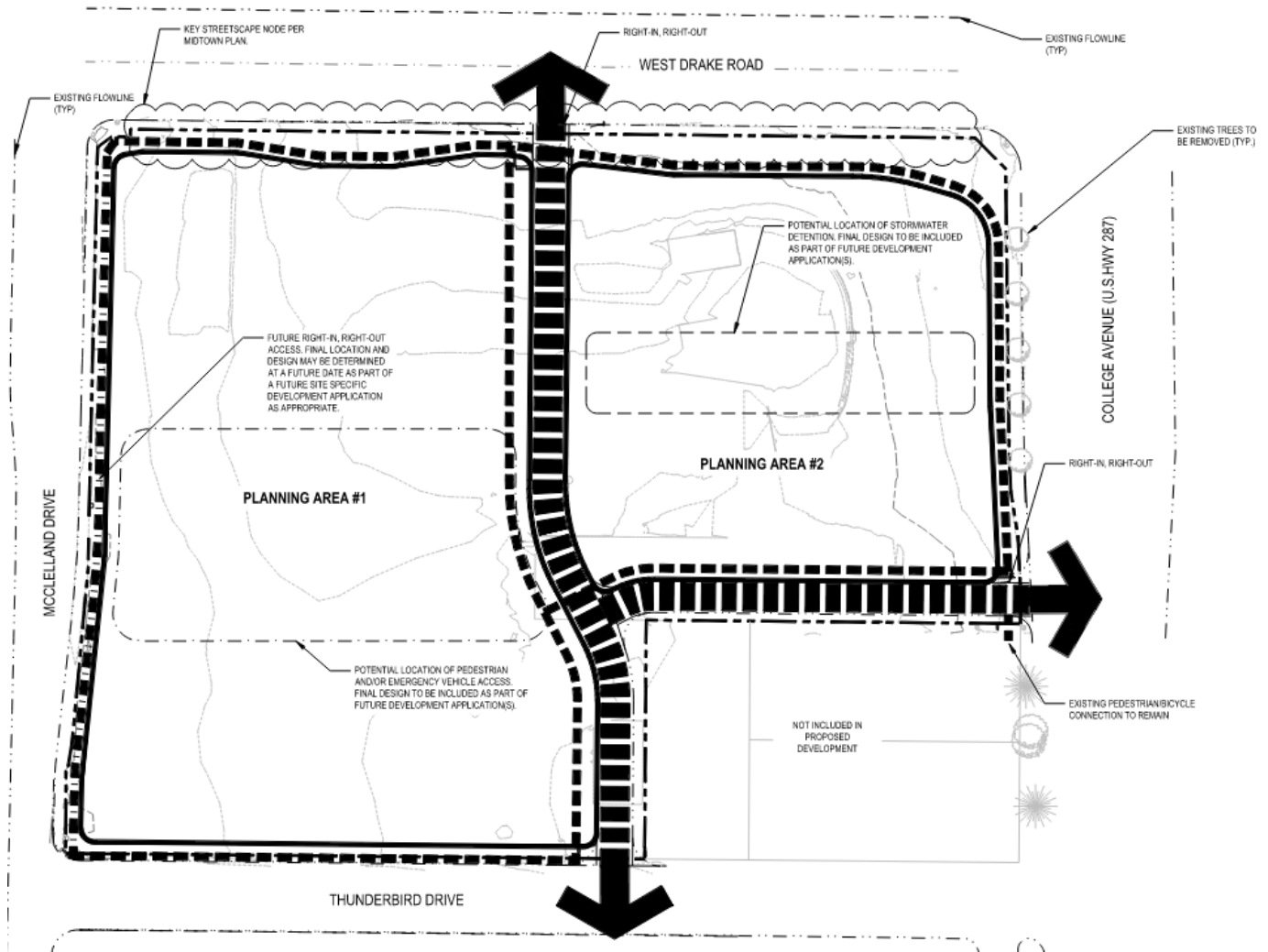
Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

This alley is no longer desirable or necessary to retain for street purposes because it is not being used for vehicular, pedestrian, multi-modal, or utility purposes, aside from the Lumen utility line. The alley runs through a property that is being redeveloped. The redevelopment project is known as SWC Drake College, and the developer has requested the right-of-way vacation to facilitate redevelopment of the property. The redevelopment project will provide private street connections to Drake Road, College Avenue, and Thunderbird Drive. These connections are depicted in Figure 1, the Overall Development Plan for the property approved by the Fort Collins Planning and Zoning Commission on May 15, 2025. The developer is coordinating with Lumen to relocate the existing utility line from the alley right-of-way to a different location, after which the alley right-of-way will serve no public purpose. Once the Lumen utility line has been relocated, the right-of-way vacation will take full effect. The right-of-way must be conditionally or fully vacated in order for the City to approve the SWC Drake College redevelopment project.

The City Engineer and the Planning, Development, and Transportation Director recommend approval of this conditional right-of-way vacation.

Figure 1. Overall Development Plan



CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Potentially affected utility agencies and City staff have been notified of the request for right-of-way vacation. The adjacent property owner at 2601 South College Avenue has also been notified of the proposed right-of-way vacation and the scheduled first reading of the Ordinance on June 17, 2025.

ATTACHMENTS

1. Ordinance No. 103, 2025

ORDINANCE NO. 103, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING ALLEY RIGHT-OF-WAY IN THE GHENT
SUBDIVISION SUBJECT TO CONDITIONS

A. City Code Section 23-115 provides that the City Council may vacate a City right-of-way upon a finding that the right-of-way being considered for vacation is no longer needed for right-of-way purposes, and that the vacation is in the public's interest.

B. Colorado Revised Statutes ("C.R.S.") Section 43-2-303(1)(a) provides that the City Council may by ordinance vacate a roadway or part thereof located within the corporate limits of the city. C.R.S. Section 43-2-303(3) further provides that upon vacation, rights-of-way may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances.

C. The alley right-of-way proposed to be vacated concerns 16 feet of public right-of-way dedicated by the Ghent subdivision plat and is shown on Exhibit A (the "Vacation Area") and is no longer desirable or necessary to retain for street purposes because it is not being used for vehicular, pedestrian, multi-modal, or utility purposes, aside from the Lumen utility line.

D. The alley runs through a property that is being redeveloped. The redevelopment project is known as SWC Drake College, and the developer has requested the right-of-way vacation to facilitate redevelopment of the property.

E. The redevelopment project will provide private street connections to Drake Road, College Avenue, and Thunderbird Drive. These connections are depicted in the Overall Development Plan for the property approved by the Fort Collins Planning and Zoning Commission on May 15, 2025. The developer is coordinating with Lumen to relocate the existing utility line from the alley right-of-way to a different location, after which the alley right-of-way will serve no public purpose. Once the Lumen utility line has been relocated, the right-of-way vacation will take full effect. The alley right-of-way must be conditionally or fully vacated in order for the City to approve the SWC Drake College redevelopment project.

F. The proposed vacation will not leave any adjoining land without access to an established public road, and the City Engineer and the Planning, Development, and Transportation Director recommend approval of this conditional right-of-way vacation subject to the conditions described herein.

G. Notification has been provided to affected utility agencies, emergency service providers, and adjacent property owners as required.

H. The City Council finds that the vacation of the Vacation Area, subject to the conditions set forth below, is in the best interests of the City and serves a valid public purpose.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby finds and determines that the alley right-of-way proposed to be vacated concerns 16 feet of the alley right-of-way dedicated by the Ghent subdivision plat and shown on Exhibit A, attached hereto and incorporated herein, is no longer needed for alley right-of-way purposes and that it is in the public interest to vacate the Vacation Area, subject to the conditions set forth in Section 3 of this Ordinance.

Section 2. Subject to the fulfillment of the conditions set forth in Section 3 of this Ordinance, 16 feet of the alley right-of-way dedicated by the Ghent subdivision plat and shown on Exhibit A is hereby vacated.

Section 3. The vacation set forth in this Ordinance shall not be effective until the following conditions are satisfied:

- (a) The developer of SWC Drake College shall relocate the existing Lumen utility line from the alley right-of-way to a different location, after which the alley right-of-way will serve no public purpose; and
- (b) After relocating the Lumen utility line from the alley right-of-way, the developer of SWC Drake College shall notify the City of the completion of that relocation so that this Ordinance can be recorded with the Larimer County Clerk and Recorder.

Section 4. Upon the fulfillment of the conditions stated in Section 3 of this Ordinance, the City shall record this Ordinance with the Larimer County Clerk and Recorder, at which point the vacation shall become effective.

Section 5. In accordance with City Code Section 23-115(f), title to the right-of-way vacated by this Ordinance shall vest as provided in C.R.S. Section 43-2-302.

Section 6. Maintenance of the Vacation Area shall be the responsibility of those in whom title vests and shall be undertaken as provided in City Code Section 20-42, Section 24-42, and any other applicable requirements.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025

Approving Attorney: Stefanie Boster

Exhibits: Exhibit A – Right-of-Way Legal Description

**DESCRIPTION**

A parcel of land located in the Northeast Quarter of Section 26, Township 7 North, Range 69 West of the 6th P.M., City of Fort Collins, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the south line of Lot 1, Ghent Subdivision, as recorded at Book 9, Page 134, as bearing South 89° 26' 43" East, said line also being the north line of the 16' alley as shown on said Ghent Subdivision, and with all bearings contained herein relative thereto:

BEGINNING at the Southwest corner of said Lot 1, said point also being the Northwest corner of said alley;

THENCE South 89° 26' 43" East, along the north line of said alley, a distance of 310.18 feet to the Northeast corner of said alley;

THENCE South 00° 33' 17" West, along the east line of said alley, a distance of 8.00 feet;

THENCE South 00° 22' 17" West, continuing along said east line, a distance of 8.00 feet to the Southeast corner of said alley;

THENCE North 89° 26' 43" West, along the south line of said alley, a distance of 310.30 feet to the Southwest corner of said alley;

THENCE North 00° 53' 20" East, along the west line of said alley, a distance of 16.00 feet to the **POINT OF BEGINNING**.

Containing 0.11 acres (4,964 square feet) more or less.

May be subject to easements, rights-of-way, covenants and restrictions of record.

Exhibit attached hereto and made a part hereof.

SURVEYOR'S CERTIFICATE

I, Tharen J. Helgerson, a Colorado Professional Land Surveyor, do hereby certify that this property description was prepared under my personal supervision and checking, that it is true and correct to the best of my knowledge, information and belief and is in accordance with applicable standards of practice. This is not a guaranty or warranty, either expressed or implied. {4 CCR 730-1}



Tharen J. Helgerson

Colorado Professional Land Surveyor No. 38882

For and on behalf of EPS Group, Inc.

EPS GROUP, INC.

301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
(970) 221-4158

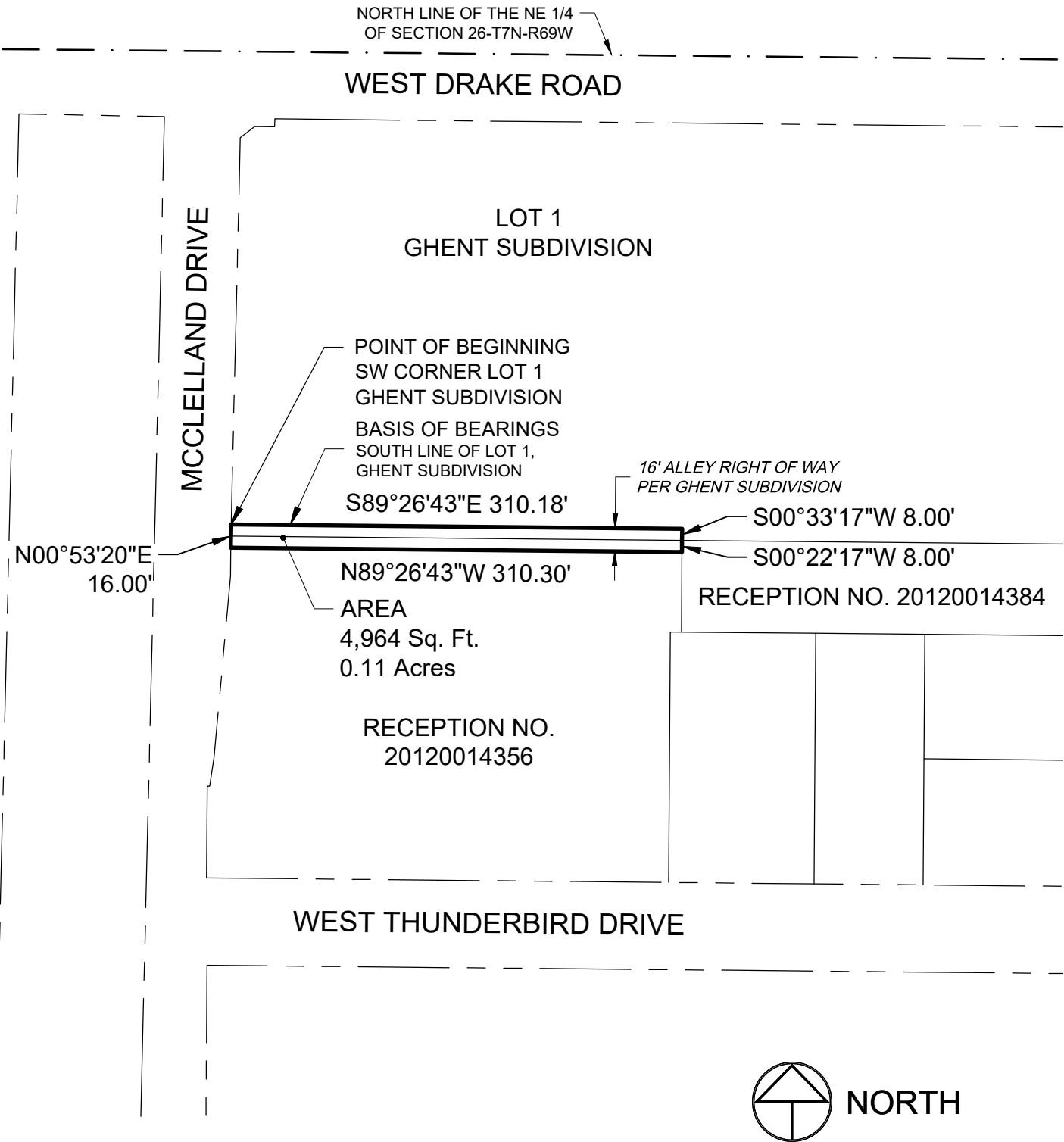
June 2, 2025

LMS

S:\Survey Jobs\24-0807\Dwg\Exhibits & Descriptions\24-0807 DESCRIPTION.docx

EXHIBIT

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 7 NORTH, RANGE 69 WEST OF THE 6TH P.M., CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO



Tharen J. Helgerson
Colorado Professional Land Surveyor No. 38882
For and on behalf of EPS Group, Inc.

LEGEND

- EXHIBIT BOUNDARY LINE
- EXISTING LOT LINE
- EXISTING RIGHT-OF-WAY LINE
- SECTION LINE

Sheet
1
Of 2
Sheets



PROJECT: 24-0807	CLIENT: KENTRO
DATE: 06/02/25	SECTION-TWP-RGE: S26-T7N-R69W
DRAWN BY: LMS	REVIEW BY: TJH

THIS EXHIBIT IS NOT A
MONUMENTED LAND SURVEY.
IT IS MEANT TO AID IN THE
VISUALIZATION OF THE
ACCOMPANYING WRITTEN
DESCRIPTION. THE WRITTEN
DESCRIPTION SUPERCEDES
EXHIBIT DRAWING.

File Attachments for Item:

14. First Reading of Ordinance No. 104, 2025, Correcting an Error in Ordinance No. 046, 2023, Regarding Financial Disclosure Requirements by Deleting Obsolete Section 2-638.

The purpose of this item is to delete language that was inadvertently left in place with the adoption of Ordinance No. 046, 2025, which enacted updated requirements for financial disclosures.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Carrie Daggett, City Attorney
Delynn Coldiron, City Clerk

SUBJECT

First Reading of Ordinance No. 104, 2025, Correcting an Error in Ordinance No. 046, 2023, Regarding Financial Disclosure Requirements by Deleting Obsolete Section 2-638.

EXECUTIVE SUMMARY

The purpose of this item is to delete language that was inadvertently left in place with the adoption of Ordinance No. 046, 2025, which enacted updated requirements for financial disclosures.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

In April 2023, Council adopted Ordinance No. 046, 2023, which updated the financial disclosure requirements in City Code Section 2-636. The changes address both initial filings and updated reporting in subsequent years. At the time of this change, conflicting language in Section 2-638 should have been deleted but the deletion of that conflicting provision was inadvertently omitted.

This Ordinance deletes City Code Section 2-638 to eliminate the conflicting provision and avoid any confusion as to the reporting requirements.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 104, 2025

ORDINANCE NO. 104, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
CORRECTING AN ERROR IN ORDINANCE NO. 046, 2023,
REGARDING FINANCIAL DISCLOSURE REQUIREMENTS
BY DELETING OBSOLETE SECTION 2-638

A. Article VIII of Chapter 2 of the City Code describes financial disclosure requirements for certain City officers and employees.

B. The provisions of Article VIII have been in place for over 50 years, with a few limited updates over the years.

C. Section 2-636 of the City Code specifies when financial disclosures are required.

D. In April 2023, the City Council adopted Ordinance No. 046, 2023, updating Section 2-636 and providing new timing and consolidating the language addressing initial disclosures with those addressing ongoing annual financial disclosure updates, and changing the date for annual reporting to January 10.

E. Section 2-636 as amended also describes in detail the process for filing financial disclosures both initially and for ongoing updates.

F. When Section 2-636 was amended to address requirements for annual updates, Section 2-638 was intended to be deleted, as the provisions of Section 2-638 regarding annual updates are in conflict with the updated requirements set out in Section 2-636 as it was amended in 2023 and so are obsolete.

G. Council desires to correct this error by deleting Section 2-638, which will ensure the financial disclosure requirements are clear and consistent with Council's action and intent in 2023.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that, consistent the changes to annual financial disclosure requirements enacted in Ordinance No.046, 2023, Section 2-638 of the Code of the City of Fort Collins, entitled Amended Statement, is hereby deleted.

Sec. 2-638. Amended statement.

~~Any person required to file a disclosure statement after his or her election, re-election, appointment or retention in office, shall on or before May 15 of each calendar year after the year in which his or her election, re-election, appointment or retention in office occurs, file an amended statement with the City Clerk or notify the City Clerk in writing that there has been no change in the information shown on the last previous disclosure statement.~~

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025

Approving Attorney: Carrie Daggett

Exhibits: None

File Attachments for Item:

15. Items Relating to the Vine/Timberline Rail Grade Separation Planning Project.

A. Resolution 2025-064 Authorizing the Execution of an Intergovernmental Grant Agreement Between the City of Fort Collins and the Federal Railroad Administration for the Vine/Timberline Rail Grade Separation Planning Project.

B. First Reading of Ordinance No. 105, 2025, Making a Supplemental Appropriation of Railroad Crossing Elimination Program Grant Funds for the Vine/Timberline Rail Grade Separation Planning Project.

The purpose of this item is to enable the City to receive and expend Railroad Crossing Elimination (RCE) Program funds through the Federal Railroad Administration (FRA) for the Vine/Timberline Rail Grade Separation Planning project (Project). The funds will be used to conduct planning for the capital project that intends to grade separate Timberline Road over Vine Drive and the BNSF railroad, eliminating the at-grade crossing of the railroad. The grant funding is not eligible for contributions to the Art in Public Places (APP) program. Previously appropriated funding from development contributions to construction will provide the City's cost share obligation under the federal grant, as well as providing additional funds needed for Project completion. The development contributions are subject to APP program transfers that are complete. If approved, the item will: 1) authorize the Mayor to execute an intergovernmental grant agreement for the Project with the FRA and delegate authority to Engineering to accept the grant through the online acceptance system and 2) appropriate \$765,616 in RCE Program grant funds to the Project.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Gunnar Hale, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

Items Relating to the Vine/Timberline Rail Grade Separation Planning Project.

EXECUTIVE SUMMARY

A. Resolution 2025-064 Authorizing the Execution of an Intergovernmental Grant Agreement Between the City of Fort Collins and the Federal Railroad Administration for the Vine/Timberline Rail Grade Separation Planning Project.

B. First Reading of Ordinance No. 105, 2025, Making a Supplemental Appropriation of Railroad Crossing Elimination Program Grant Funds for the Vine/Timberline Rail Grade Separation Planning Project.

The purpose of this item is to enable the City to receive and expend Railroad Crossing Elimination (RCE) Program funds through the Federal Railroad Administration (FRA) for the Vine/Timberline Rail Grade Separation Planning project (Project). The funds will be used to conduct planning for the capital project that intends to grade separate Timberline Road over Vine Drive and the BNSF railroad, eliminating the at-grade crossing of the railroad. The grant funding is not eligible for contributions to the Art in Public Places (APP) program. Previously appropriated funding from development contributions to construction will provide the City's cost share obligation under the federal grant, as well as providing additional funds needed for Project completion. The development contributions are subject to APP program transfers that are complete. If approved, the item will: 1) authorize the Mayor to execute an intergovernmental grant agreement for the Project with the FRA and delegate authority to Engineering to accept the grant through the online acceptance system and 2) appropriate \$765,616 in RCE Program grant funds to the Project.

STAFF RECOMMENDATION

Staff recommend adoption of the Resolution and Ordinance on First Reading.

BACKGROUND / DISCUSSION

The existing intersection of Timberline Road and Vine Drive experiences congestion with safety and delay concerns due to the existing 4-way stop control along with an at-grade rail crossing near the intersection. The Vine and Timberline Intersection Improvements project, which is already underway, will improve the intersection with a traffic signal interconnected to a new rail crossing signal. That project is fully funded, and construction is currently underway. Construction on that intersection improvement project has been delayed by utility relocations being performed by the Poudre Valley Rural Electric Association and will be completed later this summer.

As northeast Fort Collins continues to develop, increasing traffic volumes at the Vine and Timberline intersection will result in the need for an overpass like the one constructed at Vine and Lemay completed in 2022. This grade separation at Vine and Timberline over the railroad has been part of the City's Master Street Plan for several years. The Transportation Capital Projects Prioritization Study (TCPPS) includes the Project as one of the top 15 projects in the study and includes development of a conceptual design (**Attachment 1**). TCPPS was discussed at the August 22, 2023, City Council Work Session and later adopted by City Council on September 19, 2023 (Resolution 2023-086).

The East Ridge Second Filing and Waterfield Fourth Filing developments provided development contributions towards the Project that have been previously appropriated by City Council. The City worked with a consultant to develop an RCE Program grant application that was submitted in 2024. The application requested funding to complete Project planning. The application was successful, and the City recently received notification that the FRA is ready to move forward with the intergovernmental grant agreement (**Attached as Exhibit A to the Resolution**). This request seeks authorization to accept and execute the agreement and appropriate the grant funding.

CITY FINANCIAL IMPACTS

This item appropriates \$765,616 in costs to support the Vine/Timberline Rail Grade Separation Planning project.

An additional \$331,827 in funds needed for the project has been appropriated in the Capital Projects Fund. The RCE local match of \$191,404 required for the RCE grant will come from this previously appropriated funding. The remaining local funds (\$140,423) will be available as an overmatch for future grant opportunities and to help fund final design, right-of-way acquisition, and construction of the Project.

The RCE grant is a reimbursable grant, meaning Capital Projects Fund expenses will be reimbursed up to \$765,616.

The following is a summary of the current and proposed funding appropriations for the Project.

Prior Appropriated Funds	
Development Contributions to Construction	\$331,827
Funds to be Appropriated per this Action	
Federal Railroad Administration (FRA) Railroad Crossing Elimination (RCE) Funds	\$765,616
Total Funds to be Appropriated per this Action	\$765,616
Proposed Transfer to Art in Public Places	\$0
Total Proposed Project Funds	\$1,097,443

The total fund amount projected for this Project is \$1,097,443 composed of funds appropriated with prior actions and with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Council adopted TCPPS (project is identified in the study) on September 19, 2023. The study was also brought to the Transportation Board on August 16, 2023, and the Bike Advisory Committee on August 28, 2023, and both bodies support the results of the study.

PUBLIC OUTREACH

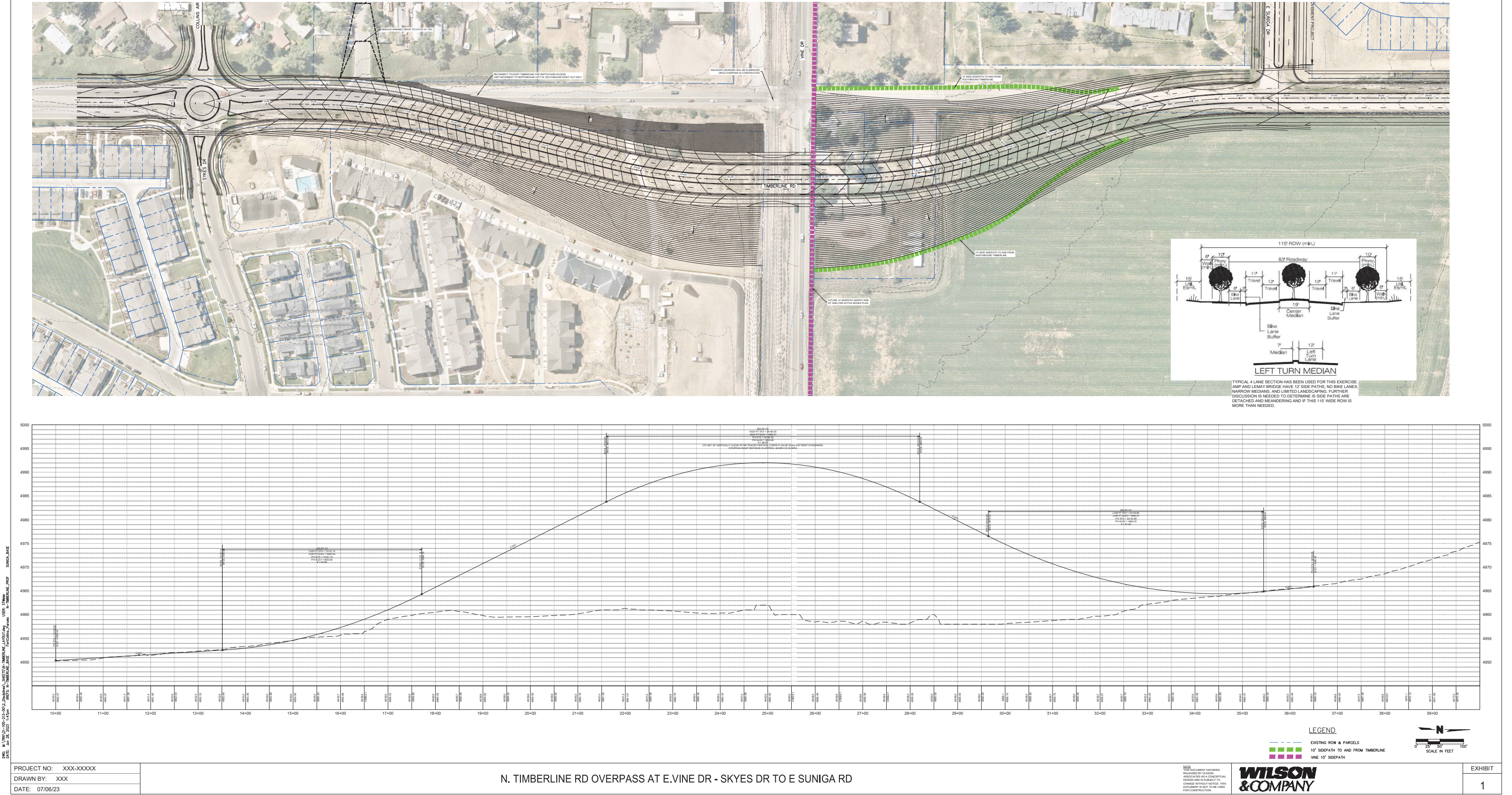
A public engagement plan was established as part of the development of the TCPSP work plan. This effort included a bilingual webpage on ourcity.fcgov.com, social media platforms, press releases, newsletters published by the City and various organizations, email distribution in coordination with Larimer County Department of Health and Environment, and an in-person open house table for the West Elizabeth Corridor Design Project in July 2021.

A virtual open house for TCPSP was held from October 14-31, 2021, to provide a project progress update, display analysis findings, garner feedback, and encourage viewers to take a public survey if they had not already done so. The public survey itself was accessed by 472 visitors, contributed to by 166 unique people, and received 1,020 pins/comments.

An individual public outreach plan will be developed for the Project with the Communications and Public Involvement Office as part of the project planning effort.

ATTACHMENTS

1. Vine/Timberline Rail Grade Separation – Conceptual Design
2. Resolution 2025-064
3. Ordinance No. 105, 2025



RESOLUTION 2025-064
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL
GRANT AGREEMENT BETWEEN THE CITY OF FORT COLLINS AND
THE FEDERAL RAILROAD ADMINISTRATION FOR THE
VINE/TIMBERLINE RAIL GRADE SEPARATION PLANNING PROJECT

A. The purpose of this item is to enable the City to receive and expend Railroad Crossing Elimination (“RCE”) Program grant funds through the Federal Railroad Administration (“FRA”) for the Vine/Timberline Rail Grade Separation Planning project (“Project”). The funds will be used to conduct planning for the capital project, which will eliminate the at-grade railroad crossing at the intersection of Timberline Road and Vine Drive by creating an overpass along Timberline Road across the BNSF railroad tracks and Vine Drive. These funds will be used for planning, including outreach, feasibility study, technical analysis, design, and right-of-way acquisition.

B. The existing intersection of Timberline Road and Vine Drive experiences congestion with safety and delay concerns due to the existing 4-way stop control along with an at-grade rail crossing near the intersection. The Vine and Timberline Intersection Improvements project, which is already underway, will improve the intersection with a traffic signal interconnected to a new rail crossing signal. That project is fully funded, and construction is currently underway. Construction on that intersection improvement project has been delayed by utility relocations being performed by the Poudre Valley Rural Electric Association and will be completed later this summer.

C. As northeast Fort Collins continues to develop, increasing traffic volumes at the Vine and Timberline intersection will result in the need for an overpass like the one constructed at Vine and Lemay, which was completed in 2022. By bridging Timberline Road over the BNSF railroad tracks and the parallel Vine Drive, Fort Collins will reduce congestion, improve safety, improve system efficiency, add multimodal options, and provide much-needed access for growing neighborhoods.

D. A grade separation overpass at Vine Drive and Timberline Road over the railroad tracks has been part of the City’s Master Street Plan for several years. The Transportation Capital Projects Prioritization Study (“TCPSP” adopted by City Council on September 19, 2023 (Resolution 2023-086)) includes Vine/Timberline Rail Grade Separation as one of the top fifteen projects in the study.

E. The East Ridge Second Filing and Waterfield Fourth Filing developments provided development contributions towards the Project that have been previously appropriated by City Council through Ordinance No. 122, 2023, and Ordinance No. 115, 2024. The City worked with a consultant to develop an RCE Program grant application that was submitted in 2024. The application requested funding to complete Project planning. The application was successful, and the City recently received notification that the FRA is ready to move forward with the intergovernmental grant agreement (the “Grant Agreement” attached as Exhibit A and incorporated herein.

F. The FRA RCE Program grant awards up to \$765,616 to cover costs in support of the Project. The RCE grant is a reimbursable grant, meaning Capital Projects Fund expenses will be reimbursed up to \$765,616. This grant is conditioned on the City entering into the Grant Agreement which sets forth general and Project-specific terms and conditions governing the administration of the grant funds and the execution of the Project.

G. For the RCE Program funds, the FRA uses GrantSolutions, a web portal, for contracting with grant recipients. The FRA requests that the City accept the Grant Agreement through GrantSolutions. Acceptance does not require providing a fully executed cooperative agreement. Rather, it requires the City Engineering Department, which has a GrantSolutions account through Dana Hornkohl on behalf of the City to provide the City's acceptance of the Grant Agreement.

H. Project funding also includes contributions from two developments provided in lieu of construction and in anticipation of the Vine/Timberline Rail Grade Separation capital project, which funding was previously appropriated through Ordinance No. 122, 2023, and Ordinance No. 115, 2024. The local match required for the RCE funds is \$191,404, which match will be met with a portion of these development contributions. The remaining development contribution (\$140,423) will be available as an overmatch for future grant opportunities and to help fund additional Project costs. The total fund amount projected for this planning Project is \$1,097,443 composed of funds appropriated with prior actions and with this action.

I. Colorado Revised Statutes Section 29-1-203 provides that governments may cooperate or contract with one another to provide certain services or facilities when the cooperation or contracts are authorized by each party thereto with the approval of its legislative body or other authority having the power to so approve.

J. City Charter Article II, Section 16 empowers the City Council, by ordinance or resolution, to enter into contracts with governmental bodies to furnish governmental services and make charges for such services or enter into cooperative or joint activities with other governmental bodies.

K. City Code Section 1-22 requires the City Council to approve intergovernmental agreements that require the City to make a direct, monetary payment over \$50,000. The local match for the RCE funds is \$191,404, and total funds anticipated to be appropriated for the Project amount to \$1,097,443. Funds are anticipated to be appropriated via Ordinance No. 105, 2025.

L. The City Council finds and determines that the Project and the grant funding are in the best interests of the City, that they advance the public's health, safety, and welfare by facilitating improvement of the City's multimodal transportation safety and infrastructure.

M. The City Council further finds and determines that the Mayor be authorized to execute the Grant Agreement between the City and the FRA and that authority be delegated to the Engineering Department to accept the grant through the online acceptance system.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Subject to final approval of Ordinance No. 105, 2025, appropriating the subject grant funds, the City Council authorizes the Mayor to execute, on behalf of the City, and that authority be delegated to Dana Hornkohl, Capital Projects Manager/Director of Civil Engineering, to accept through GrantSolutions, the Grant Agreement with the Federal Railroad Administration, in substantially the form attached hereto as Exhibit A, with additional or modified 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.

Section 2. Subject to execution of the Grant Agreement authorized in Section 1, the City Council hereby authorizes the City Manager to approve and execute and to delegate to the Engineering Department to accept future amendments to the Grant Agreement with the Federal Railroad Administration relating to the Project that the City Manager, in consultation with the City Attorney, determines to be necessary and appropriate to facilitate completion of the Project, so long as such amendments do not increase the cost of the Project, substantially modify the purposes of the Grant Agreement, increase the allocation or amount of funding for the Project funded by the City, or otherwise increase the obligations and responsibilities of the City as set forth in the Grant Agreement.

Passed and adopted on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 17, 2025

Approving Attorney: Heather N. Jarvis

Exhibit: Exhibit A - Federal Railroad Administration Railroad Crossing Elimination
Program Grant Agreement



U.S Department of Transportation

Federal Railroad Administration

EXHIBIT A TO RESOLUTION 2025-064

Item 15.

Grant Agreement

1. RECIPIENT NAME AND ADDRESS CITY OF FORT COLLINS 300 Laporte Ave PDT Fort Collins, CO 80521-2719		2. AGREEMENT NUMBER:		3. AMENDMENT NO.																	
		4. PROJECT PERFORMANCE PERIOD: FROM TO																			
		5. FEDERAL FUNDING PERIOD: FROM TO																			
1A. IRS/VENDOR NO.		6. PRE-AWARD AUTHORITY: No 6A. PRE-AWARD DATE: N/A																			
1B. UEL VEJ3BS5GK5G1 1C. DUNS.		7. ACTION New																			
8. ASSISTANCE LISTING#:		<table><tr><th>TITLE</th><th>FEDERAL</th><th>NON-FEDERAL</th><th>TOTAL</th></tr><tr><td>10. PREVIOUS AGREEMENTS</td><td>0.00</td><td>0.00</td><td>0.00</td></tr><tr><td>11. THIS AGREEMENT</td><td>765,616.00</td><td>191,404.00</td><td>957,020.00</td></tr><tr><td>12. TOTAL AGREEMENT</td><td>765,616.00</td><td>191,404.00</td><td>957,020.00</td></tr></table>				TITLE	FEDERAL	NON-FEDERAL	TOTAL	10. PREVIOUS AGREEMENTS	0.00	0.00	0.00	11. THIS AGREEMENT	765,616.00	191,404.00	957,020.00	12. TOTAL AGREEMENT	765,616.00	191,404.00	957,020.00
TITLE	FEDERAL	NON-FEDERAL	TOTAL																		
10. PREVIOUS AGREEMENTS	0.00	0.00	0.00																		
11. THIS AGREEMENT	765,616.00	191,404.00	957,020.00																		
12. TOTAL AGREEMENT	765,616.00	191,404.00	957,020.00																		
9. PROJECT TITLE Fort Collins Vine/Timberline Rail Grade Separation Project																					
12A. OTHER FEDERAL FUNDING		0.00																			
13. INCORPORATED ATTACHMENTS THIS AGREEMENT INCLUDES THE FOLLOWING ATTACHMENTS, INCORPORATED HEREIN AND MADE A PART HEREOF: General Terms and Conditions, Attachment 1; Project Specific Terms and Conditions, Attachment 2; Exhibits, Attachment 3																					
14. STATUTORY AUTHORITY FOR GRANT/ COOPERATIVE AGREEMENT Sections 22104 and 22305 of the Infrastructure Investment and Jobs Act (IIJA), Public Law 117-58 (2021); 49 U.S.C. § 22909 / Advanced Appropriation in the IIJA, Division J, Title VIII, Public Law 117-58 (2021)																					
15. REMARKS																					
GRANTEE ACCEPTANCE			AGENCY APPROVAL																		
16. NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL			18. NAME AND TITLE OF AUTHORIZED FRA OFFICIAL																		
17. SIGNATURE OF AUTHORIZED GRANTEE OFFICIAL		17A. DATE	19. SIGNATURE OF AUTHORIZED FRA OFFICIAL		19A. DATE																
AGENCY USE ONLY																					
20. OBJECT CLASS CODE/EXPENDITURE TYPE: 41010			21. ORG. CODE/EXPENDITURE ORG. : 9000000000																		
22. ACCOUNTING CLASSIFICATION CODES																					
DOCUMENT NUMBER 69A36525421710RCECO		FUND/PROJECT	BY	BPAC/TASK	AMOUNT																

AWARD ATTACHMENTS

CITY OF FORT COLLINS

69A36525421710RCECO

-
- 1. General Terms and Conditions, Attachment 1
 - 2. Attachment 2, Project Specific Terms and Conditions
 - 3. Exhibits, Attachment 3



Attachment 1

GENERAL TERMS AND CONDITIONS

Revision Date: April 23, 2025



General Terms and Conditions

Table of Contents

ATTACHMENT 1.....	7
ARTICLE 1: TERMS AND CONDITIONS	7
1.1 General Terms and Conditions.....	7
1.2 Project-Specific Terms and Conditions	7
1.3 Program-Specific Clauses	7
1.4 Exhibits	8
ARTICLE 2: FRA ROLE AND RESPONSIBILITIES	8
2.1 FRA Role	8
2.2 FRA Professional Staff	8
ARTICLE 3: RECIPIENT ROLE	9
3.1 Representations and Acknowledgments on the Project	9
3.2 Representations on Authority and Capacity	9
The Recipient represents that:	9
3.3 FRA Reliance.....	10
3.4 Project Delivery.....	10
3.5 Rights and Powers Affecting the Project	10
3.6 Notification of Changes to Key Personnel	11
ARTICLE 4: AWARD AMOUNT, OBLIGATION, AND TIME PERIODS.....	11
4.1 Federal Award Amount.....	11
4.2 Federal Obligations	11
4.3 Maximum Funding Amount	11
4.4 Budget Period	11
4.5 Period of Performance	11
ARTICLE 5: STATEMENT OF WORK, SCHEDULE, AND BUDGET CHANGES.....	11
5.1 Notification Requirement	11
5.2 Scope and Statement of Work Changes	12
5.3 Schedule Changes	12
5.4 Budget Changes	12
5.5 Project Cost Savings	13
5.6 FRA Acceptance of Changes.....	13



ARTICLE 6: GENERAL REPORTING TERMS	14
6.1 Alternative Reporting Methods	14
6.2 Paperwork Reduction Act Notice.....	14
ARTICLE 7: PROGRESS AND FINANCIAL REPORTING.....	14
7.1 Quarterly Project Progress Reports and Recertifications	14
7.2 Final Progress Reports and Financial Information	15
7.3 Real Property Reporting.....	15
ARTICLE 8: PERFORMANCE MEASUREMENT AND REPORTING	15
8.1 Baseline Performance Measurement	15
8.2 Post-Project Performance Measurement.....	15
8.3 Project Outcomes Report.....	16
8.4 General Performance Measurement Requirements	16
8.5 Outcome Measurement and Reporting Survival	16
ARTICLE 9: NONCOMPLIANCE AND REMEDIES	16
9.1 Noncompliance Determinations	16
9.2 Remedies.....	17
9.3 Other Oversight Entities.....	18
ARTICLE 10: AGREEMENT SUSPENSION AND TERMINATION	18
10.1 Suspension of Award Activities.....	18
10.2 FRA Termination	19
10.3 Closeout Termination	19
10.4 Post-Termination Adjustments	19
10.5 Non-Terminating Events	19
ARTICLE 11: MONITORING, FINANCIAL MANAGEMENT, CONTROLS, AND RECORDS	20
11.1 Recipient Monitoring and Record Retention	20
11.2 Financial Records and Audits	20
11.3 Internal Controls	21
11.4 FRA Record Access	21
11.5 Site Visits.....	21
ARTICLE 12: CONTRACTING AND SUBAWARDING	21
12.1 Buy America	21
12.2 Small and Disadvantaged Business Requirements	22
12.3 Engineering and Design Services [Reserved]	22



12.4	Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment ...	22
12.5	Pass-Through Entity Responsibilities	22
12.6	Local Hiring Preference for Construction Jobs.....	22
12.7	Procurement	22
ARTICLE 13: COSTS, PAYMENTS, AND UNEXPENDED FUNDS		23
13.1	Limitation of Federal Award Amount	23
13.2	Project Costs	23
13.3	Timing of Project Costs	23
13.4	Recipient Recovery of Federal Funds.....	23
13.5	Unexpended Agreement Federal Funds	23
13.6	Interest Earned	24
13.7	Timing of Payments to the Recipient.....	24
13.8	Payment Method	24
13.9	Information Supporting Expenditures	24
13.10	Reimbursement Request Timing Frequency.....	24
13.11	Program Income.....	24
ARTICLE 14: PROPERTY AND EQUIPMENT		25
14.1	General Requirements	25
14.2	Relocation and Real Property Acquisition	25
14.3	Use for Originally Authorized Purpose.....	25
14.4	Maintenance	25
14.5	Real Property Disposition.....	26
14.6	Equipment Disposition.....	26
14.7	Recordkeeping	26
14.8	Encumbrance	26
ARTICLE 15: AMENDMENTS		27
15.1	Bilateral Amendments	27
15.2	FRA Unilateral Amendments.....	27
15.3	Other Amendments	27
ARTICLE 16: [RESERVED]		27
ARTICLE 17: [RESERVED]		27
ARTICLE 18: LABOR AND WORK		27
18.1	Labor and Work.....	27



ARTICLE 19: CRITICAL INFRASTRUCTURE SECURITY AND RESILIENCE	28
19.1 Critical Infrastructure Security and Resilience	28
ARTICLE 20: FEDERAL FINANCIAL ASSISTANCE, ADMINISTRATIVE, AND NATIONAL POLICY REQUIREMENTS	28
20.1 Uniform Administrative Requirements for Federal Awards	28
20.2 Federal Law and Public Policy Requirements	28
20.3 Federal Freedom of Information Act	29
20.4 History of Performance	29
20.5 Whistleblower Protection	29
20.6 External Award Terms and Obligations	30
20.7 Incorporated Certifications	30
ARTICLE 21: ASSIGNMENT	30
21.1 Assignment Prohibited	30
ARTICLE 22: WAIVER	30
22.1 Waivers	30
ARTICLE 23: ADDITIONAL TERMS AND CONDITIONS	31
23.1 Disclaimer of Federal Liability	31
23.2 Environmental Review	31
23.3 Project Maintenance Requirement	32
23.4 Appropriations Act Requirements	32
23.5 Standards of Conduct	32
23.6 Changed Conditions of Performance	33
23.7 Litigation	33
23.8 [Reserved]	33
23.9 Equipment and Supplies	33
23.10 Safety and Technology Data	33
23.11 Intellectual Property	33
23.12 Liquidation of Recipient Obligations	33
ARTICLE 24: CONSTRUCTION AND DEFINITIONS	34
24.1 Agreement	34
24.2 Construction	34
24.3 Integration	34
24.4 Definitions	34



24.5	Calendar Dates	35
24.6	Communication in Writing	35
24.7	Severability	35
ARTICLE 25: AGREEMENT EXECUTION AND EFFECTIVE DATE.....		35
25.1	Counterparts	35
25.2	Effective Date	36
ARTICLE 26: PROGRAM-SPECIFIC CLAUSES.....		36
26.1	Interstate Rail Compacts Grant Program	36
26.2	Railroad Crossing Elimination Program Clauses	38
26.3	Consolidated Rail Infrastructure and Safety Improvements Grants Clauses	40
26.4	Restoration and Enhancement Grants Clauses.....	42
26.5	Federal-State Partnership for Intercity Passenger Rail and Federal-State Partnership for State of Good Repair Clauses	45

ATTACHMENT 1

This Grant Agreement (Agreement) is between the Federal Railroad Administration (FRA) and the Recipient identified in Attachment 2: Project-Specific Terms and Conditions. This Agreement, including the Agreement cover sheet, this Attachment 1, Attachment 2, and Exhibits A–C, constitutes the entire Agreement between FRA and the Recipient regarding the Project as defined in Attachment 2. All prior discussions and understandings concerning the scope and subject matter of this agreement are superseded by this Agreement.

This Agreement is governed by and subject to 2 CFR part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and the U.S. Department of Transportation (USDOT) implementing regulations at 2 CFR part 1201.

ARTICLE 1: TERMS AND CONDITIONS

1.1 General Terms and Conditions

This Attachment 1: General Terms and Conditions, is part of the Agreement between FRA and the Recipient. This Attachment 1 contains the standard terms and conditions governing the administration of this Agreement and the execution of the Project. The General Terms and Conditions incorporate by reference the information contained in Attachment 2 and the Exhibits to this Agreement.

1.2 Project-Specific Terms and Conditions

Attachment 2: Project-Specific Terms and Conditions, is part of the Agreement between FRA and the Recipient. Attachment 2 contains Project-Specific Terms and Conditions, which may include special terms and conditions.

1.3 Program-Specific Clauses

Article 26 of this Attachment 1 contains the applicable program-specific clauses. The Recipient will comply with the program-specific clauses below that are associated with the grant program identified in Attachment 2 of this Agreement. In the event that the Recipient's grant is not authorized under a program listed below, Article 26 does not apply.

(a) For Projects funded under the Interstate Rail Compacts program (49 U.S.C. § 22910), the Recipient will comply with the program-specific clauses in Article 26.1.

(b) For Projects funded under the Railroad Crossing Elimination program (49 U.S.C. § 22909), the Recipient will comply with the program-specific clauses in Article 26.2.

(c) For Projects funded under the Consolidated Rail Infrastructure and Safety Improvements program (49 U.S.C. § 22907), the Recipient will comply with the program-specific clauses in Article 26.3.

(d) For Projects funded under the Restoration and Enhancement program (49 U.S.C. § 22908), the Recipient will comply with the program-specific clauses in Article 26.4.



(e) For Projects funded under the Federal-State Partnership for Intercity Passenger Rail program (49 U.S.C. § 24911) and Federal-State Partnership for State of Good Repair (as authorized in Sections 11103 and 11302 of the Passenger Rail Reform and Investment Act of 2015 (Title XI of the Fixing America's Surface Transportation (FAST) Act, Pub. L. No. 114-94 (2015))), the Recipient will comply with the program-specific clauses in Article 26.5.

1.4 Exhibits

Exhibits A–C are part of the Agreement between FRA and the Recipient. The Recipient will comply with Exhibits A–C.

ARTICLE 2: FRA ROLE AND RESPONSIBILITIES

2.1 FRA Role

(a) FRA is responsible for funding disbursements to the Recipient under this Agreement. FRA will also conduct oversight and monitoring activities to assess Recipient progress against established performance goals and to assess compliance with terms and conditions, including the Statement of Work and other requirements of this Agreement.

(b) If this award is made as a Cooperative Agreement, FRA will have substantial programmatic involvement. Substantial involvement means that, after award, technical, administrative, or programmatic staff will assist, guide, coordinate, or otherwise participate with the Recipient in Project activities.

(c) If this award is made as a Grant, FRA will not have substantial programmatic involvement.

2.2 FRA Professional Staff

FRA may provide professional staff to review work in progress, completed products, and to provide or facilitate access to technical assistance when it is available, feasible, and appropriate. FRA professional staff may include the following:

(a) Financial Analyst. The Financial Analyst will serve as the Recipient's point of contact for systems (e.g., GrantSolutions and the Delphi eInvoicing System) access and troubleshooting as well as for financial monitoring.

(b) Grant Manager. The Grant Manager will serve as the Recipient's point of contact for grant administration and will oversee compliance with the terms and conditions in this Agreement. The Grant Manager reviews financial reports, performance reports, and works with the Project Manager to facilitate effective Project delivery.

(c) Project Manager. The Project Manager will serve as the Recipient's point of contact for the technical aspects of Project delivery. The Project Manager coordinates Project deliverable review, provides technical assistance to the Recipient, and generally assesses Project progress and performance.



ARTICLE 3: RECIPIENT ROLE

3.1 Representations and Acknowledgments on the Project

(a) The Recipient represents that:

- (1) all material statements of fact in the Application were accurate when the Application was submitted and now; and
- (2) the Recipient read and understands the terms and conditions in Attachment 1 and Attachment 2 of this Agreement, the applicable program-specific clauses in Article 26 of this Attachment 1, and the information and conditions in the Exhibits.

(b) The Recipient acknowledges that:

- (1) the terms and conditions impose obligations on the Recipient and that the Recipient's non-compliance with the terms and conditions may result in remedial action, including terminating the Agreement, disallowing costs incurred for the Project, requiring the Recipient to refund Federal contributions to FRA, and reporting the non-compliance in the Federal-government-wide integrity and performance system. Recipient acknowledges that the terms and conditions impose such obligations on the Recipient whether the award is made as a Cooperative Agreement, Grant Agreement, or Phased Funding Agreement.
- (2) The Recipient acknowledges that the requirements of this Agreement apply to the entire Project, including Project costs satisfied from sources other than Agreement Federal Funds.

(c) By entering into this Agreement with FRA, the Recipient agrees to comply with the terms and conditions in Attachment 1 and Attachment 2, including applicable program-specific clauses in Article 26 of this Attachment 1, Exhibits A–C, and all applicable Federal laws and regulations, including those identified in this Agreement. The Recipient will ensure compliance with all terms of this Agreement and all of its parts for all tiers of subawards and contracts under this Agreement, as appropriate. The Recipient understands that the terms and conditions of this Agreement apply regardless of whether the award is made as a Cooperative Agreement, Grant Agreement, or Phased Funding Agreement.

3.2 Representations on Authority and Capacity

The Recipient represents that:

- (a) it has the legal authority to receive Federal financial assistance under this Agreement;
- (b) it has the legal authority to complete the Project;
- (c) all representations and warranties made in the Federal System for Awards Management (SAM.gov) and in the Application are true and correct;



- (d) it has the capacity, including legal, technical, institutional, managerial, and financial capacity, to comply with its obligations under this Agreement and complete the Project;
- (e) the Non-Federal Funds listed in Article 6 of Attachment 2 of this Agreement are committed to fund the Project;
- (f) it has sufficient funds available to ensure that equipment and infrastructure funded under this Agreement will be operated and maintained in compliance with this Agreement and applicable Federal law;
- (g) it has sufficient funds available to ensure that operations funded under this agreement are conducted in compliance with this Agreement and applicable Federal law; and
- (h) the individual executing this agreement on behalf of the Recipient has the legal authority to enter this Agreement and make the statements and certifications in this Agreement on behalf of the Recipient.

3.3 FRA Reliance

The Recipient acknowledges that:

- (a) FRA relied on statements of fact in the Application and SAM.gov to select the Project to receive this award;
- (b) FRA relied on statements of fact in the Application, SAM.gov, and this Agreement to determine that the Recipient and the Project are eligible to receive financial assistance under this Agreement;
- (c) FRA relied on statements of fact in the Application, SAM.gov, and this Agreement to determine that the Recipient has the legal authority to implement the Project; and
- (d) FRA relied on statements of fact in both the Application and this Agreement to establish the terms of this Agreement; and
- (e) FRA's selection of the Project to receive this award may have prevented awards to other eligible applicants.

3.4 Project Delivery

- (a) The Recipient will implement and complete the Project to FRA's satisfaction under the terms of this Agreement.
- (b) The Recipient will ensure that the Project is financed, constructed, operated, and maintained in accordance with all applicable Federal laws, regulations, and policies.

3.5 Rights and Powers Affecting the Project

- (a) The Recipient will not take or permit any action that deprives it of any rights or powers necessary to the Recipient's performance under this Agreement without written approval of FRA.



(b) The Recipient will act promptly, in a manner acceptable to FRA, to acquire, extinguish, or modify any outstanding rights or claims of right of others that would interfere with the Recipient's performance under this Agreement.

3.6 Notification of Changes to Key Personnel

The Recipient will notify the FRA Grant Manager in writing within 30 days of any change in key personnel who are identified in the Application, which may require an amendment to this Agreement.

ARTICLE 4: AWARD AMOUNT, OBLIGATION, AND TIME PERIODS

4.1 Federal Award Amount

Under this Agreement, FRA awards a Grant to the Recipient in the amount that is the Agreement Federal Funds in Article 6.1 of Attachment 2 of this Agreement.

4.2 Federal Obligations

This Agreement obligates for the budget period the amount that is the Agreement Federal Funds in Article 6.1 of Attachment 2 of this Agreement.

4.3 Maximum Funding Amount

This Agreement funds the Project at the lesser amount of the Agreement Federal Funds in Article 6.1 of Attachment 2 of this Agreement, or the FRA maximum contribution percentage of the total Project cost identified in Article 6.5 of Attachment 2 of this Agreement.

4.4 Budget Period

The budget period for this award begins on the date of this Agreement and ends on the end date that is listed in Section 5 on the Agreement cover sheet. In this Agreement, "budget period" is used as defined at 2 CFR § 200.1.

4.5 Period of Performance

The Period of Performance for this award is listed in Section 4 on the Agreement cover sheet. In this Agreement, "Period of Performance" is used as defined at 2 CFR § 200.1.

ARTICLE 5: STATEMENT OF WORK, SCHEDULE, AND BUDGET CHANGES

5.1 Notification Requirement

The Recipient will notify the FRA Grant Manager and Project Manager by electronic correspondence within 30 days of any change in circumstances or commitments that adversely affect the Recipient's plan to complete the Project, including change in authority. In that notification, the Recipient will describe the change and what actions the Recipient has taken or plans to take to ensure completion of the Project. This notification requirement under this Section 5.1 is separate from any requirements under this Article 5 that the Recipient request an amendment to this Agreement.



5.2 Scope and Statement of Work Changes

If the Project's activities differ from the activities described in Article 4 of Attachment 2 of this Agreement, then the Recipient will notify FRA in writing of the change, which may require an amendment to this Agreement.

5.3 Schedule Changes

If one or more of the following conditions are satisfied, then the Recipient will request an amendment to this Agreement to update the Estimated Project Schedule in Section 5.2 of Attachment 2 of this Agreement:

- (a) a completion date for the Project or a component of the Project is listed in the Estimated Project Schedule in Section 5.2 of Attachment 2 of this Agreement and the Recipient's estimate for that milestone changes to a date that is more than six months after the date listed;
- (b) a schedule change would require the budget period to continue after the end of the budget period defined in Section 4.4; or
- (c) a schedule change would require the Period of Performance to continue after the end of the Period of Performance defined in Section 4.5. The Recipient must submit requests to extend the Period of Performance not later than 90 days before the end of the Period of Performance.

For other schedule changes, the Recipient will notify the Grant Manager in writing.

5.4 Budget Changes

- (a) The Recipient acknowledges that if the cost of completing the Project increases:
 - (1) that increase does not affect the Recipient's obligation under this Agreement to complete the Project;
 - (2) any additional funds the Recipient contributes to complete the Project are subject to the requirements of this Agreement in the same manner as the Non-Federal Funds identified in Article 6.5 of Attachment 2 of this Agreement; and
 - (3) FRA will not increase the amount of this award to address any funding shortfall.
- (b) The Recipient will notify FRA in writing if the total Project cost, as described in Table 6-A of Attachment 2 of this Agreement, amount increases, which may result in an amendment to this Agreement.
- (c) The Recipient will notify FRA in writing if the Non-Federal Funds amount decreases, which may result in an amendment to this Agreement.
- (d) For all other budget changes, the Recipient will follow the applicable procedures and document the changes in writing.



5.5 Project Cost Savings

(a) If there are Project Cost Savings, then the Recipient may notify FRA in writing of its intent to include in the Project and complete with the Project Cost Savings the additional activities within the scope of this award that are specified in the Additional Task(s) in Article 4 of Attachment 2 of this Agreement. The Recipient will complete the Additional Task(s) after FRA provides a written approval. An amendment to this Agreement is not required to proceed with the Additional Task(s).

(b) If there are Project Cost Savings, and there are not Additional Task(s) identified in Article 4 of Attachment 2 of this Agreement, then the Recipient may propose a new task that is within the scope of this award and request an amendment to add the new task to this Agreement and complete it with Project Cost Savings.

(c) In this Agreement, “**Project Cost Savings**” means the difference between the actual costs to complete the Project and the estimated total Project cost listed in Section 6.5 of Attachment 2 of this Agreement, if after the Recipient completes the tasks identified in Article 4 of Attachment 2 of this Agreement to FRA’s satisfaction, the actual Project costs are less than the estimated total Project costs. There are no Project Cost Savings prior to completion of the Project or if the actual costs to complete the Project are equal to or greater than the total Project cost listed in Section 6.5 of Attachment 2 of this Agreement.

(d) If there are Project Cost Savings and either the Recipient does not make a proposal or FRA does not accept the Recipient’s proposal under (a) of this Section 5.5, then:

(1) The Recipient will provide written notice to FRA and reduce the Federal Share by the Project Cost Savings, which may result in an amendment to this Agreement; and

(2) If the reduced Federal Share reduces this award and the Recipient received reimbursed costs exceeding the appropriate amount under the reduced award, the Recipient will refund the difference between the reimbursed costs and the reduced award.

(e) In this Agreement, “Federal Share” means the sum of the Agreement Federal Funds and Other Federal Funds amounts that are identified in the Approved Project Budget in Section 6.5 of Attachment 2 of this Agreement.

(f) The Recipient acknowledges that amounts that are required to be refunded under this Section constitute a debt to the Federal Government that FRA may collect under 2 CFR § 200.346 and the Federal Claims Collection Standards (31 CFR parts 900–999).

5.6 FRA Acceptance of Changes

FRA may accept or reject changes requested under this Article 5, and in doing so may elect to consider only the interests of the grant program and FRA. The Recipient acknowledges that any request under this Article 5 does not amend, modify, or supplement this Agreement unless FRA



accepts the request and the parties amend this Agreement under Section 15.1 of this Attachment 1.

ARTICLE 6: GENERAL REPORTING TERMS

6.1 Alternative Reporting Methods

FRA may establish processes for the Recipient to submit reports required by this Agreement, including electronic submission processes. If the Recipient is notified of those processes in writing, the Recipient will use the processes required by FRA.

6.2 Paperwork Reduction Act Notice

Under 5 CFR § 1320.6, the Recipient is not required to respond to a collection of information that does not display a currently valid control number issued by the Office of Management and Budget (OMB). Notwithstanding any other term of this Agreement, the due date for any information collections required under this Agreement, including the reporting requirements in Articles 7 and 8, is the later of (1) the due date stated with the requirement and (2) the 30th day after OMB approves that information collection.

ARTICLE 7: PROGRESS AND FINANCIAL REPORTING

7.1 Quarterly Project Progress Reports and Recertifications

(a) On or before the 30th day of the first month of each quarter and until the end of the Period of Performance, the Recipient will submit to FRA through GrantSolutions a complete FRA Form 34¹ Quarterly Project Progress Report and Recertification that contains, for the previous quarter:

- (1) a certification that the Recipient is in compliance with 2 CFR § 200.303 (Internal Controls) and 2 CFR part 200, Subpart F (Audit Requirements);
- (2) the certification required under 2 CFR § 200.415(a); and
- (3) a certification that the Recipient is complying with any environmental mitigation commitments and Section 106 compliance obligations.

If the date of this Agreement is in the final month of a quarter, then the Recipient will submit the first Quarterly Project Progress Report and Recertification in the quarter that begins after the date of this Agreement.

(b) On or before the 30th day of the first month of each quarter and until the end of the Period of Performance, the Recipient will submit to FRA through GrantSolutions a Federal Financial Report (SF-425) covering the previous quarter.

¹ FRA Form 34 is available at <https://railroads.dot.gov/grant-administration/reporting-requirements/fra-reports>



7.2 Final Progress Reports and Financial Information

No later than 120 days after the end of the Period of Performance, the Recipient will submit:

- (a) a final Quarterly Project Progress Report and Recertification in the format and with the content described in Section 7.1(a) of this Attachment 1 for each Quarterly Project Progress Report and Recertification;
- (b) a final SF-425 through GrantSolutions;
- (c) a Final Performance Report FRA Form 33 as provided by FRA²; and
- (d) any other information required under FRA's award closeout procedures.

7.3 Real Property Reporting

The Recipient will comply with the reporting obligations in 2 CFR § 200.330, as directed by FRA.

ARTICLE 8: PERFORMANCE MEASUREMENT AND REPORTING

8.1 Baseline Performance Measurement

Within one year before the start of work on the Project, the Recipient will collect baseline data for each performance measure that is identified in Article 7 of Attachment 2 of this Agreement. Within six months of the start of the Period of Performance, the Recipient will submit to FRA a Baseline Performance Measurement Report that describes the data collected, the dates when the data were collected, the data sources, assumptions, variability, and estimated levels of precision for each performance measure. The Recipient will also provide FRA access to the data collected in machine-readable format.

8.2 Post-Project Performance Measurement

For each performance measure that is listed in Article 7 of Attachment 2 of this Agreement, the Recipient will collect data and submit to FRA a Post-Project Performance Measurement Report that describes the data collected, the dates when the data were collected, the data sources, assumptions, variability, and estimated levels of precision for each performance measure, at the frequency and for the duration identified in Article 7 of Attachment 2 of this Agreement. The Recipient will also provide FRA access to the data collected in machine-readable format. If an external factor affects a performance measure, the Recipient will identify that external factor in the Post-Project Performance Measurement Report and discuss the external factor's influence on the performance measure. In the Post-Project Performance Report, the Recipient will compare the actual project performance against the pre-project (baseline) performance and expected post-project performance as described in Table 7-A of Attachment 2 of this Agreement.

²FRA Form 33 is available at <https://railroads.dot.gov/grant-administration/reporting-requirements/fra-reports>



8.3 Project Outcomes Report

Where indicated in Article 7 of Attachment 2 of this Agreement, the Recipient will submit to FRA, not later than January 31st of the year that follows the final year during which data were collected, a Project Outcomes Report that contains:

- (a) an analysis of the impacts of the Project, including a comparison of the baseline performance measurement data collected under Section 8.1 of this Attachment 1 with the post-project performance measurement data that the Recipient reported in the final Post-Project Performance Measurement Report required under Section 8.2 of this Attachment 1;
- (b) for each performance measure that is identified in Article 7 of Attachment 2 of this Agreement, an analysis of the accuracy of the projected outcome; and
- (c) all data collected under Sections 8.1 and 8.2 of this Attachment 1;
- (d) additional information as directed.

8.4 General Performance Measurement Requirements

The Recipient will ensure that all data collection for each performance measure identified in Article 7 of Attachment 2 of this Agreement is completed in a manner consistent with the description, location, and other attributes associated with that performance measure.

8.5 Outcome Measurement and Reporting Survival

The data collection and reporting requirements in Article 8 of this Attachment 1 survive the termination of this Agreement. FRA may consider the Recipient's compliance with this requirement after closeout of the grant in its evaluation of future applications for Federal financial assistance.

ARTICLE 9: NONCOMPLIANCE AND REMEDIES

9.1 Noncompliance Determinations

(a) Notice of Proposed Determination. If FRA determines that the Recipient may have failed to comply with the United States Constitution, Federal law, or the terms and conditions of this Agreement, FRA will notify the Recipient of a proposed determination of noncompliance through a written notice that:

- (1) explains the noncompliance;
- (2) describes a proposed remedy that is consistent with Section 9.2 of this Attachment 1;
- (3) describes the process and form in which the Recipient may respond to the notice that is consistent with Section 9.1(b) of this Attachment 1; and



(4) if applicable, provides the Recipient an opportunity to cure the noncompliance or take corrective action.

(b) Response to Notice of Proposed Determination. The Recipient may, not later than 7 days after receiving the notice of proposed determination of noncompliance, respond to that notice in the form and through the process described in that notice. In its response, the Recipient may:

- (1) accept the proposed remedy;
- (2) acknowledge the noncompliance, but propose an alternative remedy;
- (3) acknowledge the noncompliance and agree to cure or take corrective action; or
- (4) dispute the noncompliance.

To dispute the noncompliance, the Recipient must include in its response sufficient documentation or other information supporting the Recipient's compliance.

(c) Notice of Final Determination. After considering the Recipient's response or failure to timely respond under Section 9.1(b) of this Attachment 1, FRA will make a final determination. To make a final determination, FRA must provide a written notice to the Recipient that:

- (1) states what the final determination is (e.g., noncompliance or compliance);
- (2) states the basis for the final determination; and
- (3) describes the remedy that FRA is imposing, if applicable, or if FRA is not imposing a remedy, describes the resolution to the proposed determination of noncompliance, including whether the Recipient has cured or corrected the noncompliance.

(d) If FRA determines the noncompliance is one that cannot be addressed while work on the Project is ongoing, in the notice of proposed determination or in the notice of final determination, FRA will direct the Recipient to stop work. The Recipient will stop work and will direct any Subrecipients or contractors to stop work immediately upon receipt of a notice to stop work from FRA.

(e) FRA may consider the public interest in making a determination of noncompliance and imposing a remedy.

9.2 Remedies

(a) If FRA makes a final determination of noncompliance under Section 9.1(c) of this Attachment 1, FRA may impose a remedy, including:

- (1) additional conditions on the award;
- (2) requiring the Recipient to prepare and implement a corrective action plan;



- (3) directing the Recipient to stop work;
- (4) any remedy permitted under 2 CFR §§ 200.339–200.340, including withholding of payments ; disallowance of previously reimbursed costs, requiring refunds from the Recipient to FRA; suspension or termination of the award; or suspension and disbarment under 2 CFR part 180; or
- (5) any other remedy legally available.

(b) The Recipient acknowledges that any amounts FRA requires the Recipient to refund to FRA under this Section 9.2 constitute a debt to the Federal Government that FRA may collect under 2 CFR § 200.346 and the Federal Claims Collection Standards (31 CFR parts 900–999).

(c) Other Remedies. The termination authority under Article 10 of this Attachment 1 supplements and does not limit FRA’s remedial authority under this Article 9 or 2 CFR part 200, including 2 CFR §§ 200.339-200.240. FRA reserves the right to seek any appropriate remedy or otherwise enforce the terms and conditions of this Agreement as authorized by law.

9.3 Other Oversight Entities

Nothing in Article 9 of this Attachment 1 limits any party’s authority to report activity under this agreement to the United States Department of Transportation Inspector General or other appropriate oversight entities.

ARTICLE 10: AGREEMENT SUSPENSION AND TERMINATION

10.1 Suspension of Award Activities

(a) If FRA determines that the remedy for noncompliance imposed under Article 9 of this Agreement does not achieve the desired result or is unlikely to improve compliance or performance, FRA may suspend activities under this Agreement pending corrective action by the Recipient or termination.

(b) If FRA suspends activities under this Agreement, FRA will notify the Recipient in writing of the following, which may be included in the determinations of non-compliance under Section 9.1 of this Attachment 1:

- (1) what project activities, if any, will take place during the period of suspension;
- (2) what costs FRA will reimburse if the suspension is lifted and the award resumed;
- (3) what corrective actions must occur during the suspension; and
- (4) FRA’s intent to terminate the award under this Article 10 if the Recipient does not meet the conditions of the remedial action.



(c) The duration of the temporary suspension of activities under the Agreement should be commensurate with the corrective action needed, but should not exceed 120 days at the outset. If the Recipient is not making sufficient progress in correcting the noncompliance, FRA must consider both financial and programmatic requirements in determining the appropriate extension to avoid the need for termination.

10.2 FRA Termination

(a) FRA may terminate this Agreement and all its obligations under this Agreement if any of the following occurs:

- (1) the Recipient fails to obtain or contribute the required Non-Federal Funds, or alternatives approved by FRA, as provided in this agreement and consistent with Article 6 of Attachment 2 of this Agreement;
- (2) the Recipient fails to meet a milestone by six months after the completion date listed in Article 5 of Attachment 2 of this Agreement and the Recipient fails to request an amendment to this Agreement pursuant to Section 5.3 of this Attachment 1;
- (3) the Recipient fails to comply with the terms and conditions of this Agreement;
- (4) there are changes to the Project that FRA determines are inconsistent with FRA's basis for selecting the Project to receive the award; or
- (5) FRA determines that termination of this Agreement is in the public interest.

(b) The Recipient may request that FRA terminate the Agreement, which may result in FRA determining noncompliance and imposing remedies pursuant to Article 9 of this Attachment 1.

10.3 Closeout Termination

- (a) This Agreement terminates on Project Closeout.
- (b) In this Agreement, "Project Closeout" means the date that FRA notifies the Recipient that the award is closed out. Under 2 CFR § 200.344, Project Closeout should occur no later than one year after the end of the Period of Performance.

10.4 Post-Termination Adjustments

The Recipient acknowledges that under 2 CFR §§ 200.345–200.346, termination of this Agreement does not extinguish FRA's authority to disallow costs, including costs that FRA reimbursed before termination, and recover funds from the Recipient.

10.5 Non-Terminating Events

- (a) The end of the budget period described under Section 4.4 of this Attachment 1 does not terminate this Agreement or the Recipient's obligations under this Agreement.



- (b) The end of the Period of Performance described under Section 4.5 of this Attachment 1 does not terminate this Agreement or the Recipient's obligations under this Agreement.

ARTICLE 11: MONITORING, FINANCIAL MANAGEMENT, CONTROLS, AND RECORDS

11.1 Recipient Monitoring and Record Retention

- (a) The Recipient will monitor activities under this award, including activities under subawards and contracts, to ensure:

- (1) that those activities comply with this agreement; and
- (2) that funds provided under this award are not expended on costs that are not allowable under this award or not allocable to this award.

- (b) If the Recipient makes a subaward under this award, the Recipient will monitor the activities of the Subrecipient in compliance with 2 CFR §200.332(e).

- (c) The Recipient will retain and provide access to records relevant to the award during the course of the Project and for three years after closeout or longer, as required under 2 CFR § 200.334.

- (d) The Recipient will adhere to the recording and recordkeeping requirements set forth in 2 CFR §§ 200.334–200.338. Project Closeout does not alter these requirements.

11.2 Financial Records and Audits

- (a) The Recipient will keep all Project accounts and records that fully disclose the amount and disposition by the Recipient of the award funds, the total cost of the Project, and the amount or nature of that portion of the cost of the Project supplied by other sources, and any other financial records related to the Project.

- (b) The Recipient will keep accounts and records described under Section 11.2(a) of this Attachment 1 in accordance with a financial management system that meets the requirements of 2 CFR §§ 200.302–200.307 and 2 CFR part 200, subpart F and will facilitate an effective audit in accordance with 31 U.S.C. §§ 7501–7506.

- (c) The Recipient will separately identify expenditures under the award in financial records required for audits under 31 U.S.C. §§ 7501–7506. Specifically, the Recipient will:

- (1) list expenditures separately on the schedule of expenditures of Federal awards required under 2 CFR part 200, subpart F, including the fiscal year in the format "FY 202X" in the program name; and
- (2) list expenditures on a separate row under Part II, Item 1 (Federal Awards Expended During Fiscal Period) of Form SF-SAC, including "FY 202X" in Column C (Additional Award Identification).



(d) If the Recipient expends \$1,000,000 or more in Federal awards during the Recipient's fiscal year, a single or program audit will be conducted for that year, consistent with 2 CFR §§ 200.501(a) and 200.512(c).

11.3 Internal Controls

The Recipient will establish and maintain internal controls as required under 2 CFR § 200.303.

11.4 FRA Record Access

FRA may access Recipient records related to this award under 2 CFR § 200.337.

11.5 Site Visits

FRA may conduct site visits to review Project activities, accomplishments, and management control systems and to provide technical assistance to the Recipient. The Recipient will provide or ensure reasonable, safe, and convenient access to FRA for any such site visit. FRA will conduct all site visits in such a manner as will not unduly delay work conducted by the Recipient, Subrecipient, or contractor.

ARTICLE 12: CONTRACTING AND SUBAWARDING

12.1 Buy America

(a) For infrastructure projects, steel, iron, manufactured goods, and construction materials used in the Project are subject to the domestic preference requirement at § 70914 of the Build America, Buy America Act (Buy American Act), Pub. L. No. 117-58, div. G, tit. IX, subtit. A, 135 Stat. 429, 1298 (2021) and 2 CFR part 184, as implemented by OMB, USDOT, and FRA. The Recipient acknowledges that this Agreement is neither a waiver of § 70914(a) nor a finding under § 70914(b).

(b) For all other projects, the Recipient's acquisition of steel, iron, and manufactured goods with funding provided through this Agreement is subject to the requirements set forth in the Buy American Act, 41 U.S.C. §§ 8301-8305. The Recipient also represents that it has never been convicted of violating the Buy American Act nor will it make funding received under this Agreement available to any person or entity who has been convicted of violating the Buy American Act.

(c) Under this Section, "infrastructure project" has the definition provided in 2 CFR § 184.3.

(d) Under 2 CFR § 200.322, the Recipient should, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. The Recipient shall include the requirements of 2 CFR § 200.322 in all subawards, contracts, and purchase orders f under this award.



12.2 Small and Disadvantaged Business Requirements

The Recipient will expend all funds under this award in compliance with the requirements at 2 CFR § 200.321, including any amendments thereto.

12.3 Engineering and Design Services [Reserved]

12.4 Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

The Recipient acknowledges that Section 889 of Pub. L. No. 115-232 and 2 CFR § 200.216 prohibit the Recipient and all Subrecipients from procuring or obtaining certain telecommunications and video surveillance equipment or services under this award.

12.5 Pass-Through Entity Responsibilities

- (a) If the Recipient makes a subaward under this award, the Recipient will comply with the requirements for pass-through entities under 2 CFR parts 200 and 1201, including 2 CFR §§ 200.331–200.333, regardless of whether the Recipient is also a Pass-Through Entity as defined in 2 CFR § 200.1.
- (b) The Recipient will report any subaward obligation of \$30,000 or more in Federal funds in USASpending.gov consistent with the Federal Funding Accountability and Transparency Act, Pub. L. 109-282.
- (c) The Recipient is accountable for performance under this award, the appropriate expenditure of funds, and other requirements under this Agreement. The Recipient is responsible for any non-compliance under the award and for compliance with any remedies imposed.

12.6 Local Hiring Preference for Construction Jobs

Under Section 25019 of the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, div. B, tit. V (2021), a Recipient or Subrecipient may implement a local or other geographical or economic hiring preference relating to the use of labor for construction of a project funded by this grant if funded under title 49 or 23 United States Code, including prehire agreements, subject to any applicable State and local laws, policies, and procedures. The use of such a local or other geographical or economic hiring preference in any bid for a contract for the construction of a project funded by this grant shall not be considered to unduly limit competition. Project labor agreements should be consistent with the definition and standards outlined in Executive Order 13502. For additional information, see <https://www.transportation.gov/sites/dot.gov/files/2023-05/Creating-Local-Construction-Workforce.pdf>.

12.7 Procurement

The Recipient may acquire property, goods, or services in connection with the Project. If the Recipient is a State or Indian Tribe, then it will follow the same policies and procedures it uses for procurements with non-Federal funds in compliance with 2 CFR § 200.317. A Subrecipient of a State will follow the policies and procedures allowed by that State when procuring property and services under this award consistent with 2 CFR § 1201.317, notwithstanding 2 CFR §



200.317. An entity that is not a State or Indian Tribe, or Subrecipient of a State or Indian Tribe, will comply with 2 CFR §§ 200.318–200.327, and applicable supplementary USDOT or FRA directives and regulations. The Recipient will provide technical specifications and requirements to FRA for review upon request.

ARTICLE 13: COSTS, PAYMENTS, AND UNEXPENDED FUNDS

13.1 Limitation of Federal Award Amount

Under this award, FRA will not provide funding in an amount greater than the Agreement Federal Funds. The Recipient acknowledges that FRA is not liable for payments exceeding that amount, and the Recipient will not request reimbursement of costs exceeding that amount.

13.2 Project Costs

This award is subject to the cost principles at 2 CFR part 200, subpart E, including provisions on determining allocable costs and determining allowable costs.

13.3 Timing of Project Costs

- (a) The Recipient will not charge to this award costs that are incurred after the budget period.
- (b) The Recipient will not charge to this award costs that were incurred before the date of this Agreement unless those costs are identified as approved pre-award costs in Section 6.6 of Attachment 2 of this Agreement and would have been allowable if incurred during the budget period. This limitation applies to pre-award costs under 2 CFR § 200.458. This agreement hereby terminates and supersedes any previous FRA approval for the Recipient to incur costs under this award for the Project. Section 6.6 of Attachment 2 of this Agreement is the exclusive FRA approval of costs incurred before the date of this Agreement.
- (c) The Recipient may request approval of pre-award costs in a written request that demonstrates the purpose and amount of the costs, compliance with 2 CFR § 200.458, and whether such costs would otherwise serve as Non-Federal Funds.

13.4 Recipient Recovery of Federal Funds

The Recipient will make all reasonable efforts, including initiating litigation, if necessary, to recover Federal funds if FRA determines, after consultation with the Recipient, that those funds have been spent fraudulently, wastefully, or in violation of Federal laws, or misused in any manner. The Recipient will not enter a settlement or other final position, in court or otherwise, involving the recovery of funds under the award unless approved in advance in writing by FRA.

13.5 Unexpended Agreement Federal Funds

Any Agreement Federal Funds that are obligated but not expended on allocable, allowable costs remain the property of the United States.



13.6 Interest Earned

Interest earned on advances of Agreement Federal Funds is not program income.

13.7 Timing of Payments to the Recipient

- (a) Reimbursement is the payment method, unless otherwise approved by FRA.
- (b) The Recipient will not request reimbursement of a cost before the Recipient has entered into an obligation for that cost.

13.8 Payment Method

- (a) The Recipient will use the DELPHI e-Invoicing System (<https://www.dot.gov/cfo/delphi-einvoicing-system.html>) to request reimbursement under this award. FRA will provide access to that system upon request by the Recipient.
- (b) FRA may deny a payment request that is not submitted using the method identified in this Section.

13.9 Information Supporting Expenditures

- (a) When requesting reimbursement of costs incurred or credit for cost share incurred, the Recipient will electronically submit the SF 270 (Request for Advance or Reimbursement) and will submit supporting cost detail to document clearly all costs incurred. As supporting cost detail, the Recipient will include a detailed breakout of all costs incurred and classify all costs by task and by Agreement Federal Funds and Agreement Non-Federal Funds.
- (b) Unless FRA and the Recipient agree otherwise in writing, the Recipient will ensure that the proportion of expenditure of Agreement Federal Funds to Agreement Non-Federal Funds is not more than the maximum percent of total Project cost FRA will contribute identified in Section 6.5 of Attachment 2 of this Agreement. The Recipient will ensure the proportional expenditure of funds is reflected in the detailed breakout of costs supporting the SF 270.
- (c) If the Recipient submits a request for reimbursement that FRA determines does not include or is not supported by sufficient detail, FRA may deny the request or withhold processing the request until the Recipient provides sufficient detail.

13.10 Reimbursement Request Timing Frequency

The Recipient will request reimbursement as needed to maintain cash flow sufficient to timely complete the Project. The Recipient will not submit any single payment request exceeding \$99,999,999.99. The Recipient will not submit a payment request exceeding \$50,000,000.00 unless the Recipient notifies FRA six days before submitting the request.

13.11 Program Income

The Recipient is encouraged to earn income to defray Project costs, where appropriate, and will work with FRA to determine how income may be applied to the grant, in accordance with 2 CFR



§ 200.307 and 2 CFR § 1201.80. Program income not deducted from total allowable costs may be used only for the purposes and under the terms and conditions established in this Agreement. The Recipient will maintain records of all program income.

ARTICLE 14: PROPERTY AND EQUIPMENT

14.1 General Requirements

The Recipient will comply with the property standards of 2 CFR §§ 200.310–200.316 and will ensure compliance with these standards for all tiers of subawards and contracts under this award.

14.2 Relocation and Real Property Acquisition

The Recipient will comply with the land acquisition policies and relocation requirements in 42 U.S.C. § 4601 et seq. and 49 CFR part 24, subparts A–F, as applicable. At a minimum, under this section, the Recipient will:

- (a) comply with the land acquisition policies in 49 CFR part 24, subpart B and will pay or reimburse property owners for necessary expenses as specified in that subpart;
- (b) provide a relocation assistance program offering the services described in 49 CFR part 24, subpart C and provide reasonable relocation payments and assistance to displaced persons as required in 49 CFR part 24, subparts D–E; and
- (c) make available to displaced persons comparable replacement dwellings in accordance with 49 CFR part 24.
- (d) provide to FRA a real estate acquisition and management plan prior to beginning real property acquisition if the Project is designated a Major Project in Article 1 of Attachment 2 of this Agreement, or if the total Project cost in Section 6.5 of Attachment 2 of this Agreement is greater than \$300 million and the Project is also receiving financial assistance from the Federal Transit Administration (FTA).

14.3 Use for Originally Authorized Purpose

The Recipient will ensure that property and equipment funded under this Agreement is used for the originally authorized purpose. If necessary to satisfy this obligation, the Recipient will enter into appropriate arrangements with the entity or entities using, or with the owner of right-of-way used by, the property and/or equipment funded under this Agreement.

14.4 Maintenance

The Recipient will ensure that any property, improvements to property, and any equipment funded under this Agreement are maintained in good working order and in accordance with FRA regulations, guidelines, and directives.



14.5 Real Property Disposition

In accordance with 2 CFR § 200.311, when real property acquired or improved under this award is no longer used for its originally intended purpose, the Recipient will request disposition instructions from FRA.

14.6 Equipment Disposition

(a) In accordance with 2 CFR §§ 200.313 and 1201.313, when equipment acquired under this award is no longer needed for the Project:

- (1) if the entity that acquired the equipment is a State or a Subrecipient of a State, that entity will dispose of that equipment in accordance with State laws and procedures;
- (2) if the entity that acquired the equipment is an Indian Tribe, the Indian Tribe shall dispose of that equipment in accordance with tribal laws and procedures. If such laws and procedures do not exist, Indian Tribes must follow the guidance in 2 CFR § 200.313; and
- (3) if the entity that acquired the equipment is neither a State nor an Indian Tribe, that entity will request disposition instructions from FRA. In accordance with 2 CFR § 200.313(f), FRA may permit the Recipient or Subrecipient to retain equipment.

(b) In accordance with 2 CFR §200.443(d), the distribution of the proceeds from the disposition of equipment must be made in accordance with 2 CFR §§ 200.313–200.316 and 2 CFR § 1201.313.

14.7 Recordkeeping

The Recipient will keep records regarding the operation and maintenance of property, improvements to property, equipment, and supplies funded under this Agreement and will provide them to FRA upon request.

14.8 Encumbrance

The Recipient will not create an obligation, such as a transfer of title, lease, lien, mortgage, or encumbrance, that would dispose of or encumber the Recipient's title or other interest in property, improvements to property, equipment or supplies funded under this Agreement without prior written approval from FRA.

The Recipient will not take any action that would adversely affect FRA's interest or impair the Recipient's continuing control over the use of the property, improvements to property, equipment, or supplies funded under the Agreement without prior written approval from FRA.



ARTICLE 15: AMENDMENTS

15.1 Bilateral Amendments

The parties may amend, modify, or supplement this Agreement by mutual agreement in writing signed by FRA and the Recipient. Either party may request to amend, modify, or supplement this Agreement by written notice to the other party.

15.2 FRA Unilateral Amendments

(a) FRA may unilaterally amend this Agreement for the following reasons:

- (1) to comply with Federal law;
- (2) at closeout or in anticipation of closeout; and
- (3) other non-substantive changes, such as to correct typographical errors, as deemed appropriate by FRA.

(b) To unilaterally amend this Agreement under Section 15.3 of this Attachment 1, FRA will provide a written notice to the Recipient that includes the amendment and the date that the amendment is effective.

(c) Except at closeout or in anticipation of closeout, FRA may not unilaterally amend the Statement of Work, this Agreement's monetary amount, the delivery schedule, the Period of Performance, or other terms or conditions of this Agreement.

15.3 Other Amendments

The parties will not amend, modify, or supplement this Agreement except as permitted under Sections 15.1, 15.2, or 15.3 of this Attachment 1. If an amendment, modification, or supplement is not permitted under Section 15.1, 15.2, or 15.3 of this Attachment 1, it is void.

ARTICLE 16: [RESERVED]

ARTICLE 17: [RESERVED]

ARTICLE 18: LABOR AND WORK

18.1 Labor and Work

The Recipient will document its consideration of job quality and labor standards related to the Project in Article 9 of Attachment 2 of this Agreement.



ARTICLE 19: CRITICAL INFRASTRUCTURE SECURITY AND RESILIENCE

19.1 Critical Infrastructure Security and Resilience

(a) Consistent with the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems (July 28, 2021) and the National Security Memorandum on Critical Infrastructure Security and Resilience (April 30, 2024), the Recipient will consider physical and cyber security and resilience in planning, design, and oversight of the Project.

(b) If the Security Risk Designation in Section 1.3 of Attachment 2 of this Agreement is “Elevated,” then not later than two years after the date of this Agreement the Recipient will submit to FRA a report that:

- (1) identifies a cybersecurity point of contact for the transportation infrastructure being improved in the Project;
- (2) summarizes or contains a cybersecurity incident reporting plan for the transportation infrastructure being improved in the Project;
- (3) summarizes or contains a cybersecurity incident response plan for the transportation infrastructure being improved in the Project;
- (4) documents the results of a self-assessment of the Recipient’s cybersecurity posture and capabilities; and
- (5) describes any additional actions that the Recipient has taken to consider or address cybersecurity risk of the transportation infrastructure being improved in the Project.

ARTICLE 20: FEDERAL FINANCIAL ASSISTANCE, ADMINISTRATIVE, AND NATIONAL POLICY REQUIREMENTS

20.1 Uniform Administrative Requirements for Federal Awards

The Recipient will comply, and will ensure that other entities receiving funding under this agreement will comply, with the obligations on non-Federal entities under 2 CFR parts 200 and 1201, regardless of whether the Recipient or other entity receiving funding under this agreement is a Non-Federal entity as defined in 2 CFR § 200.1, except that subpart F of part 200 does not apply if the Recipient or Subrecipient is a for-profit entity.

20.2 Federal Law and Public Policy Requirements

(a) The Recipient will ensure that Federal funding is expended in full accordance with the United States Constitution, Federal law, and statutory and public policy requirements: including but not limited to, those protecting free speech, religious liberty, public welfare, the environment, and prohibiting discrimination and the Recipient will cooperate with Federal officials in the enforcement of Federal law, including cooperating with and not



impeding U.S. Immigration and Customs Enforcement (ICE) and other Federal offices and components of the Department of Homeland Security in and the enforcement of Federal immigration law.

(b) Pursuant to Section 3(b)(iv)(A) of Executive Order 14173, Ending Illegal Discrimination And Restoring Merit-Based Opportunity, the Recipient agrees that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code.

(c) Pursuant to Section 3(b)(iv)(B) of Executive Order 14173, Ending Illegal Discrimination And Restoring Merit-Based Opportunity, by entering into this agreement, the Recipient certifies that it does not operate any programs promoting diversity, equity, and inclusion (DEI) initiatives that violate any applicable Federal anti-discrimination laws.

(d) The failure of this Agreement to expressly identify Federal law applicable to the Recipient or activities under this Agreement does not make that law inapplicable.

20.3 Federal Freedom of Information Act

(a) FRA is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552.

(b) The Recipient acknowledges that the Application and materials submitted to FRA by the Recipient related to this Agreement will become FRA records that may be subject to public release under 5 U.S.C. § 552. If the Recipient submits any materials to FRA related to this Agreement that the Recipient considers to include trade secret or confidential commercial or financial information, the Recipient should note that the submission contains confidential business information, mark each affected page, and highlight or otherwise denote the portions of the submission that contain confidential business information.

20.4 History of Performance

Under 2 CFR § 200.206, any Federal awarding agency may consider the Recipient's performance under this Agreement, when assessing the risks of making a future Federal financial assistance award to the Recipient.

20.5 Whistleblower Protection

(a) The Recipient acknowledges that it is a "Recipient" within the scope of 41 U.S.C. § 4712, which prohibits the Recipient from taking certain actions against an employee for certain disclosures of information that the employee reasonably believes are evidence of gross mismanagement of this award, gross waste of Federal funds, or a violation of Federal law related this this award.

(b) The Recipient will inform its employees in writing of the rights and remedies provided under 41 U.S.C. § 4712, in the predominant native language of the workforce.



20.6 External Award Terms and Obligations

(a) In addition to this document and the contents described in Article 25 of this Attachment 1, this Agreement includes the following additional terms as integral parts:

- (1) Appendix A to 2 CFR part 25: System for Award Management and Universal Identifier Requirements;
- (2) Appendix A to 2 CFR part 170: Reporting Subawards and Executive Compensation;
- (3) 2 CFR part 175: Award Term for Trafficking in Persons; and
- (4) Appendix XII to 2 CFR part 200: Award Term and Condition for Recipient Integrity and Performance Matters.

(b) The Recipient will comply with:

- (1) 49 CFR part 20: New Restrictions on Lobbying;
- (2) 49 CFR part 21: Nondiscrimination in Federally Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, including any amendments thereto;
- (3) 49 CFR part 27: Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance; and
- (4) Subpart B of 49 CFR part 32: Governmentwide Requirements for Drug-free Workplace (Financial Assistance).

20.7 Incorporated Certifications

The Recipient makes the representations in the following certifications, which are incorporated by reference:

- (a) Appendix A to 49 CFR part 20 (Certification Regarding Lobbying).

ARTICLE 21: ASSIGNMENT

21.1 Assignment Prohibited

The Recipient will not transfer to any other entity any discretion granted under this Agreement, any right to satisfy a condition under this Agreement, any remedy under this Agreement, or any obligation imposed under this Agreement.

ARTICLE 22: WAIVER

22.1 Waivers

- (a) A waiver of a term of this Agreement authorized by law and granted by FRA will not be effective unless it is in writing and signed by an authorized representative of FRA.



(b) A waiver of a term of this Agreement granted by FRA on one occasion will not operate as a waiver on other occasions.

(c) If FRA fails to require strict performance of a term of this Agreement, fails to exercise a remedy for a breach of this Agreement, or fails to reject a payment during a breach of this Agreement, that failure does not constitute a waiver of that term or breach.

ARTICLE 23: ADDITIONAL TERMS AND CONDITIONS

23.1 Disclaimer of Federal Liability

FRA will not be responsible or liable for any damage to property or any injury to persons that may arise from, or be incident to, performance or compliance with this Agreement.

23.2 Environmental Review

(a) Except as authorized by law or under 23 CFR § 771.113(d)(4), the Recipient will not begin final design activities; acquire real property, construction materials, or equipment, including rolling stock; begin construction; or take other actions that would have an adverse environmental impact or limit the choice of reasonable alternatives for the Project unless and until FRA complies with the National Environmental Policy Act, 42 U.S.C. § 4321 et seq. (NEPA), and any other applicable environmental laws and regulations. In addition, the Recipient will not begin project development that involves ground disturbing activity prior to FRA compliance with NEPA and any other applicable environmental laws and regulations.

(b) The Recipient acknowledges that:

(1) FRA's actions under Section 23.2(a) of this Attachment 1 may depend on the Recipient conducting necessary environmental analyses and submitting necessary documents to FRA; and

(2) applicable environmental statutes and regulations may require the Recipient to prepare and submit documents to other Federal, State, and local agencies.

(c) Consistent with 23 CFR § 771.105(a), to the maximum extent practicable and consistent with Federal law, the Recipient will coordinate all environmental investigations, reviews, and consultations as a single process.

(f) The activities described in Article 4 of Attachment 2 of this Agreement and other information described in this Agreement may inform environmental decision-making processes, but the parties do not intend this Agreement to document the alternatives under consideration under those processes. If a build alternative is selected that does not align with Article 4 of Attachment 2 of this Agreement or other information in this Agreement, then FRA will either:

(1) amend this Agreement under Section 15.1 of this Attachment 1 for consistency with the selected build alternative; or



(2) if FRA determines that the condition at Section 10.1(a)(5) of this Attachment 1 is satisfied, terminate this Agreement under Section 10.1(a)(5) of this Attachment 1; or

(3) take other action as deemed appropriate by FRA.

(g) The Recipient will complete any mitigation activities described in the environmental document or documents for the Project, including the terms and conditions contained in the required permits and authorizations for the Project. Article 4 of Attachment 2 of this Agreement identifies documents describing mitigation activities, but the absence of a document from that section does not relieve the Recipient of any compliance obligations.

23.3 Project Maintenance Requirement

The Recipient will ensure that any property and equipment funded within this Agreement is operated and maintained in good operating order and in accordance with 2 CFR §§ 200.310–200.316, 1201.313 and any guidelines, directives, or regulations that FRA may issue.

23.4 Appropriations Act Requirements

The Recipient will comply with applicable requirements of the appropriations act identified in Section 6.3 of Attachment 2 of this Agreement.

23.5 Standards of Conduct

The Recipient will comply with the following standards of conduct:

(a) Standards of Conduct. The Recipient will maintain a written code or standards of conduct governing the performance of its officers, employees, board members, or agents engaged in the award and administration of contracts or agreements supported by the Federal contribution provided through this Agreement. The code or standards will provide that the Recipient's officers, employees, board members, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential Subrecipients or contractors. The Recipient may set minimum rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. As permitted by state or local law or regulations, such code or standards will provide for penalties, sanctions, or other disciplinary actions for violations by the Recipient's officers, employees, board members, or agents, or by Subrecipients or their agents.

(b) Personal Conflict of Interest. The Recipient's code or standards must provide that no employee, officer, board member, or agent of the Recipient may participate in the selection, award, or administration of a contract supported by the Federal contribution if a real or apparent conflict of interest would be involved. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.



(c) Organizational Conflicts of Interest. The Recipient's code or standards of conduct must include procedures for identifying and preventing real and apparent organizational conflicts of interests. An organizational conflict of interest exists when the nature of the work to be performed under a proposed contract, may, without some restrictions on future activities, result in an unfair competitive advantage to the contractor or impair the contractor's objectivity in performing the contract work.

(d) Existing Codes or Standards. This Section does not require the Recipient to implement a new code or standards of conduct where a state statute, or written code or standards of conduct, already effectively covers all of the required elements.

(e) Disclosure of Conflicts. The Recipient will disclose in writing any potential conflict of interest to FRA or pass-through entity.

23.6 Changed Conditions of Performance

The Recipient will notify FRA of any event that may affect its ability to perform the Project in accordance with the terms of this Agreement.

23.7 Litigation

The Recipient will notify FRA in writing of any decision pertaining to the Recipient's conduct of litigation that may affect FRA's interests in the Project or FRA's administration or enforcement of applicable Federal laws or regulations. The Recipient will inform FRA in writing before naming FRA as a party to any type of litigation for any reason in any forum.

23.8 [Reserved]

23.9 Equipment and Supplies

The Recipient will maintain written policies and procedures that address acquisition, classification, and management of all equipment and supplies acquired or used under this award.

23.10 Safety and Technology Data

The Recipient will ensure that FRA has access to safety and technology relevant data generated by the Recipient under the award, in a machine-readable format, where specified in Article 4 of Attachment 2 of this Agreement.

23.11 Intellectual Property

The Recipient agrees to the standard patent rights clauses issued by the Department of Commerce at 37 CFR part 401, as applicable.

23.12 Liquidation of Recipient Obligations

(a) The Recipient will liquidate all obligations of award funds under this Agreement not later than 120 days after the end of the Period of Performance.

(b) Liquidation of obligations and adjustment of costs under this Agreement follow the requirements of 2 CFR §§ 200.344–200.346.



ARTICLE 24: CONSTRUCTION AND DEFINITIONS

24.1 Agreement

This Agreement consists of the following:

- (a) Agreement Cover Sheet
- (b) Attachment 1: General Terms and Conditions
- (c) Attachment 2: Project-Specific Terms and Conditions
- (d) Exhibit A: Applicable Federal Laws and Regulations
- (e) Exhibit B: Additional Standard Terms
- (f) Exhibit C: Quarterly Project Progress Reports and Recertifications

24.2 Construction

- (a) In these General Terms and Conditions, there are no references to articles or sections in project-specific portions of this Agreement that are not contained in Attachments or Exhibits listed in Section 24.1.
- (b) If a provision in these General Terms and Conditions or the Exhibits conflicts with a provision in the Project-Specific Terms and Conditions in Attachment 2 of this Agreement, then the relevant portion in Attachment 2 prevails. If a provision in the Exhibits conflicts with a provision in these General Terms and Conditions, then the provision in these General Terms and Conditions prevails.

24.3 Integration

This Agreement constitutes the entire agreement of the parties relating to the Project and supersedes any previous agreements, oral or written, relating to the Project.

24.4 Definitions

This Section defines terms used in this Agreement. Additional definitions found in 2 CFR § 200.1 are incorporated by reference into this Agreement.

“Agreement Federal Funds” means the total amount of Federal funds obligated under this Agreement. This is the amount shown in Section 6.1 of Attachment 2 of this Agreement.

“Application” means the application identified in Article 3 of Attachment 2 of this Agreement, including Standard Form 424 and all information and attachments submitted with that form through Grants.gov.

“Construction Substantial Completion” means the stage of the Project when all construction tasks are complete such that the Recipient can use the Project for its intended use and only closeout activities remain. Activity to address or complete closeout activities will not prevent or disrupt use of the Project.



“Contingent Commitment” means the unobligated amounts of future available budget authority specified in law that FRA commits to obligate under the terms of this Agreement.

“Federal Share” means the sum of Agreement Federal Funds and Other Federal Funds. If there are no Other Federal Funds, the Federal Share is the same as the Agreement Federal Funds.

“General Terms and Conditions” means this Attachment 1.

“Other Federal Funds” means Federal funds that are part of the Approved Project Budget in Section 6.5 of Attachment 2 of this Agreement for the Project but are not obligated under this Agreement.

“Project” means the project proposed in the Application, as modified by the negotiated provisions of this Agreement, including Attachment 2 of this Agreement.

“Project Closeout” means the date that FRA notifies the Recipient that the award is closed out. Under 2 CFR § 200.344, Project Closeout should occur no later than one year after the end of the Period of Performance.

“Project Cost Savings” means the difference between the actual costs to complete the Project and the estimated total Project cost listed in Section 6.5 of Attachment 2 of this Agreement, if after the Recipient completes the tasks identified in Article 4 of Attachment 2 of this Agreement to FRA’s satisfaction, the actual Project costs are less than the estimated total Project costs.

“Rural Area” means any area that is not within an area designated as an urbanized area by the Bureau of the Census.

24.5 Calendar Dates

Unless otherwise specified, all dates and durations are in calendar days, calendar quarters, or calendar years, as appropriate.

24.6 Communication in Writing

Unless otherwise specified, all written communication may be provided by electronic mail.

24.7 Severability

If any provision of this Agreement is found to be invalid, illegal, or unenforceable, the validity, legality, or enforceability of the remaining provisions of this Agreement is not affected or impaired by such finding. A provision held to be unenforceable as applied to any party or circumstance remains applicable to other parties and circumstances.

ARTICLE 25: AGREEMENT EXECUTION AND EFFECTIVE DATE

25.1 Counterparts

This agreement may be executed in counterparts, which constitute one document. The parties intend each countersigned original to have identical legal effect.



25.2 Effective Date

The agreement will become effective when all parties have signed it. The date of this Agreement will be the date this Agreement is signed by the last party to sign it.

ARTICLE 26: PROGRAM-SPECIFIC CLAUSES

26.1 Interstate Rail Compacts Grant Program

The Recipient agrees to comply with the clauses in Section 26.1 of this Attachment 1.

Consistent with 49 U.S.C. § 22905(e), clauses (b) through (g) of Section 26.1 of this Attachment 1 do not apply to: 1) commuter rail passenger transportation (as defined in 49 U.S.C. § 24102(3)) operations of a State or local government authority (as those terms are defined in 49 U.S.C. § 5302) or its contractor performing services in connection with commuter rail passenger operations; 2) the Alaska Railroad or its contractors; or 3) Amtrak's access rights to railroad right of way and facilities under current law.

(a) Non-Federal Match. The Recipient will provide a Non-Federal match of not less than 50 percent of the eligible expenses under the grant.

(b) Buy America. In lieu of Section 12.1 of this Attachment 1, the Recipient will comply with the following clauses, as applicable:

(1) for infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2). For infrastructure projects, construction materials used in the Project are subject to the domestic preference requirement at § 70914 of the Build America, Buy America Act, Pub. L. No. 117-58, div. G, tit. IX, subtit. A, 135 Stat. 429, 1298 (2021) and 2 CFR part 184, as implemented by OMB, USDOT and FRA. The Recipient acknowledges that this agreement is neither a waiver of § 70914(a) nor a finding under § 70914(b).

(2) for non-infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2).

(3) under Section 26.1 of this Attachment 1, "infrastructure project" has the definition provided in 2 CFR § 184.3.

(4) for all projects, the Recipient should under 2 CFR § 200.322, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. The Recipient shall include the requirements of 2 CFR § 200.322 in all subawards, contracts, and purchase orders under this award.



(c) Operators Deemed Rail Carriers. The Recipient recognizes and agrees that 49 U.S.C. § 22905(b) provides that persons conducting rail operations over rail infrastructure constructed or improved in whole or in part with funds provided under chapter 229 of Title 49, United States Code, will be considered a “rail carrier” as defined by 49 U.S.C. § 10102(5), for purposes of Title 49, United States Code, and any other statute that adopts that definition or in which that definition applies, including: the Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.); the Railway Labor Act (45 U.S.C. § 151 et seq.); and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.). The Recipient agrees to reflect this provision in its agreements (if any) with any entity operating rail services over such rail infrastructure.

(d) Railroad Agreements. In accordance with 49 U.S.C. § 22905(c)(1), if the Project funded by this Agreement uses rights-of-way owned by a railroad, then Recipient represents that it has entered into a written agreement with that railroad owner, which includes: compensation for such use; assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; an assurance by the railroad that collective bargaining agreements with railroad’s employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and an assurance that Recipient complies with liability requirements consistent with 49 U.S.C. § 28103.

By signing this Agreement, Recipient certifies that the written agreement referenced in this Section 26.1(d) has been executed or is not required.

Additional guidance on compliance with the Railroad Agreements provisions is available on FRA’s website at: <https://railroads.dot.gov/elibrary/frequently-asked-questions-about-rail-improvement-grant-conditions-under-49-usc-ss-22905c1>.

(e) Labor Protective Arrangements. In accordance with 49 U.S.C. § 22905(c)(2)(B), if the Project funded by this Agreement uses rights-of-way owned by a railroad, then the Recipient will ensure compliance with the protective arrangements that are equivalent to those established under Section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976, 49 U.S.C. § 22404. Such protective arrangements are included herein as Exhibit B.5.

(f) Davis-Bacon and Related Acts Provisions. In accordance with 49 U.S.C. § 22905(c)(2)(A), if the Project funded by this Agreement uses rights-of-way owned by a railroad, the Recipient will ensure compliance with the standards of 49 U.S.C. § 24312 with respect to the Project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under 49 U.S.C. § 24308(a). For these purposes, wages in collective bargaining agreements negotiated under the Railway Labor Act are deemed to comply with Davis-Bacon Act requirements.



(g) Replacement of Existing Intercity Passenger Rail Service. If an intercity passenger rail transportation provider replaces Amtrak intercity passenger rail service through a Project funded by this Agreement, then such provider must comply with the provisions of 49 U.S.C. § 22905(d).

(h) Operator Limitation. Recipient's eligible expenses must be related to intercity passenger rail service to be operated by Amtrak.

(i) Reporting. As requested by FRA, the Recipient will report on:

- (1) the status of the planning efforts and coordination funded by the grant award;
- (2) plans for continued implementation of the interstate rail compact;
- (3) the status of, and data regarding, any new, restored, or enhanced rail services initiated under the interstate rail compact; and
- (4) other data and information as requested by FRA.

26.2 Railroad Crossing Elimination Program Clauses

The Recipient agrees to comply with the clauses in Section 26.2 of this Attachment 1.

Consistent with 49 U.S.C. §§ 22905(e) & 22909(j), clauses (b), (c), (d), and (g) of Section 26.2 of this Agreement 1 do not apply to: 1) commuter rail passenger transportation (as defined in 49 U.S.C. § 24102(3)) operations of a State or local government authority (as those terms are defined in 49 U.S.C. § 5302) or its contractor performing services in connection with commuter rail passenger operations; 2) the Alaska Railroad or its contractors; or 3) Amtrak's access rights to railroad right of way and facilities under current law. In addition, clause (f) does not apply to: 1) the Alaska Railroad or its contractors; or 2) Amtrak's access rights to railroad right of way and facilities under current law.

(a) Federal Share. The Federal Share of total Project costs shall not exceed 80 percent.

(b) Buy America. In lieu of Section 12.1 of this Agreement 1:

- (1) for infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this Agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2). For infrastructure projects, construction materials used in the Project are subject to the domestic preference requirement at § 70914 of the Build America, Buy America Act, Pub. L. No. 117-58, div. G, tit. IX, subtit. A, 135 Stat. 429, 1298 (2021) and 2 CFR part 184, as implemented by OMB, USDOT and FRA. The Recipient acknowledges that this Agreement is neither a waiver of § 70914(a) nor a finding under § 70914(b).
- (2) for non-infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this Agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2).



(3) under this Section, “infrastructure project” has the definition provided in 2 CFR § 184.3.

(4) for all projects, the Recipient should under 2 CFR § 200.322, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. The Recipient shall include the requirements of 2 CFR § 200.322 in all subawards, contracts, and purchase orders under this award.

(c) Operators Deemed Rail Carriers. The Recipient recognizes and agrees that 49 U.S.C. § 22905(b) provides that persons conducting rail operations over rail infrastructure constructed or improved in whole or in part with funds provided under chapter 229 of Title 49, United States Code, will be considered a “rail carrier” as defined by 49 U.S.C. § 10102(5), for purposes of Title 49, United States Code, and any other statute that adopts that definition or in which that definition applies, including: the Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.); the Railway Labor Act (45 U.S.C. § 151 et seq.); and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.). The Recipient agrees to reflect this provision in its agreements (if any) with any entity operating rail services over such rail infrastructure.

(d) Railroad Agreements. In accordance with 49 U.S.C. § 22905(c)(1), if the Project funded by this Agreement uses rights-of-way owned by a railroad, then Recipient represents that it has entered into a written agreement with that railroad owner, which includes: compensation for such use; assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; an assurance by the railroad that collective bargaining agreements with railroad’s employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and an assurance that Recipient complies with liability requirements consistent with 49 U.S.C. § 28103.

By signing this Agreement, Recipient certifies that the written agreement referenced in this Section 26.2(d) has been executed or is not required.

Additional guidance on compliance with the Railroad Agreements provisions is available on FRA’s website at: <https://railroads.dot.gov/elibrary/frequently-asked-questions-about-rail-improvement-grant-conditions-under-49-usc-ss-22905c1>.

(e) Impacted Rail Carrier or Real Property Owner Approvals. In accordance with 49 U.S.C. § 22909(e)(2)(A), prior to proceeding with the construction of the Project funded by this Agreement, if applicable, Recipient will obtain necessary approvals to commence construction from any impacted rail carriers or real property owners. If the Project is a planning project, as described in 49 U.S.C. § 22909(d)(6), the Recipient agrees to work collaboratively with rail carriers and right-of-way owners.

(f) Labor Protective Arrangements



(1) Notwithstanding 49 U.S.C. § 22905(e)(1), and in accordance with 49 U.S.C. § 22909(j)(3), any employee covered by the Railway Labor Act (45 U.S.C. § 151 et seq.) and the Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.) who is adversely affected by actions taken in connection with the project financed in whole or in part by such grant shall be covered by employee protective arrangements required to be established under 49 U.S.C. § 22905(c)(2)(B). In accordance with 49 U.S.C. § 22905(c)(2)(B), the Recipient will ensure compliance with the protective arrangements that are equivalent to those established under Section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976, 49 U.S.C. § 22404, as such protective arrangements are described in the final FRA guidance titled Equivalent Protections for Railroad Employees and effective December 28, 2022, included herein in Exhibit B.

(2) In accordance with 49 U.S.C. § 22909(j)(3), Recipient, and any successors, assigns, and contractors of Recipient:

- i. shall be bound by the employee protective arrangements required under subparagraph (1); and
- ii. shall be responsible for the implementation of such arrangements and for the obligations under such arrangements, but may arrange for another entity to take initial responsibility for compliance with the conditions of such arrangement.

(3) Labor protections required pursuant to Subsection (f) of Section 26.2 of this Attachment 1 shall be documented consistent with Article 18 of this Attachment 1.

(g) Davis-Bacon and Related Acts Provisions. In accordance with 49 U.S.C. § 22905(c)(2)(A), if the Project funded by this Agreement uses rights-of-way owned by a railroad, the Recipient will ensure compliance with the standards of 49 U.S.C. § 24312 with respect to the Project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under 49 U.S.C. § 24308(a). For these purposes, wages in collective bargaining agreements negotiated under the Railway Labor Act are deemed to comply with Davis-Bacon Act requirements.

(h) Replacement of Existing Intercity Passenger Rail Service. If an intercity passenger rail transportation provider replaces Amtrak intercity passenger rail service through a Project funded by this Agreement, then such provider must comply with the provisions of 49 U.S.C. § 22905(d).

26.3 Consolidated Rail Infrastructure and Safety Improvements Grants Clauses

The Recipient agrees to comply with the clauses in Section 26.3 of this Attachment 1.

Consistent with 49 U.S.C. § 22905(e), clauses (b) and (c) through (g) of Section 26.3 of this Attachment 1 do not apply to: 1) commuter rail passenger transportation (as defined in 49



U.S.C. § 24102(3)) operations of a State or local government authority (as those terms are defined in 49 U.S.C. § 5302) or its contractor performing services in connection with commuter rail passenger operations; 2) the Alaska Railroad or its contractors; or 3) Amtrak's access rights to railroad right of way and facilities under current law.

(a) Federal Share. The Federal Share of total Project costs shall not exceed 80 percent.

(b) Buy America. In lieu of Section 12.1 of this Attachment 1:

(1) for infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this Agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2). For infrastructure projects, construction materials used in the Project are subject to the domestic preference requirement at § 70914 of the Build America, Buy America Act, Pub. L. No. 117-58, div. G, tit. IX, subtit. A, 135 Stat. 429, 1298 (2021) and 2 CFR part 184, as implemented by OMB, USDOT and FRA. The Recipient acknowledges that this Agreement is neither a waiver of § 70914(a) nor a finding under § 70914(b).

(2) for non-infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this Agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2).

(3) under this Section, "infrastructure project" has the definition provided in 2 CFR § 184.3.

(4) for all projects, the Recipient should under 2 CFR § 200.322, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. The Recipient shall include the requirements of 2 CFR § 200.322 in all subawards, contracts, and purchase orders under this award.

(c) Operators Deemed Rail Carriers. The Recipient recognizes and agrees that 49 U.S.C. § 22905(b) provides that persons conducting rail operations over rail infrastructure constructed or improved in whole or in part with funds provided under chapter 229 of Title 49, United States Code, will be considered a "rail carrier" as defined by 49 U.S.C. § 10102(5), for purposes of Title 49, United States Code, and any other statute that adopts that definition or in which that definition applies, including: the Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.); the Railway Labor Act (45 U.S.C. § 151 et seq.); and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.). The Recipient agrees to reflect this provision in its agreements (if any) with any entity operating rail services over such rail infrastructure.

(d) Railroad Agreements. In accordance with 49 U.S.C. § 22905(c)(1), if the Project funded by this Agreement uses rights-of-way owned by a railroad, then Recipient represents that it has entered into a written agreement with that railroad owner, which includes:



compensation for such use; assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; an assurance by the railroad that collective bargaining agreements with railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and an assurance that Recipient complies with liability requirements consistent with 49 U.S.C. § 28103.

By signing this Agreement, Recipient certifies that the written agreement referenced in this Section 26.3(d) has been executed or is not required.

Additional guidance on compliance with the Railroad Agreements provisions is available on FRA's website at: <https://railroads.dot.gov/elibrary/frequently-asked-questions-about-rail-improvement-grant-conditions-under-49-usc-ss-22905c1>.

(e) Labor Protective Arrangements. In accordance with 49 U.S.C. § 22905(c)(2)(B), if the Project funded by this Agreement uses rights-of-way owned by a railroad, then the Recipient will ensure compliance with the protective arrangements that are equivalent to those established under Section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976, 49 U.S.C. § 22404. Such protective arrangements are included herein as Exhibit B.5.

(f) Davis-Bacon and Related Acts Provisions. In accordance with 49 U.S.C. § 22905(c)(2)(A), if the Project funded by this Agreement uses rights-of-way owned by a railroad, the Recipient will ensure compliance with the standards of 49 U.S.C. § 24312 with respect to the Project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under 49 U.S.C. § 24308(a). For these purposes, wages in collective bargaining agreements negotiated under the Railway Labor Act are deemed to comply with Davis-Bacon Act requirements.

(g) Replacement of Existing Intercity Passenger Rail Service. If an intercity passenger rail transportation provider replaces Amtrak intercity passenger rail service through a Project funded by this Agreement, then such provider must comply with the provisions of 49 U.S.C. § 22905(d).

26.4 Restoration and Enhancement Grants Clauses

The Recipient agrees to comply with the clauses in Section 26.4 of this Attachment 1.

Consistent with 49 U.S.C. § 22905(e), clauses (b) and (c) through (g) of Section 26.4 do not apply to: 1) commuter rail passenger transportation (as defined in 49 U.S.C. § 24102(3)) operations of a State or local government authority (as those terms are defined in 49 U.S.C. § 5302) or its contractor performing services in connection with commuter rail passenger operations; 2) the Alaska Railroad or its contractors; or 3) Amtrak's access rights to railroad right-of-way and facilities under current law.



(a) Maximum Funding Limitation. A grant authorized by 49 U.S.C. § 22908 may not exceed:

- (1) 90 percent of the projected net operating costs for the first year of service;
- (2) 80 percent of the projected net operating costs for the second year of service;
- (3) 70 percent of the projected net operating costs for the third year of service;
- (4) 60 percent of the projected net operating costs for the fourth year of service;
- (5) 50 percent of the projected net operating costs for the fifth year of service;
- and
- (6) 30 percent of the projected net operating costs for the sixth year of service.

(b) Buy America. In lieu of Section 12.1 of this Agreement 1:

(1) for infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this Agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2). For infrastructure projects, construction materials used in the Project are subject to the domestic preference requirement at § 70914 of the Build America, Buy America Act, Pub. L. No. 117-58, div. G, tit. IX, subtit. A, 135 Stat. 429, 1298 (2021) and 2 CFR part 184, as implemented by OMB, USDOT, and FRA. The Recipient acknowledges that this Agreement is neither a waiver of § 70914(a) nor a finding under § 70914(b).

(2) for non-infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this Agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2).

(3) under Section 26.4 of this Attachment 1, “infrastructure project” has the definition provided in 2 CFR § 184.3.

(4) for all projects, the Recipient should under 2 CFR § 200.322, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. The Recipient shall include the requirements of 2 CFR § 200.322 in all subawards, contracts, and purchase orders under this award.

(c) Operators Deemed Rail Carriers. The Recipient recognizes and agrees that 49 U.S.C. § 22905(b) provides that persons conducting rail operations over rail infrastructure constructed or improved in whole or in part with funds provided under chapter 229 of Title 49, United States Code, will be considered a “rail carrier” as defined by 49 U.S.C. § 10102(5), for purposes of Title 49, United States Code, and any other statute that adopts that definition or in which that definition applies, including: the Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.); the Railway Labor Act (45 U.S.C. § 151 et seq.); and the



Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.). The Recipient agrees to reflect this provision in its agreements (if any) with any entity operating rail services over such rail infrastructure.

(d) Railroad Agreements. In accordance with 49 U.S.C. § 22905(c)(1), if the Project funded by this Agreement uses rights-of-way owned by a railroad, then Recipient represents that it has entered into a written agreement with that railroad owner, which includes: compensation for such use; assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; an assurance by the railroad that collective bargaining agreements with railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and an assurance that Recipient complies with liability requirements consistent with 49 U.S.C. § 28103.

By signing this Agreement, Recipient certifies that the written agreement referenced in this Section 26.4(d) has been executed or is not required.

Additional guidance on compliance with the Railroad Agreements provisions is available on FRA's website at: <https://railroads.dot.gov/elibrary/frequently-asked-questions-about-rail-improvement-grant-conditions-under-49-usc-ss-22905c1>.

(e) Labor Protective Arrangements. In accordance with 49 U.S.C. § 22905(c)(2)(B), if the Project funded by this Agreement uses rights-of-way owned by a railroad, then the Recipient will ensure compliance with the protective arrangements that are equivalent to those established under Section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976, 49 U.S.C. § 22404. Such protective arrangements are included herein as Exhibit B.5.

(f) Davis-Bacon and Related Acts Provisions. In accordance with 49 U.S.C. § 22905(c)(2)(A), if the Project funded by this Agreement uses rights-of-way owned by a railroad, the Recipient will ensure compliance with the standards of 49 U.S.C. § 24312 with respect to the Project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under 49 U.S.C. § 24308(a). For these purposes, wages in collective bargaining agreements negotiated under the Railway Labor Act are deemed to comply with Davis-Bacon Act requirements.

(g) Replacement of Existing Intercity Passenger Rail Service. If an intercity passenger rail transportation provider replaces Amtrak intercity passenger rail service through a Project funded by this Agreement, then such provider must comply with the provisions of 49 U.S.C. § 22905(d).

(h) Route Reporting. The Recipient will provide similar information regarding the route performance, financial, and ridership projections, and capital and business plans that Amtrak is required to provide, and such other data and information as is required by Article 4 of Attachment 2 of this Agreement.



- (i) Termination. In addition to the terms of this Attachment 1, FRA may terminate this Agreement upon the cessation of service, or the violation of any other term of this Agreement.

26.5 Federal-State Partnership for Intercity Passenger Rail and Federal-State Partnership for State of Good Repair Clauses

The Recipient agrees to comply with the clauses in Section 26.5 of this Attachment 1.

Consistent with 49 U.S.C. § 22905(e), clauses (b) through (g) of Section 26.5 of this Attachment 1 do not apply to: 1) commuter rail passenger transportation (as defined in 49 U.S.C. § 24102(3)) operations of a State or local government authority (as those terms are defined in 49 U.S.C. § 5302) or its contractor performing services in connection with commuter rail passenger operations; 2) the Alaska Railroad or its contractors; or 3) Amtrak's access rights to railroad right of way and facilities under current law.

- (a) Federal Share. The Federal Share of total Project costs shall not exceed 80 percent.

- (b) Buy America. In lieu of Section 12.1 of this Attachment 1:

- (1) for infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this Agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2). For infrastructure projects, construction materials used in the Project are subject to the domestic preference requirement at § 70914 of the Build America, Buy America Act, Pub. L. No. 117-58, div. G, tit. IX, subtit. A, 135 Stat. 429, 1298 (2021) and 2 CFR part 184, as implemented by OMB, USDOT and FRA. The Recipient acknowledges that this Agreement is neither a waiver of § 70914(a) nor a finding under § 70914(b).

- (2) for non-infrastructure projects, steel, iron, and manufactured products used in the Project are subject to 49 U.S.C. § 22905(a), as implemented by FRA. The Recipient acknowledges that this Agreement is neither a waiver of 49 U.S.C. § 22905(a)(1) nor a finding under 49 U.S.C. § 22905(a)(2).

- (3) under this Section, "infrastructure project" has the definition provided in 2 CFR § 184.3.

- (4) for all projects, the Recipient should under 2 CFR § 200.322, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States. The Recipient shall include the requirements of 2 CFR § 200.322 in all subawards, contracts, and purchase orders under this award.

- (c) Operators Deemed Rail Carriers. The Recipient recognizes and agrees that 49 U.S.C. § 22905(b) provides that persons conducting rail operations over rail infrastructure constructed or improved in whole or in part with funds provided under chapter 229 of Title 49, United States Code, will be considered a "rail carrier" as defined by 49 U.S.C. §



10102(5), for purposes of Title 49, United States Code, and any other statute that adopts that definition or in which that definition applies, including: the Railroad Retirement Act of 1974 (45 U.S.C. § 231 et seq.); the Railway Labor Act (45 U.S.C. § 151 et seq.); and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.). The Recipient agrees to reflect this provision in its agreements (if any) with any entity operating rail services over such rail infrastructure.

(d) Railroad Agreements. In accordance with 49 U.S.C. § 22905(c)(1), if the Project funded by this Agreement uses rights-of-way owned by a railroad, then Recipient represents that it has entered into a written agreement with that railroad owner, which includes: compensation for such use; assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; an assurance by the railroad that collective bargaining agreements with railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and an assurance that Recipient complies with liability requirements consistent with 49 U.S.C. § 28103.

By signing this Agreement, Recipient certifies that the written agreement referenced in this Section 26.5(d) has been executed or is not required.

Additional guidance on compliance with the Railroad Agreements provisions is available on FRA's website at: <https://railroads.dot.gov/elibrary/frequently-asked-questions-about-rail-improvement-grant-conditions-under-49-usc-ss-22905c1>.

(e) Labor Protective Arrangements. In accordance with 49 U.S.C. § 22905(c)(2)(B), if the Project funded by this Agreement uses rights-of-way owned by a railroad, then the Recipient will ensure compliance with the protective arrangements that are equivalent to those established under Section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976, 49 U.S.C. § 22404. Such protective arrangements are included herein as Exhibit B.5.

(f) Davis-Bacon and Related Acts Provisions. In accordance with 49 U.S.C. § 22905(c)(2)(A), if the Project funded by this Agreement uses rights-of-way owned by a railroad, the Recipient will ensure compliance with the standards of 49 U.S.C. § 24312 with respect to the Project in the same manner that Amtrak is required to comply with those standards for construction work financed under an agreement made under 49 U.S.C. § 24308(a). For these purposes, wages in collective bargaining agreements negotiated under the Railway Labor Act are deemed to comply with Davis-Bacon Act requirements.

(g) Replacement of Existing Intercity Passenger Rail Service. If an intercity passenger rail transportation provider replaces Amtrak intercity passenger rail service through a Project funded by this Agreement, then such provider must comply with the provisions of 49 U.S.C. § 22905(d).



(h) Northeast Corridor Cost Allocation. For projects located on the Northeast Corridor, as that term is defined in 49 U.S.C. § 24911(a)(4), Amtrak and the public authorities providing commuter rail passenger transportation at the Project location on the Northeast Corridor must remain in compliance with 49 U.S.C. § 24905(c)(2).

(i) Interest and Financing Costs. Pursuant to 49 U.S.C. § 24911(g)(2), interest and other financing costs of efficiently carrying out a part of the Project within a reasonable time are a cost of carrying out the Project under a Phased Funding Agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the Project at the time of borrowing. The Recipient will certify to FRA's satisfaction that the Recipient has shown reasonable diligence in seeking the most favorable financing terms.

###

Attachment 2

PROJECT-SPECIFIC TERMS AND CONDITIONS

Project-Specific Terms and Conditions

Table of Contents

ARTICLE 1: PROJECT-SPECIFIC DESIGNATIONS.....	4
1.1 Recipient	4
1.2 Project and Purpose.....	4
1.3 Program Designations	4
ARTICLE 2: SPECIAL TERMS AND CONDITIONS	4
ARTICLE 3: ADMINISTRATIVE INFORMATION	4
3.1 Application	4
3.2 FRA Awarding Official.....	5
3.3 Federal Award Date	5
3.4 Program Name and Assistance Listings Number	5
3.5 Recipient’s Unique Entity Identifier	5
3.6 Federal Award Identification Number	5
ARTICLE 4: STATEMENT OF WORK.....	5
4.1 General Project Description	5
4.2 Project Location	6
4.3 Project Scope	6
4.4 Implement Required Environmental Commitments.....	8
ARTICLE 5: AWARD DATES AND ESTIMATED PROJECT SCHEDULE	8
5.1 Award Dates.....	8
5.2 Estimated Project Schedule	8
ARTICLE 6: AWARD AND PROJECT FINANCIAL INFORMATION	9
6.1 Award Amount.....	9
6.2 Federal Obligation Information	9
6.3 Federal Authorization and Funding Source.	9
6.4 Funding Availability.....	9
6.5 Approved Project Budget.....	9
6.6 Pre-Award Costs.....	10
6.7 Phased Funding Agreement.....	10
ARTICLE 7: PERFORMANCE MEASUREMENT INFORMATION	10



ARTICLE 8: ENVIRONMENTAL COMPLIANCE.....	11
ARTICLE 9: LABOR AND WORK.....	12
9.1 Efforts to Support Good-Paying Jobs and Strong Labor Standards	12
9.2 Supporting Narrative.....	13



ARTICLE 1: PROJECT-SPECIFIC DESIGNATIONS

1.1 Recipient

This Agreement (Agreement) is between the Federal Railroad Administration (FRA) and the City of Fort Collins, Colorado (the Recipient).

1.2 Project and Purpose

The purpose of this award is to fund a Railroad Crossing Elimination Program grant for the Fort Collins Vine/Timberline Rail Grade Separation Project (the Project), as described in Article 4 of this Attachment 2, to help achieve the goals identified in the Fiscal Year 2023-2024 Notice of Funding Opportunity that solicited applications for Federal financial assistance. FRA and the Recipient will accomplish that purpose by timely completing the Project and ensuring that this award does not substitute for non-Federal investment in the Project, except as proposed in the Application.

1.3 Program Designations

- (a) Research and Development. This award is not for research and development.
- (b) Project Size. This award is for a non-Major Project as that term is defined in FRA Guidance on Development and Implementation of Railroad Capital Projects, January 11, 2023 (Railroad Capital Projects Guidance).
- (c) Phased Funding. This award is not a phased funding agreement as further discussed in Section 6.7 of this Attachment 2.
- (d) Grant or Cooperative Agreement. This award is made as a Grant Agreement.
- (e) Security Risk. This award is for a Project that has a low security risk.
- (f) Rural Area. The information the Recipient provided to FRA, including in the Application, demonstrates this award is not for a Project in a Rural Area.

ARTICLE 2: SPECIAL TERMS AND CONDITIONS

There are no special terms for this award.

ARTICLE 3: ADMINISTRATIVE INFORMATION

3.1 Application

Application Title: Fort Collins Vine/Timberline Rail Grade Separation

Application Date: 09/23/2024



3.2 FRA Awarding Official

FRA Office of Railroad Development
Federal Railroad Administration
1200 New Jersey Ave, SE
Washington, DC 20590
FRA-Grants@dot.gov

3.3 Federal Award Date

The “Federal Award Date” is the effective date of this Agreement, as defined under Section 25.2 of Attachment 1 of this Agreement.

3.4 Program Name and Assistance Listings Number

For the Railroad Crossing Elimination program, the Assistance Listings Number is 20.327 and the Assistance Listings Title is Railroad Crossing Elimination.

3.5 Recipient’s Unique Entity Identifier

The Recipient’s Unique Entity Identifier, as defined at 2 C.F.R. § 25.415, is listed in Section 1B on the Agreement cover sheet.

3.6 Federal Award Identification Number

The Federal Award Identification Number is listed in Section 2 on the Agreement cover sheet as the “Agreement Number.”

ARTICLE 4: STATEMENT OF WORK

4.1 General Project Description

Timberline Road is identified as Regionally Significant Corridor #16 in the North Front Range Metropolitan Planning Organization (NFRMPO) Regional Transportation Plan 2050 NFRMPO 2050 Regional Transportation Plan. Due to its proximity to the Great Western Railway switching yard along the BNSF tracks, the roadway can be blocked for long periods. This has resulted in unreliable travel times and safety concerns. The area is experiencing substantial growth; over 10,000 new homes are expected in the next 3-5 years. This project will conduct a feasibility study to eliminate the at-grade crossing at Timberline Road. By bridging Timberline Road over the BNSF tracks and the parallel Vine Drive, Fort Collins will reduce congestion, improve safety, improve system efficiency, add multimodal options, and provide much-needed access for growing neighborhoods.

Fort Collins proposes to eliminate the crossing by creating an overpass along Timberline Road across the tracks and Vine Drive to alleviate the challenges at this rail crossing. Timberline Road will tie into its existing footprint to the north and south while maintaining all existing access to residents and local businesses. Eastbound/westbound traffic will be encouraged to use a new arterial built a half mile north of Vine Drive (Suniga Drive). This feasibility study will include the collection of existing data, the identification of the purpose and need of the proposed project, a transportation technical analysis, an alternatives analysis with supported recommendations, preliminary environmental impact analysis,



public and stakeholder engagement, and the development of conceptual engineering to support future project development.

4.2 Project Location

The crossing (DOT 244647X) is located on the south leg of the intersection at Timberline Rd and Vine St. The intersection was recently improved with a traffic signal to mitigate its awkwardness. It sees a higher number of accidents than would be expected at an intersection this size. During peak traffic periods, this intersection can be backed up for a long distance in all directions, resulting in congestion at other nearby intersections along Timberline Road and Vine Drive. When trains pass through, the intersection becomes problematic.

With the completion of future planned development in the area, approximately 36,960 additional weekday daily trips will be generated. The estimated increase in future traffic volumes in the vicinity of the Timberline Road and Vine Drive and BNSF intersection is indicative of the need for a grade-separated crossing, as congestion will increase without improvements.

The GPS latitude and longitude coordinates for the Project start and end points are:

- Latitude: 40.5959860
- Longitude: -105.029393

The project is contained within Colorado Congressional District No. 2.

4.3 Project Scope

The Recipient will notify FRA in writing of any requested changes in Project Scope and will not proceed with the changed scope unless approved by FRA in writing. If approved, changes to Project Scope may require additional environmental review or an amendment to this Agreement.

Task 1: Project Administration and Management

Subtask 1.1: Project Administration

The Recipient will perform all tasks required for the Project through a coordinated process, which will involve affected railroad owners, operators, and funding partners, including:

- BNSF Railway – railroad owner
- Larimer County – coordination
- Great Western – switching yard owner
- FRA - coordination

The Recipient will facilitate the coordination of all activities necessary for implementation of the Project. The Recipient will:

- complete necessary steps to hire a qualified consultant/contractor to perform required Project work, as necessary;
- hold regularly scheduled Project meetings with FRA;

- inspect and approve work as it is completed; and
- participate in other coordination, as needed.

The Recipient will demonstrate to FRA that it is carrying out the project benefits in the most cost-efficient manner.

Subtask 1.2: Project Management Plan

The Recipient will prepare a Project Management Plan (PMP), that describes how the Project will be implemented and monitored to ensure effective, efficient, and safe delivery of the Project on time and within budget. The PMP will describe, in detail, the activities and steps necessary to complete the tasks outlined in this Statement of Work.

The PMP will include a Project Schedule and Project Budget for the work to be performed under this Agreement. The Project Schedule will be consistent with the Estimated Project Schedule in Section 5.2 of this Attachment 2, but provide a greater level of detail. Similarly, the Project Budget should be consistent with the Approved Project Budget in Section 6.5 of this Attachment 2, but provide a greater level of detail.

The Recipient will submit the PMP to FRA for review and approval. The Recipient will implement the Project as described in the approved PMP. The Recipient will not begin work on subsequent tasks until FRA has provided written approval of the PMP, unless FRA has provided pre-award authority for such work under Section 6.6 of this Attachment 2. FRA will not reimburse the Recipient for costs incurred in contravention of this requirement.

FRA may require the Recipient to update the PMP. The Recipient will submit any such updates to FRA for review and approval, and FRA will determine if updates to the PMP require an amendment to this Agreement. The Project Budget and Project Schedule may be revised consistent with Article 5 of Attachment 1 of this Agreement without amending this Agreement.

Subtask 1.3: Project Closeout

The Recipient will submit a Final Performance Report as required by Section 7.2 of Attachment 1 of this Agreement, which should describe the cumulative activities of the Project, including a complete description of the Recipient's achievements with respect to the Project objectives and milestones.

Task 1 Deliverables:

Deliverable ID	Subtask	Deliverable Name
1.1	1.2	Project Management Plan
1.2	1.3	Final Performance Report

Task 2: Project Planning

The Recipient will not commence work on Task 2: Project Planning until FRA has approved the PMP deliverable described in Task 1: Project Administration and Management and provided written notification to proceed with Project Planning.

The Recipient will conduct technical analysis, stakeholder outreach, and other project planning activities, and prepare a Project Planning Package as detailed in the PMP. The Project Planning Package will be consistent with the objectives of the Project Planning Lifecycle Stage identified in the FRA Guidance on Development and Implementation of Railroad Capital Projects (January 11, 2023). The Project Planning Package will include all information described in the PMP. FRA will review the Planning Package for acceptance. Information and activities necessary to perform and complete the required Project Planning Package will be included in the approved PMP.

Task 2 Deliverables:

Deliverable ID	Deliverable Name
2	Project Planning Package

4.4 Implement Required Environmental Commitments

None.

ARTICLE 5: AWARD DATES AND ESTIMATED PROJECT SCHEDULE

5.1 Award Dates

Budget Period End Date: 10/31/2027

Period of Performance End Date: 10/31/2027

5.2 Estimated Project Schedule

Milestones associated with this Agreement are identified in Table 5-A: Estimated Project Schedule. The Recipient will complete these milestones to FRA's satisfaction by the Schedule Date, subject to Article 5 of Attachment 1 of this Agreement. The Recipient will notify FRA in writing when it believes it has achieved the milestone.

Table 5-A: Estimated Project Schedule

Milestone	Schedule Date
-----------	---------------



Project Management Plan Completion	02/28/2026
Project Planning Package	08/31/2027

ARTICLE 6: AWARD AND PROJECT FINANCIAL INFORMATION

6.1 Award Amount

Agreement Federal Funds: \$765,616

6.2 Federal Obligation Information

Federal Obligation Type: Single

6.3 Federal Authorization and Funding Source.

Authorizing Statute: Sections 22104 and 22305 of the Infrastructure Investment and Jobs Act, Public Law 117-58 (November 15, 2021); 49 U.S.C. 22909

Appropriation: Infrastructure Investment and Jobs Act, Division J, Title VIII (Public Law 117-58 (2021))

6.4 Funding Availability

Program funding that is obligated under this Agreement remains available until expended.

6.5 Approved Project Budget

The estimated total Project cost under this Agreement is \$957,020

FRA will contribute a maximum of 80 percent of the total Project cost, not to exceed the Agreement Federal Funds in Section 6.1 of this Attachment 2. FRA will fund the Project at the lesser amount of the Agreement Federal Funds or the FRA maximum contribution percentage of total Project costs.

The Recipient will contribute \$191,404 in Agreement Non-Federal Funds. Recipient's Agreement Non-Federal Funds are comprised of cash contributions.

The Recipient will complete the Project to FRA's satisfaction within the Approved Project Budget, subject to Article 5 of Attachment 1 of this Agreement.

Table 6-A: Approved Project Budget by Task

Task #	Task Title	Agreement Federal Funds	Agreement Non-Federal Funds	Total
1	Project Administration and Management	\$50,636	\$12,659	\$63,295
2	Project Planning	\$714,980	\$178,745	\$893,725



Total	\$765,616	\$191,404	Total Project Cost: \$957,020
-------	-----------	-----------	----------------------------------

Table 6-B: Approved Project Budget by Source

Funding Source	Total Amount	Percentage of Total Project Cost
Federal Share	\$765,616	80%
Agreement Federal Funds	\$765,616	80%
FRA RCE	\$765,616	80%
Agreement Non-Federal Funds	\$191,404	20%
City of Fort Collins	\$191,404	20%

6.6 Pre-Award Costs

None. Consistent with 2 C.F.R. part 200, costs incurred before the date of this Agreement are not allowable costs under this award. FRA will neither reimburse those costs under this award nor consider them as a non-Federal cost-sharing contribution to this award.

6.7 Phased Funding Agreement

Not applicable.

ARTICLE 7: PERFORMANCE MEASUREMENT INFORMATION

Table 7-A: Performance Measurement Table identifies the performance measures that this Project is expected to achieve. These performance measures will enable FRA to assess the Recipient's progress in achieving grant program goals and objectives. The Recipient will report on these performance measures in accordance with the frequency and duration specified in Table 7-A.

Upon Project completion, the Recipient will submit reports comparing the actual Project performance of the new and or improved asset(s) against the pre-Project (baseline) performance and expected post-Project performance as described in Table 7-A. The Recipient will submit the performance measures report to the Project Manager in accordance with Table 7-A.

Table 7-A: Performance Measurement Table



Goal	Objective	Performance Measure	Description of Measure	Measurement	Reporting
<i>Eliminating Crossing(s) and/or making corridor-wide improvements</i>	To create a feasible plan to allow for safety improvements at one or multiple at grade crossings, which will reduce rail incidents.	Establish crossing safety improvement alternatives	Prioritization or Preferred Option for crossing safety improvement(s).	Pre-Project (Baseline) Performance as of January 1, 2022: No existing plan for the Corridor	Frequency: One-Time
				Expected Post-Project Performance: Preferred Option for each crossing.	Duration: At Project Completion
				Expected Post-Project Performance: Yes; document/deliverables completed	Duration: One time

ARTICLE 8: ENVIRONMENTAL COMPLIANCE

In accordance with the National Environmental Policy Act (NEPA; 42 U.S.C. § 4321 et seq.), other environmental statutes, and related regulatory requirements, on April 16, 2025, FRA determined that the actions funded under this Agreement as described in this Attachment 2, Section 4.3 are categorically excluded from detailed environmental review pursuant to 23 C.F.R. § 771.116(c)(3). In accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108; 36 C.F.R. part 800), FRA has also determined that the actions funded under this Agreement have no potential to cause effects to historic properties. The actions do not require the use of property protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. § 303; 23 C.F.R. part 774).

Categorical exclusion (CE) means a category of actions that a Federal agency has determined normally do not have a significant impact on the quality of the human environment and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). 42 U.S.C. § 4336e(1). In analyzing the applicability of a CE, FRA also considered whether unusual circumstances are present that would warrant a more detailed environmental review through the preparation of an EA or EIS. In accordance with 23 C.F.R. § 771.116 (a) and (b), FRA further concluded that no unusual circumstances exist with respect to development of the activities funded under this grant that might trigger the need for a more detailed environmental review.

Should conditions or the scope of the action change, the Recipient must notify FRA and receive written response and notice to proceed before proceeding. FRA will evaluate whether this determination remains applicable or if additional environmental review is necessary.

ARTICLE 9: LABOR AND WORK

9.1 Efforts to Support Good-Paying Jobs and Strong Labor Standards

This Section identifies the Recipient's efforts to support good-paying jobs and strong labor standards related to the Project. The Recipient certifies that rows marked with "X" in the following table are accurate:

	The Recipient or a project partner promotes robust job creation by supporting good-paying jobs directly related to the project with free and fair choice to join a union. (Describe robust job creation and identify the good-paying jobs in the supporting narrative below.)
	The Recipient or a project partner will invest in high-quality workforce training programs such as registered apprenticeship programs to recruit, train, and retain skilled workers, and implement policies such as targeted hiring preferences. (Describe the training programs in the supporting narrative below.)
	The Recipient or a project partner will partner with high-quality workforce development programs with supportive services to help train, place, and retain workers in good-paying jobs or registered apprenticeships including through the use of local and economic hiring preferences, linkage agreements with workforce programs, and proactive plans to prevent harassment. (Describe the supportive services provided to trainees and employees, preferences, and policies in the supporting narrative below.)
	The Recipient or a project partner will partner with communities or community groups to develop workforce strategies. (Describe the partnership and workforce strategies in the supporting narrative below.)
	The Recipient or a project partner has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. (Describe those actions in the supporting narrative below.)



	The Recipient or a project partner has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the Project, will take relevant actions described below. (Identify the relevant actions in the supporting narrative below.)
X	The Recipient or a project partner has not taken actions related to the Project to improve good-paying jobs and strong labor standards and will not take those actions under this award.

9.2 Supporting Narrative

N/A

###



Exhibits

Revision Date: April 30, 2025



Table of Contents

EXHIBIT A: APPLICABLE FEDERAL LAWS AND REGULATIONS.....	3
GENERAL FEDERAL LEGISLATION	3
EXECUTIVE ORDERS.....	4
GENERAL FEDERAL REGULATIONS	4
EXHIBIT B: ADDITIONAL STANDARD TERMS	6
EXHIBIT B.1: TITLE VI ASSURANCES	7
EXHIBIT B.2: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS – PRIMARY COVERED TRANSACTIONS	16
EXHIBIT B.3: REQUIREMENTS REGARDING DELINQUENT TAX LIABILITY OR A FELONY CONVICTION UNDER ANY FEDERAL LAW.....	20
EXHIBIT B.4: RECIPIENT POLICY TO BAN TEXT MESSAGING WHILE DRIVING	22
EXHIBIT B.5: EQUIVALENT LABOR PROTECTIONS UNDER 49 U.S.C. 22905(c)(2)(B)	24
EXHIBIT C: QUARTERLY PROJECT PROGRESS REPORTS AND RECERTIFICATIONS.....	33



EXHIBIT A: APPLICABLE FEDERAL LAWS AND REGULATIONS

By entering into this Agreement, the Recipient assures and certifies, with respect to this award, that it will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Project. Performance under this Agreement shall be governed by and in compliance with the following requirements, as applicable, to the type of organization of the Recipient and any applicable sub-recipients. The applicable provisions to this Agreement include, but are not limited to, the following:

GENERAL FEDERAL LEGISLATION

- a. Davis-Bacon Act – 40 U.S.C. § 3141 et seq.
- b. Federal Fair Labor Standards Act – 29 U.S.C. § 201 et seq.
- c. Hatch Act – 5 U.S.C. § 1501 et seq.
- d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 – 42 U.S.C. § 4601 et seq.
- e. National Historic Preservation Act of 1966 (Section 106) – 54 U.S.C. § 306108
- f. Archeological and Historic Preservation Act of 1974 – 54 U.S.C. §§ 312501-312508
- g. Native American Graves Protection and Repatriation Act – 25 U.S.C. § 3001 et seq.
- h. Clean Air Act, P.L. 90-148, as amended – 42 U.S.C. § 7401 et seq.
- i. Clean Water Act, as amended – 33 U.S.C. § 1251 et seq.
- j. Endangered Species Act, P.L. 93-205, as amended – 16 U.S.C. § 1536 et seq.
- k. Coastal Zone Management Act, P.L. 92-583, as amended – 16 U.S.C. § 1451 et seq.
- l. Flood Disaster Protection Act of 1973, Section 102(a) – 42 U.S.C. § 4012a
- m. Age Discrimination Act of 1975 – 42 U.S.C. § 6101 et seq.
- n. American Indian Religious Freedom Act, as amended – P.L. 95-341
- o. Sections 523 and 527 of the Public Health Service Act of 1912, as amended – 42 U.S.C. §§ 290dd–290dd-2
- p. Architectural Barriers Act of 1968 – 42 U.S.C. § 4151 et seq.
- q. Power Plant and Industrial Fuel Use Act of 1978, P.L. 100-42, Section 403 – 42 U.S.C. § 8373
- r. Contract Work Hours and Safety Standards Act – 40 U.S.C. § 3701 et seq.
- s. Copeland Anti-kickback Act, as amended – 18 U.S.C. § 874 and 40 U.S.C. § 3145
- t. National Environmental Policy Act of 1969 – 42 U.S.C. § 4321 et seq.
- u. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 U.S.C. § 1271 et seq.
- v. Single Audit Act of 1984 – 31 U.S.C. § 7501 et seq.
- w. Americans with Disabilities Act of 1990 – 42 U.S.C. § 12101 et seq.
- x. Title IX of the Education Amendments of 1972, as amended – 20 U.S.C. §§ 1681–1683 and §§ 1685–1687
- y. Section 504 of the Rehabilitation Act of 1973, as amended – 29 U.S.C. § 794
- z. Title VI of the Civil Rights Act of 1964 – 42 U.S.C. § 2000d et seq.
- aa. Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions – 31 U.S.C. § 1352
- bb. Freedom of Information Act, as amended – 5 U.S.C. § 552
- cc. Magnuson-Stevens Fishery Conservation and Management Act – 16 U.S.C. § 1801 et seq.
- dd. Farmland Protection Policy Act of 1981 – 7 U.S.C. § 4201 et seq.
- ee. Noise Control Act of 1972 – 42 U.S.C. § 4901 et seq.
- ff. Fish and Wildlife Coordination Act of 1956 – 16 U.S.C. § 661 et seq.
- gg. Section 9 of the Rivers and Harbors Act and the General Bridge Act of 1946 – 33 U.S.C. §§ 401 and



525

- hh. Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. § 303
- ii. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended – 42 U.S.C. §§ 9601–9657
- jj. Safe Drinking Water Act – 42 U.S.C. §§ 300f–300j-26
- kk. The Wilderness Act – 16 U.S.C. §§ 1131–1136
- ll. Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 – 42 U.S.C. § 6901 et seq.
- mm. Migratory Bird Treaty Act – 16 U.S.C. § 703 et seq.
- nn. The Federal Funding Transparency and Accountability Act of 2006, as amended (Pub. L. 109-282, as amended by Section 6202 of Public Law 110-252)
- oo. Cargo Preference Act of 1954 – 46 U.S.C. § 55305
- pp. Section 889 of the John D. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232
- qq. Efficient Environmental Reviews – 23 U.S.C. § 139
- rr. Grant Conditions – 49 U.S.C. § 22905
- ss. Build America, Buy America Act – Pub. L. No. 117-58, div. G, tit. IX, subtit. A, 135 Stat. 429, 1298
- tt. Bringing In and Harboring Certain Aliens – 8 U.S.C. § 1324
- uu. Aiding or Assisting Certain Aliens to Enter – 8 U.S.C. § 1327

EXECUTIVE ORDERS

- a. Executive Order 11990 – Protection of Wetlands
- b. Executive Order 11988 – Floodplain Management
- c. Executive Order 12372 – Intergovernmental Review of Federal Programs
- d. Executive Order 12549 – Debarment and Suspension
- e. Executive Order 14005 – Ensuring the Future is Made in All of America by All of America's Workers
- f. Executive Order 14025 – Worker Organizing and Empowerment
- g. Executive Order 14149 – Restoring Freedom of Speech and Ending Federal Censorship
- h. Executive Order 14154 – Unleashing American Energy
- i. Executive Order 14168 – Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
- j. Executive Order 14173 – Ending Illegal Discrimination and Restoring Merit-Based Opportunity

GENERAL FEDERAL REGULATIONS

- a. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – 2 CFR Parts 200, 1201
- b. Non-procurement Suspension and Debarment – 2 CFR Parts 180, 1200
- c. Investigative and Enforcement Procedures – 14 CFR Part 13
- d. Procedures for predetermination of wage rates – 29 CFR Part 1
- e. Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States – 29 CFR Part 3
- f. Labor standards provisions applicable to contracts governing federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act) – 29 CFR Part 5
- g. Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements) – 41 CFR Parts 60 et seq.



- h. New Restrictions on Lobbying – 49 CFR Part 20
- i. Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 – 49 CFR Part 21, including any amendments thereto
- j. Uniform relocation assistance and real property acquisition for Federal and Federally assisted programs – 49 CFR Part 24
- k. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance – 49 CFR Part 25
- l. Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance – 49 CFR Part 27
- m. DOT's implementation of DOJ's ADA Title II regulations compliance procedures for all programs, services, and regulatory activities relating to transportation under 28 CFR Part 35
- n. Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation – 49 CFR Part 28
- o. Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors – 49 CFR Part 30
- p. Governmentwide Requirements for Drug-Free Workplace (Financial Assistance) – 49 CFR Part 32
- q. DOT's implementing ADA regulations for transit services and transit vehicles, including the DOT's standards for accessible transportation facilities in Part 37, Appendix A – 49 CFR Parts 37 and 38
- r. Environmental Impact and Related Procedures – 23 CFR Part 771
- s. Procedures Implementing Section 4(f) of the Department of Transportation Act – 23 CFR Part 774

Specific assurances required to be included in the Agreement by any of the above laws, regulations, or circulars are hereby incorporated by reference into this Agreement.



EXHIBIT B: ADDITIONAL STANDARD TERMS

EXHIBIT B.1: TITLE VI ASSURANCES**TITLE VI ASSURANCE****Implementing Title VI of the Civil Rights Act of 1964, as amended****ASSURANCE CONCERNING NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES
RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE**

(Implementing the Rehabilitation Act of 1973, as amended, and the Americans With Disabilities Act, as amended)

49 CFR Parts 21, 25, 27, 37 and 38

The United States Department of Transportation (USDOT)**Standard Title VI/Non-Discrimination Assurances****DOT Order No. 1050.2A**

By signing and submitting the Application and by entering into this Agreement, the Recipient **HEREBY AGREES THAT**, as a condition to receiving Federal financial assistance from the Federal Railroad Administration (FRA), it is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR Part 21, including any amendments thereto (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 CFR Section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Recipient receives Federal financial assistance from DOT, including FRA.



The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR Part 21, including any amendments thereto, will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the Grant and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Recipient, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.



7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Recipient also agrees to comply (and require any sub-recipients, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing FRA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by FRA. You must keep records, reports, and submit the material for review upon request to FRA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Recipient gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the FRA under this Agreement. This ASSURANCE is binding on the Recipient, other recipients, sub-recipients, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the program or project funded under this Agreement.



APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, Federal Railroad Administration (FRA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21, including any amendments thereto.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or FRA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or FRA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or FRA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The



contractor will take action with respect to any subcontract or procurement as the Recipient or FRA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B**CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY**

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Specific Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon in accordance with the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (Nov. 15, 2021), 23 U.S.C. § 117 and the policies and procedures prescribed by the Federal Railroad Administration (FRA) of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, including any amendments thereto, pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Recipient all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Recipient and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Recipient, its successors and assigns.

The Recipient, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Recipient will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, including any amendments thereto, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)



APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Recipient pursuant to the provisions of Specific Assurance 7(a):

- A. The (Recipient, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (Recipient, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Recipient will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Recipient will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Recipient and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



APPENDIX D

**CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY,
FACILITY OR PROGRAM**

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Recipient pursuant to the provisions of Specific Assurance 7(b):

- A. The (Recipient, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (Recipient, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Recipient will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*
- C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Recipient will there upon revert to and vest in and become the absolute property of Recipient and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)



APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 Stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21, including any amendments thereto.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex) (as applicable);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (P.L. 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131–12189) as implemented by Department of Transportation regulations at 49 CFR Parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 et seq.).



EXHIBIT B.2: CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS – PRIMARY COVERED TRANSACTIONS

2 CFR Parts 180 and 1200

These assurances and certifications are applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FRA approval or that is estimated to cost \$25,000 or more—as defined in 2 CFR Parts 180 and 1200.

By signing and submitting the Application and by entering into this Agreement, the Recipient is providing the assurances and certifications for First Tier Participants and Lower Tier Participants, as set out below.

1. Instructions for Certification – First Tier Participants:

- a. The prospective first tier participant is providing the certification set out below.
- b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.
- c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.
- d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- e. The terms "covered transaction," "civil judgment," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. "First Tier Covered Transactions" refers to any covered transaction between a Recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a Recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers to any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).



f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment, including a civil settlement, rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust



statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. Instructions for Certification – Lower Tier Participants:

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FRA approval or estimated to cost \$25,000 or more – 2 CFR Parts 180 and 1200)

a. The prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms “covered transaction,” “civil settlement,” “debarred,” “suspended,” “ineligible,” “participant,” “person,” “principal,” and “voluntarily excluded,” as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. “First Tier Covered Transactions” refers to any covered transaction between a Recipient or subrecipient of Federal funds and a participant (such as the prime or general contract). “Lower Tier Covered Transactions” refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). “First Tier Participant” refers to the participant who has entered into a covered transaction with a Recipient or subrecipient of Federal funds (such as the prime or general contractor). “Lower Tier Participant” refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.



f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.



EXHIBIT B.3: REQUIREMENTS REGARDING DELINQUENT TAX LIABILITY OR A FELONY CONVICTION UNDER ANY FEDERAL LAW

As required by Sections 744 and 745 of Title VII, Division E of the Consolidated Appropriations Act, 2022, Pub. L. No. 117-103 (Mar. 15, 2022), and implemented through USDOT Order 4200.6, the funds provided under this award shall not be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that:

- (1) Has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government; or
- (2) Was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and made a determination that suspension or debarment is not necessary to protect the interests of the Government.

The Recipient therefore agrees:

1. **Definitions.** For the purposes of this exhibit, the following definitions apply:

“Covered Transaction” means a transaction that uses any funds under this award and that is a contract, memorandum of understanding, cooperative agreement, grant, loan, or loan guarantee.

“Felony Conviction” means a conviction within the preceding 24 months of a felony criminal violation under any Federal law and includes conviction of an offense defined in a section of the United States Code that specifically classifies the offense as a felony and conviction of an offense that is classified as a felony under 18 U.S.C. 3559.

“Participant” means the Recipient, an entity who submits a proposal for a Covered Transaction, or an entity who enters into a Covered Transaction.

“Tax Delinquency” means an unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

2. **Mandatory Check in the System for Award Management.** Before entering a Covered Transaction with another entity, a Participant shall check the System for Award Management (the **“SAM”**) at <http://www.sam.gov/> for an entry describing that entity.
3. **Mandatory Certifications.** Before entering a Covered Transaction with another entity, a Participant shall require that entity to:



- (1) Certify whether the entity has a Tax Delinquency; and
- (2) Certify whether the entity has a Felony Conviction.

4 Prohibition. If

- (1) the SAM entry for an entity indicates that the entity has a Tax Delinquency or a Federal Conviction;
- (2) an entity provides an affirmative response to either certification in section 3; or
- (3) an entity's certification under section 3 was inaccurate when made or became inaccurate after being made

then a Participant shall not enter or continue a Covered Transaction with that entity unless the USDOT has determined in writing that suspension or debarment of that entity are not necessary to protect the interests of the Government.

5. Mandatory Notice to the USDOT.

- (a) If the SAM entry for a Participant indicates that the Participant has a Tax Delinquency or a Felony Conviction, the Recipient shall notify the USDOT in writing of that entry.
- (b) If a Participant provides an affirmative response to either certification in section 1, the Recipient shall notify the USDOT in writing of that affirmative response.
- (c) If the Recipient knows that a Participant's certification under section 1 was inaccurate when made or became inaccurate after being made, the Recipient shall notify the USDOT in writing of that inaccuracy.

6. Flow Down. For all Covered Transactions, including all tiers of subcontracts and subawards, the Recipient shall:

- (1) require the SAM check in section 2;
- (2) require the certifications in section 3;
- (3) include the prohibition in section 4; and
- (4) require all Participants to notify the Recipient in writing of any information that would require the Recipient to notify the USDOT under section 5.



EXHIBIT B.4: RECIPIENT POLICY TO BAN TEXT MESSAGING WHILE DRIVING

(a) *Definitions.* The following definitions are intended to be consistent with the definitions in DOT Order 3902.10, Text Messaging While Driving (Dec. 30, 2009) and Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving (Oct. 1, 2009). For clarification purposes, they may expand upon the definitions in the executive order.

For the purpose of this Term B.4, “**Motor Vehicles**” means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for use on a local, State or Federal roadway, but does not include a military design motor vehicle or any other vehicle excluded under Federal Management Regulation 102-34-15.

For the purpose of this Term B.4, “**Driving**” means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic congestion, a traffic signal, a stop sign, another traffic control device, or otherwise. It does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

For the purpose of this Term B.4, “**Text messaging**” means reading from or entering data into any handheld or other electronic device (including, but not limited to, cell phones, navigational tools, laptop computers, or other electronic devices), including for the purpose of Short Message Service (SMS) texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answer an incoming call, unless this practice is prohibited by State or local law. The term also does not include glancing at or listening to a navigational device that is secured in a commercially designed holder affixed to the vehicle, provided that the destination and route are programmed into the device either before driving or while stopped in a location off the roadway where it is safe and legal to remain stationary.

For the purpose of this Term B.4, the “**Government**” includes the United States Government and State, local, and tribal governments at all levels.

(b) *Workplace Safety.* In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving (Oct. 1, 2009) and DOT Order 3902.10, Text Messaging While Driving (Dec. 30, 2009), the Recipient, subrecipients, contractors, and subcontractors are encouraged to:

(1) adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving—

(i) Company-owned or -rented vehicles or Government-owned, leased or rented vehicles; or

(ii) Privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government.

(2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as—

(i) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

(ii) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.



(c) *Subawards and Contracts.* To the extent permitted by law, the Recipient shall insert the substance of this exhibit, including this paragraph (c), in all subawards, contracts, and subcontracts under this award that exceed the micro-purchase threshold, other than contracts and subcontracts for the acquisition of commercially available off-the-shelf items.



EXHIBIT B.5: EQUIVALENT LABOR PROTECTIONS UNDER 49 U.S.C. 22905(c)(2)(B)

This Exhibit provides guidance on the protective arrangements equivalent to the protective arrangements established under Section 504 of the Railroad Revitalization Reform Act of 1976, with respect to employees affected by actions taken in connection with a Project financed in whole or in part with financial assistance subject to 49 U.S.C. § 22905(c)(2)(B). Fluctuations and changes in volume or character of employment brought about solely by other causes are not within the scope of this Exhibit.

1. Definitions. Whenever used in this Exhibit, capitalized terms shall have the meanings below:

(a) “Average Monthly Compensation” means the total compensation received by a Displaced Employee or a Dismissed Employee during the last twelve (12) months in which they were employed immediately preceding the date of their displacement or dismissal, divided by twelve (12). The Average Monthly Compensation shall be adjusted to reflect subsequent general wage increases.

(b) “Average Monthly Time” means the total number of hours worked by a Displaced Employee during the last twelve (12) months in which they were employed immediately preceding the date of their displacement, divided by twelve (12).

(c) “Day” means one 24-hour calendar day (including holidays and weekends) for purposes of calculating deadlines and other timeframes in this Exhibit.

(d) “Displaced Employee” means a Protected Employee who remains employed by a Railroad but, as a result of a Project, is placed in a worse position with respect to compensation and rules governing working conditions. A Protected Employee’s status as a Displaced Employee begins on the date said employee is harmed.

(e) “Dismissed Employee” means a Protected Employee who: (1) as a result of a Project, is deprived of employment with the Railroad because (i) the Railroad eliminates the Protected Employee’s position, or (ii) the Railroad eliminates another employee’s position (and that employee’s exercise of seniority rights results in the Protected Employee’s inability to secure another position by the exercise of the Protected Employee’s seniority rights); and (2) is unable to secure another position by exercise of their seniority rights. A Protected Employee’s status as a Dismissed Employee begins on the date said employee is deprived of employment.

(f) “Project” means any action financed in whole or in part with financial assistance subject to 49 U.S.C. § 22905(c)(2)(B).

(g) “Protected Employee” means an employee of a Railroad who is affected by actions taken pursuant to a Project, whether the Project is initiated by a Railroad or a Recipient. If a Railroad rearranges or adjusts its forces in anticipation of a Project with the purpose or effect of depriving an employee of benefits to which they otherwise would have become entitled under this Exhibit, then that employee is a Protected Employee under this Exhibit. An employee’s status as a Protected Employee shall continue for the duration of the applicable Protective Period. An employee who solely benefitted as a result of a Project shall not be a Protected Employee under this Exhibit.

(h) “Protective Period” means that period during which a Displaced Employee or a Dismissed Employee is provided the protections described in this Exhibit. The Protective Period begins



on the date an employee of a Railroad is displaced or dismissed and ends after six (6) years. However, the Protective Period for any particular employee shall not continue longer than the period of time the Railroad employed the employee prior to the date of their displacement or dismissal. For purposes of this Exhibit, an employee's length of service shall be determined in accordance with the provisions of Section 7(b) of the Washington Job Protection Agreement of May 1936, as amended.

(i) "Recipient" means any person or entity receiving financial assistance subject to the requirements of 49 U.S.C. § 22905(c), including grantees, subrecipients, contractors, and subcontractors.

(j) "Railroad" means (1) a railroad carrier as defined in 49 U.S.C. § 20102(3), or (2) any person deemed a rail carrier pursuant to 49 U.S.C. § 22905(b).

2. Flow Down.

(a) In accepting financial assistance for a Project, the Recipient is responsible for ensuring the compliance with the protections provided in this Exhibit. The Recipient shall make the acceptance of this Exhibit a condition of any new contract (or incorporate its terms into any existing contract by amendment) that uses funds subject to the requirements of 49 U.S.C. § 22905(c). These conditions shall apply to a Recipient, any Railroad and any contractor of any tier with which the Recipient contracts using funds subject to the requirements of 49 U.S.C. § 22905(c).

(b) The Recipient shall require in an agreement (either in a new agreement or as an amendment to an existing agreement) with a Railroad owning the right-of-way to be improved by a Project that the Railroad notify its employees (or their representatives) of the Project being funded with financial assistance subject to 49 U.S.C. § 22905(c) and the applicability of these protections.

(c) Any Railroad employee (or their representatives) may notify a Recipient of a dispute or controversy relating to the requirements of this Exhibit to ensure compliance with 49 U.S.C. § 22905(c)(2)(B).

3. Collective Bargaining Agreements.

(a) **Existing Agreements.** The rates of pay, rules, working conditions, and all collective bargaining and other rights, privileges, and benefits (including continuation of pension rights and benefits) of a Railroad's employees under applicable laws, regulations, and/or existing collective bargaining agreements shall be preserved and remain applicable unless changed by future collective bargaining agreements or applicable statutes or regulations. As applied to the regulation of subcontracting by the Railroads of a Project, the provisions of this section shall mean that a determination of whether or not such work validly may be subcontracted by a Railroad shall not be affected by the fact that the work is being financed by funds subject to the requirements of 49 U.S.C. § 22905(c)(2)(B). Nothing in this Exhibit shall be construed as depriving any Railroad employee of any rights or benefits or eliminating any obligations that such employee may have under any existing contractual or statutory arrangement, including job security agreements, protective conditions, or arrangements.

(b) **Election by Protected Employee.** Where a Protected Employee is eligible for protections under both this Exhibit and another contractual or statutory arrangement, the Protected Employee shall elect between the protection under this Exhibit and protection under such other arrangement. After



such an election, the Protected Employee shall be protected only by the arrangement that they elect. The Protected Employee shall not be entitled to any protection or benefit (regardless of whether such benefit is duplicative) under the arrangement that they do not elect. However, if the elected protection expires pursuant to the terms of the arrangement that governs the elected protection, the Protected Employee is entitled to protection under the arrangement not originally elected for the remainder, if any, of the Protective Period.

4. Change in Operations, Services, Facilities, or Equipment.

(a) **Notice.** When a Railroad contemplates a change or changes in its operations, services, facilities, or equipment as a result of a Project, which may cause the dismissal or displacement of Protected Employees or rearrangement of forces involving such employees, it shall give at least sixty (60) days' written notice of such intended changes to both Protected Employees and their duly authorized representatives (if applicable). Such notice shall contain a full and adequate description of the proposed changes, including an estimate of the number of Protected Employees of each class affected by the intended changes.

(b) **Negotiations.**

(i) **Initiation of Negotiation.** Within sixty (60) days after the Railroad issues a notice under Section 4(a) of this Exhibit, the Railroad or the Protected Employees (or their representatives) may, by written notice to the other party, request a meeting and opportunity to negotiate an agreement with respect to the application of the terms and conditions of this Exhibit. These negotiations shall commence within fourteen (14) days from the receipt of such request.

(ii) **Subject of Negotiations.** Each change to rail operations, services, facilities, infrastructure, or equipment (including rights-of-way, track, and signal and crossing systems) that may result in dismissal or displacement of Protected Employees or rearrangement of forces involving such employees shall be subject to review and negotiation by the parties, but only to the extent necessary to ensure compliance with this Exhibit. For any contemplated rearrangement of rail forces, the Railroad and the representative(s) of the Protected Employees shall agree on the method of selection of employees to be moved, and the assignment of those employees to new roles.

(c) **Arbitration.** If the Railroad and the representative(s) of the Protected Employees fail to agree within forty-five (45) days from the initial meeting and opportunity to negotiate, either party may submit the dispute for arbitration in accordance with the following procedures:

(i) **Notice & Selection of Arbitrator.** Within ten (10) days after either party has notified the other in writing of their desire to submit the dispute for arbitration, the parties shall select a neutral arbitrator. If the parties cannot agree upon the selection of said arbitrator, then the parties shall submit a request to the National Mediation Board to appoint an arbitrator. In either case, a hearing shall be scheduled no later than thirty (30) days after an arbitrator has been appointed.



(ii) **Binding Decision.** The decision of the arbitrator shall be final, binding, and conclusive and shall be rendered within thirty (30) days from the date of the commencement of the hearing of the dispute.

(iii) **Expenses.** The salary and expenses of the arbitrator shall be borne equally by the parties to the proceeding; all other expenses shall be paid by the party incurring them.

(d) **Implementation.** If a notice is issued under Section 4(a), the Railroad shall not implement such a change or changes until: (i) sixty (60) days after the notice in accordance with Section 4(a), if no party requests a meeting and opportunity to negotiate; (ii) the parties reach agreement pursuant to Section 4(b), if a party requests a meeting and opportunity to negotiate; or (iii) a referee has rendered a decision pursuant to Section 4(c).

5. Protections for Displaced Employees

(a) Displacement Allowances.

(i) **In General.** If a Displaced Employee is unable, in the normal exercise of such employee's seniority rights under existing agreements, rules and practices, to obtain a position that is compensated equal to or exceeding the compensation the Displaced Employee received in the position from which such employee was displaced, then the Displaced Employee shall, during the Protective Period, be paid a monthly displacement allowance equal to the difference between the monthly compensation received by the Displaced Employee in the position in which such employee is retained and the Average Monthly Compensation received by the Displaced Employee in the position from which such employee was displaced (the "Displacement Allowance").

(ii) **Application of Displacement Allowance.** If a Displaced Employee's compensation in that employee's retained position is less in any month in which such employee performs work than the Average Monthly Compensation, then the Displaced Employee shall be paid the difference between the current compensation and the Average Monthly Compensation. However, the Displacement Allowance shall be reduced by the Displaced Employee's time lost as a result of voluntary absences, to the extent that the Displaced Employee is not available for service equivalent to the Displaced Employee's Average Monthly Time. If, on the other hand, the Displaced Employee, in such employee's retained position, works in excess of the Average Monthly Time in any given month, then the Displaced Employee shall be additionally compensated for such excess time at the rate of pay of the employee's retained position. If a Displaced Employee fails to exercise their seniority rights to secure another position available to the employee which does not require a change in such employee's place of residence, to which the employee is entitled under the working agreement, and which carries a rate of pay and compensation exceeding those of the position that the employee elects to retain, then the Displaced Employee shall thereafter be treated for the purposes of this section as occupying the position such employee elects to decline.

(iii) **Early Expiration.** The Displacement Allowance shall cease prior to the expiration of the Protective Period in the event of the Displaced Employee's resignation, death, retirement, or dismissal for justifiable cause.



(b) **Moving Expenses.** Any Protected Employee retained in the service of a Railroad, or who is later restored to service after being entitled to receive a Dismissal Allowance, and is required to change the point of such employee's employment as a result of the Project, and within the employee's Protective Period is required to move the employee's place of residence, shall be reimbursed for all expenses of moving the employee's household and other personal effects, including travel expenses, temporary living expenses, and any actual wage loss during the time necessary to make the move, and for a reasonable time thereafter, not to exceed five (5) days.

(i) **Prior Agreement.** The exact extent of the responsibility of a Railroad under this Section and the ways and means of transportation shall be agreed upon in advance by the Railroad and the Protected Employee or their representatives.

(ii) **Exception.** Changes in residence that are not a result of a Project, which are made after the initial change and that grow out of the normal exercise of seniority rights, are not within the purview of this Section.

(iii) **Furloughed Employees.** The Railroad shall, to the same extent provided above, assume the moving expenses outlined in Section 5(b) for an employee furloughed within three (3) years after changing such employee's point of employment as a result of a Project, who elects to move their place of residence back to their original point of employment.

(iv) **Reimbursement.** A claim for reimbursement shall be paid under the provisions of this Section within sixty (60) days after it is submitted, unless disputed by the Railroad, but no claim shall be paid if presented to the Railroad more than ninety (90) days after the date on which the expenses were incurred.

(c) **Losses from Home Sale or Contract Termination.** Any Displaced Employee who is retained in the service of a Railroad (or who is later restored to service after being entitled to receive a dismissal allowance), and who is required to change the point of such employee's employment during the Protective Period as a result of a Project, is entitled to the following:

(i) **Home Sale for Less Than Fair Market Value.** If the Displaced Employee owns their place of residence in the locality from which such employee is required to move, then at the Displaced Employee's option, the Railroad shall reimburse the Displaced Employee for the difference between the actual sale price and the fair market value of the employee's place of residence. The Railroad shall pay such difference within sixty (60) days after the Displaced Employee has filed a claim for such loss in accordance with Section 5(c)(vi), unless a controversy arises as to which Section 5(c)(vii) applies. In each case, the fair market value of the home in question shall be determined without consideration of the Project. The Railroad shall in each instance be afforded an opportunity to purchase the home at such fair market value before it is sold by the Displaced Employee to any other person.

(ii) **Election to Receive Closing Costs.** The Displaced Employee may elect to waive the provisions of Section 5(c)(i) and to receive, in lieu thereof, an amount equal to the closing costs that are customarily paid for and assumed by a seller of real estate in the jurisdiction in which the employee's residence is located. Such costs shall include customary fees paid to a licensed realtor (not to exceed six percent (6%) of the final sale price) and any prepayment penalty required by any mortgagor or beneficiary of a deed of trust. Such costs shall not include



the payment of any mortgage discount points or similar interest discount fees by the Displaced Employee.

(iii) Pending Contract to Purchase. If a Displaced Employee has entered into a contract to purchase a place of residence, but due to a Project must cancel that contract, the Railroad shall indemnify the Displaced Employee against any losses due to such cancellation, and shall relieve the Displaced Employee from any further obligation under the contract.

(iv) Unexpired Lease. If the Displaced Employee holds an unexpired lease of a dwelling as the employee's primary place of residence, and the Displaced Employee must cancel the lease due to a Project, the Railroad shall indemnify the Displaced Employee from all costs and liability arising from said cancellation.

(v) Exclusions. Any change in residence that is not due to or caused by a Project, or that resulted from the normal exercise of a Protected Employee's seniority rights, shall not be within the purview of this Section.

(vi) Notification of Claims. A Displaced Employee shall notify, in writing, the Railroad of such employee's claim arising from this Section 5(c) within one (1) year of the date the Displaced Employee's claim accrues.

(vii) Home Value Disagreements. In the event of disagreement between a Railroad and a Displaced Employee as to the value of a Displaced Employee's claim, either party (or their representatives) may request, in writing, a joint conference to resolve the disagreement.

A. Real Estate Appraisers. If the parties are unable to resolve the disagreement, either party may refer the disagreement to two licensed real estate appraisers, one of whom shall be selected by the Displaced Employee (or such employee's representatives), and one of whom shall be selected by the Railroad. If the two selected real estate appraisers are unable to agree on a valuation within thirty (30) days, the selected real estate appraisers shall designate (or agree to a method by which to select) a third licensed real estate appraiser within ten (10) days. If unable to agree on a selection, either party may request the National Mediation Board to designate within twenty (20) days a third licensed real estate appraiser. A decision by two of the three licensed real estate appraisers shall be required to determine the value in dispute. Said decision shall be final and conclusive.

B. Payment of Expenses. The salary and expenses of the third or neutral appraiser shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the compensation of the appraiser selected by such party.

(d) Failure to Exercise Seniority Rights. If a Displaced Employee is able but does not exercise such employee's seniority rights to secure another position that does not require a change in the employee's primary place of residence, the Displaced Employee shall not be entitled to moving expenses or protections due to the sale of a home outlined in Sections 5(b)&(c).



6. Protections for Dismissed Employees.

(a) **Dismissal Allowance.** A Dismissed Employee shall be paid a monthly dismissal allowance from the date they are deprived of employment through the Protective Period.

(i) **Monthly Dismissal Allowance Calculation.** The monthly dismissal allowance shall be equivalent to the Average Monthly Compensation received by the Dismissed Employee in the last twelve (12) months of employment prior to the employee's dismissal.

(ii) **Submission of Claim.** A claim for the initial month of a dismissal allowance shall be paid within ninety (90) days and a claim for a subsequent month shall be paid within sixty (60) days after the claim is filed by the Dismissed Employee, unless the claim is disputed by the Railroad pursuant to Section 8 of this Exhibit.

(iii) **Reduction or Suspension of Dismissal Allowance.** If a Dismissed Employee accepts new employment (or reemployment by the dismissing Railroad) during the Protective Period, the dismissal allowance shall be reduced such that the accepted monthly compensation at the then-current position (including any unemployment insurance compensation received) plus the dismissal allowance is equivalent to the Dismissed Employee's Average Monthly Compensation. If the compensation of the Dismissed Employee's then-current employment is greater than the dismissal allowance, the dismissal allowance shall be suspended. Such reduction or suspension shall continue for the duration of the Protective Period, unless and until the Dismissed Employee's then-current compensation is reduced or eliminated. Prior to dismissal, such Dismissed Employee (or their representative) and the dismissing Railroad shall agree upon a procedure by which such Railroad shall be informed of the earnings and benefits of such Dismissed Employee in their new position of employment.

(iv) **Early Termination.** The dismissal allowance shall cease prior to the expiration of the Protective Period in the event of the Dismissed Employee's resignation, death, retirement, dismissal for justifiable cause under existing agreements, failure without good cause to return to service after being notified in accordance with an applicable working agreement, or failure without good cause to accept a comparable position that does not require a change of residence, for which the Dismissed Employee is qualified and eligible with the Railroad from which such employee was dismissed after being notified, if the employee's return does not infringe upon employment rights of other employees under a working agreement.

(b) **Separation Allowance.** A Dismissed Employee may, at such employee's option, within seven (7) days of dismissal or an arbitration award establishing the employee's status as a Dismissed Employee, resign and (in lieu of all other benefits and protections provided in this Exhibit) accept a lump sum payment computed in accordance with Section 9 of the Washington Job Protection Agreement of May 1936, as amended.

(c) **Priority of Employment or Re-Employment.** Any Protected Employee whose employment is terminated or who is furloughed as a result of a Project shall, if they so request, be granted priority of employment or re-employment to fill a position comparable to that which they held on the Railroad (even if in a different craft or class), so long as they are qualified, or by training or retraining can become physically and mentally qualified, for the position. However, such priority of



employment or re-employment must not be in contravention of any relevant collective bargaining agreements.

(i) **Training or Re-Training.** In the event such training or retraining is requested by a Protected Employee pursuant to Section 6(c), the Railroad shall provide such training or retraining at no cost to the Protected Employee.

(ii) **Waiver of Protections.** If a Protected Employee who has made a request under Section 6(c) fails without good cause within ten (10) days to accept an offer of a comparable position for which such employee has satisfactorily completed such training, the Protected Employee shall, upon the expiration of such ten (10) day period, forfeit all rights and benefits under this Exhibit.

7. Fringe Benefits. No Protected Employee shall be deprived during the Protective Period of any (non-salary) rights, privileges, or benefits attached to such employee's previous employment under the terms and conditions of an existing employment agreement (including, but not limited to, free transportation, hospitalization, pensions, insurance, or vacation benefits), so long as such rights, privileges, or benefits continue to be accorded to other employees of the Railroad, in active service or on furlough as the case may be, to the extent that such rights, privileges, or benefits can be so maintained under present authority of law, corporate action, or through future authorization.

8. Arbitration of Disputes.

(a) **Scope.** Any dispute under these conditions not settled by the relevant parties will be resolved in arbitration as provided herein. In the event a Railroad and the Protected Employee(s) (or their representatives) cannot settle a dispute or controversy with respect to the interpretation, application, or enforcement of any provision of this Exhibit (other than those Sections of this Exhibit that provide for another means of dispute resolution) within thirty (30) days after the dispute arises, either party may refer the dispute to an arbitration committee. The affected Protected Employee(s) (or their representatives) may notify a Recipient of a dispute or controversy under this Section 8 to ensure compliance with 49 U.S.C. § 22905(c)(2)(B).

(b) **Notice.** The party referring the dispute to an arbitration committee shall notify the other party in writing of its intent to refer a dispute or controversy to an arbitration committee.

(c) **Selection of Members.** Within ten (10) days of receipt of the written notice, each party to the arbitration shall select one (1) member of the committee, and the members thus chosen shall select an additional, neutral member to serve as chairman. If any party fails to select its member of the arbitration committee within the prescribed time limit, the general chairman of the involved labor organization or a senior officer designated by the Railroad or the Recipient, as the case may be, shall be deemed the selected member. Should the members be unable to agree upon the appointment of the neutral member within ten (10) days, the parties shall then within an additional ten (10) days agree to a method by which a neutral member shall be appointed; failing such agreement, either party may request the National Mediation Board to designate within twenty (20) days the neutral member whose designation will be binding upon the parties.

(d) **Multiple Representatives.** In the event a dispute involves more than one labor organization, each will be entitled to a representative on the arbitration committee, in which event the Railroad or Recipient may appoint additional representatives equivalent to the number of labor



organization representatives; provided, however, that the decision in such case shall be made by the neutral member.

(e) **Decisions Binding.** The decision, by majority vote except as provided otherwise in paragraph (d) of this Section, of the arbitration committee shall be final, binding, conclusive, and rendered within forty-five (45) days after the hearing of the dispute or controversy has been concluded and the record closed.

(f) **Expenses.** The salaries and expenses of the neutral member shall be borne equally by the parties to the proceeding, and all other expenses shall be paid by the party incurring them.

9. Classification of a Protected Employee. In the event an employee (or their representatives) cannot settle a dispute or controversy with the Railroad or the Recipient as to whether or not a particular employee would be affected by a Project, either party may refer the dispute to an arbitration committee within thirty (30) days after the dispute arises pursuant to the arbitration procedures in Section 8. For any such dispute, the employee of a Railroad shall have the burden to identify, with reasonable specificity, the Project that allegedly affected them, and to specify the pertinent facts of that Project, including the change or changes resulting from the Project that allegedly affected them. The burden shall then shift to the Railroad or Recipient to show that factors other than a change resulting from the Project affected the employee. The employee shall prevail on this issue if it is established that the Project had an effect upon the employee, even if other factors also may have affected the employee.

10. Resolution of Disputes for Non-Bargaining Unit Protected Employees. Any Protected Employee who is not represented by a labor organization shall be afforded substantially the same levels of protection as are afforded to members of labor organizations under this Exhibit. In the event any dispute arises between a Railroad and an employee not represented by a labor organization with respect to the interpretation, application, or enforcement of any provision of this Exhibit that cannot be settled by the parties within thirty (30) days after the dispute arises, either party may, as an alternative to the dispute resolution procedures outlined in this Exhibit, refer the dispute within ninety (90) days after the dispute arises to the Secretary of Labor for determination. The determination of the Secretary of Labor, or their designated representative, shall be final and binding on the parties.

11. Severability. In the event any provision of this Exhibit is held to be invalid or otherwise unenforceable under applicable law, the remaining provisions of this Exhibit shall not be affected.



EXHIBIT C: QUARTERLY PROJECT PROGRESS REPORTS AND RECERTIFICATIONS

Quarterly Project Progress Reports and Recertifications are available at:
<https://railroads.dot.gov/grant-administration/reporting-requirements/fra-report>

ORDINANCE NO. 105, 2025
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 MAKING A SUPPLEMENTAL APPROPRIATION OF RAILROAD
 CROSSING ELIMINATION PROGRAM GRANT FUNDS FOR THE
 VINE/TIMBERLINE RAIL GRADE SEPARATION PLANNING PROJECT

A. The purpose of this item is to appropriate Railroad Crossing Elimination (“RCE”) Program grant funds provided through the Federal Railroad Administration (“FRA”) for the Vine/Timberline Rail Grade Separation Planning project (“Project”). The funds will be used to conduct planning for the capital project, which will eliminate the at-grade railroad crossing at the intersection of Timberline Road and Vine Drive by creating an overpass along Timberline Road across the BNSF railroad tracks and Vine Drive. These funds will be used for planning, including outreach, feasibility study, technical analysis, design, and right-of-way acquisition.

B. The existing intersection of Timberline Road and Vine Drive experiences congestion with safety and delay concerns due to the existing 4-way stop control along with an at-grade rail crossing near the intersection. The Vine and Timberline Intersection Improvements project, which is already underway, will improve the intersection with a traffic signal interconnected to a new rail crossing signal. That project is fully funded, and construction is currently underway. Construction on that intersection improvement project has been delayed by utility relocations being performed by the Poudre Valley Rural Electric Association and will be completed later this summer.

C. As northeast Fort Collins continues to develop, increasing traffic volumes at the Vine and Timberline intersection will result in the need for an overpass like the one constructed at Vine and Lemay, which was completed in 2022. By bridging Timberline Road over the BNSF railroad tracks and the parallel Vine Drive, Fort Collins will reduce congestion, improve safety, improve system efficiency, add multimodal options, and provide much-needed access for growing neighborhoods.

D. A grade separation overpass at Vine Drive and Timberline Road over the railroad tracks has been part of the City’s Master Street Plan for several years. The Transportation Capital Projects Prioritization Study (“TCPPTS” adopted by City Council on September 19, 2023 (Resolution 2023-086)) includes Vine/Timberline Rail Grade Separation as one of the top fifteen projects in the study.

E. The East Ridge Second Filing and Waterfield Fourth Filing developments provided development contributions towards the Project. The City worked with a consultant to develop an RCE Program grant application that was submitted in 2024. The application requested funding to complete Project planning. The application was successful, and the City has received RCE Program funds pursuant to an intergovernmental grant agreement, authorized by Resolution 2025-064.

F. This Ordinance appropriates \$765,616 FRA RCE Program grant funds to cover costs in support of the Project. Project funding also includes contributions totaling \$331,827 from the two developments provided in lieu of construction and in anticipation

of the Vine/Timberline Rail Grade Separation capital project, which funding was previously appropriated to this Project through Ordinance No. 122, 2023, and Ordinance No. 115, 2024. The local match required for the RCE funds is \$191,404, which match will be met with a portion of these development contributions. The remaining development contribution (\$140,423) will be available as an overmatch for future grant opportunities and to help fund additional Project costs. The total fund amount projected for this planning Project is \$1,097,443 composed of funds appropriated with prior actions and with this action.

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

H. The City Manager has recommended the appropriation described in Section 1 and determined that the funds to be appropriated are available and previously unappropriated from the Capital Projects fund and that this appropriation will not cause the total amount appropriated in the Capital Projects fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

I. The grant funds appropriated in this Ordinance for the Project are ineligible for use in the Art in Public Places (“APP”) program due to restrictions placed on them by the Federal Railroad Administration, the source of these funds.

J. The funding from the development contributions to construction previously transferred to the Project are also ineligible for use in the APP program, because these previously appropriated funds already completed contributions to the APP program.

K. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or donation or the City’s expenditure of all funds received from such grant or donation.

L. The City Council wishes to designate the appropriation herein for the Railroad Crossing Elimination Program grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City’s expenditure of all funds received from the grant.

M. The appropriations in this Ordinance benefit public health, safety and welfare of the residents and the traveling public of Fort Collins and serve the public purposes of improving multimodal transportation infrastructure and safety within the City.

In light of the foregoing Recitals, which the Council hereby makes and adopts as determinations and finding, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. There is hereby appropriated from new revenue or other funds in the Capital Projects fund the sum of SEVEN HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SIXTEEN DOLLARS (\$765,616) in FRA Railroad Crossing Elimination Program grant funds, to be expended in the Capital Projects fund for the Vine/Timberline Rail Grade Separation Planning Project.

Section 2. The appropriation herein for the Railroad Crossing Elimination Program grant is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025

Approving Attorney: Heather N. Jarvis

Exhibits: None

File Attachments for Item:

16. Public Hearing and Resolution 2025-065 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, the City's Human Services Program, and the City's Homelessness Response and Prevention Program.

The purpose of this item is to approve funding recommendations of the 2025 Spring Cycle of the Competitive Process. This Resolution will complete the 2025 Spring Cycle of the Competitive Process for allocating \$4,191,516 in City financial resources to affordable housing and public facility projects, human service programs, homelessness programs and administration of the programs.

Comments on a Public Hearing item on the Consent Calendar may be made during general public comment or the item may be withdrawn for individual consideration by a Councilmember or the City Manager.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Adam Molzer, Human Services Program Manager

SUBJECT

Public Hearing and Resolution 2025-065 Approving the Programs and Projects that Will Receive Funds from the Federal Community Development Block Grant Program, the HOME Investment Partnerships Program, the City's Affordable Housing Fund, the City's Human Services Program, and the City's Homelessness Response and Prevention Program.

EXECUTIVE SUMMARY

The purpose of this item is to approve funding recommendations of the 2025 Spring Cycle of the Competitive Process. This Resolution will complete the 2025 Spring Cycle of the Competitive Process for allocating \$4,191,516 in City financial resources to affordable housing and public facility projects, human service programs, homelessness programs and administration of the programs.

Comments on a Public Hearing item on the Consent Calendar may be made during general public comment or the item may be withdrawn for individual consideration by a Councilmember or the City Manager.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

This Resolution establishes which programs and projects will receive funding with CDBG, HOME, Affordable Housing Fund (AHF), Human Services Program (HSP), and Homelessness Response Program (HRP) funds for the 2025 program year. CDBG and HOME are federal dollars allocated through HUD. AHF, HSP and HRP funds are allocated from the General Fund (GF) and the General Fund 0.25% Other Community Priorities (OCP). In 2025, the total dollar amount available and being allocated to fulfill the project requests, as well as the planning and administration needs, is \$4,191,516. The following table shows available FY25 dollars in each funding category:

FY2025 FUNDING CATEGORIES

Funding Source	Amount
FY2025 Housing	\$ 2,590,574
FY2025 Human Service	\$ 785,829
FY2025 Homelessness Response	\$ 270,000
FY2025 CDBG Public Service	\$ 176,485

Funding Source	Amount
FY2025 Planning and Administration	\$ 368,628
Total	\$ 4,191,516

Contingent upon FY26 budget availability and subrecipient eligibility, it is the intent of the Human Services & Housing Funding Board to award grant funding to HSP, HRP and CDBG/PS programs for the 2026 program year. This Resolution establishes which programs will receive funding with CDBG/PS, HSP, and HRP funds for the 2026 program year. In 2026, the total anticipated dollar amount available and being allocated to fulfill the HSP, HRP and CDBG/PS program requests is \$1,225,829. The FY26 Housing and FY26 Planning and Administration recommendations will be submitted for Council consideration in a separate Resolution in spring 2026. The following table shows available FY26 dollars in each funding category:

FY2026 FUNDING CATEGORIES

Funding Source	Amount
FY2026 Housing	Separate Resolution in 2026
FY2026 Human Service	\$ 785,829
FY2026 Homelessness Response	\$ 270,000
FY2026 CDBG Public Service	\$170,000 approx. – Final amount dependent on FY26 CDBG funds from HUD; Separate Resolution in 2026
FY2026 Planning and Administration	Separate Resolution in 2026
Total	\$ 1,225,829

Federal funds available for FY25 allocation total \$2,558,320. These funds are sourced from seven categories designated by HUD, including: FY2025 Entitlement Grants (CDBG and HOME - new funding), FY2024 and FY2023 Unanticipated Program Revenue (CDBG and HOME - new funding), and Prior Year Funds (CDBG - re-appropriated).

Unanticipated Revenue Funds include repayments from loans issued for rehabilitation, homebuyer assistance, acquisition and development. Fifteen percent (15%) of CDBG funds received in the current program year (FY24) can be allocated towards public services. The remaining CDBG and HOME Unanticipated Revenue is available for allocation to housing activities.

Prior Year Funds (CDBG FY2024) represent previously appropriated funds that were unexpended and available for re-allocation in the Housing category only.

Total FY25 federal contribution to the Housing category is \$2,068,207.

The maximum limit allowed by HUD regulations in the Public Service category for the CDBG Entitlement grant and current year CDBG Program Income is 15%.

Total FY25 federal contribution to the Public Service category is \$176,485: \$172,868 from the FY2025 CDBG Entitlement grant and \$3,617 from CDBG FY2024 Unanticipated Program Income.

HUD regulations allow a maximum of 20% of the CDBG funds (\$235,313) to be used for CDBG planning and program administration costs.

HUD regulations allow a maximum of 10% of HOME funds (\$78,315) to be used for HOME planning and program administration.

Total federal contribution to the Planning and Program Administration category is \$313,628.

The following table provides a summary of 2025 federal funding sources for Housing, Public Service and Planning/Program Administration:

FEDERAL FUNDS

Funding Source	Total Funds	Housing	Public Service	Planning / Admin
FY25 CDBG Entitlement Grant	\$ 1,152,451	\$ 749,093	\$ 172,868	\$ 230,490
FY24 Unanticipated Revenue CDBG	\$ 24,117	\$ 15,677	\$ 3,617	\$ 4,823
FY23 Unanticipated Revenue CDBG	\$ 61,144	\$ 61,444		
Prior Year CDBG Funds (previously appropriated and available)	\$ 523,639	\$ 523,639		
FY25 HOME Entitlement Grant	\$ 650,490	\$ 585,441		\$ 65,049
FY24 Unanticipated Revenue HOME	\$ 132,659	\$ 119,393		\$ 13,266
FY23 Unanticipated Revenue HOME	\$ 13,820	\$ 13,820		
TOTAL Federal Funds	\$ 2,558,320	\$ 2,068,207	\$ 176,485	\$ 313,628

The City's contribution to the Housing category is \$522,367.

The City's contribution to the Homelessness Response category is \$270,000.

The City's contribution to the Human Service category is \$785,829.

A portion of City funds assigned to the Affordable Housing Fund is used for planning and program administration costs (\$55,000).

The following table provides a summary of 2025 City Funding for Housing, Human Service and Homelessness, including differentiation between General Fund (GF) and the General Fund 0.25% Other Community Priorities (OCP) sources for each:

CITY FUNDS

Funding Source	Total Funds	Housing	Human Service	Homelessness	Planning / Admin
Affordable Housing Fund (GF)	\$ 359,448	\$ 304,448			\$ 55,000
Human Services Program (GF)	\$ 287,492		\$ 287,492		
Homelessness Response Program (GF)	\$ 270,000			\$ 270,000	
General Fund OCP	\$ 716,256	\$ 217,919	\$ 498,337		

Funding Source	Total Funds	Housing	Human Service	Homelessness	Planning Admin
TOTAL City Funds	\$ 1,633,196	\$ 522,367	\$ 785,829	\$ 270,000	\$ 55,000

COMBINED FUNDING TOTALS

	Total Funds	Housing	Human Service	Homelessness & Public Service	Planning Admin /
	\$ 4,191,516	\$ 2,590,574	\$ 785,829	\$ 446,485	\$ 368,628

The City received 72 housing, human service, homelessness and public service applications totaling \$6,698,000 in requests. In the housing category, seven proposals were received totaling \$4,363,000. The available funding in the Housing category equals \$2,590,574, and therefore the amount requested from Housing applicants is \$1,772,426 greater than the funding available. In the Human Service category, 50 applications were received totaling \$1,630,000. The total unfunded amount of Human Service requests is \$844,171. In the Homelessness category, 15 applications were received totaling \$705,000. A subset of three of these applications were selected to receive CDBG Public Service funds. The total unfunded amount of Homelessness requests is \$258,515. The following table summarizes the amount of funding requests compared to the amount of funding available for each of the categories:

FY2025 FUNDING REQUESTS BY CATEGORY

Category	Number of Applications	Available Funding	Requested Funding	Available Request Difference
Administration CDBG	— *	\$ 235,313	\$ 235,313	\$ 0
Administration HOME	— *	\$ 133,315	\$ 133,315	\$ 0
Housing	7	\$ 2,590,574	\$ 4,363,000	- \$ 1,772,426
Human Service	50	\$ 785,829	\$ 1,630,000	- \$ 844,171
Homelessness & CDBG Public Service	15	\$ 446,485	\$ 705,000	- \$ 258,515
Totals	72	\$ 4,191,516	\$ 7,066,628	- \$ 2,875,112

CITY FINANCIAL IMPACTS

The CDBG and HOME programs provide federal funds from HUD to the City of Fort Collins which can be allocated to housing and community development related programs and projects and administration of the funds, thereby, reducing the demand on the City's General Fund budget to address such needs. In FY25, the total amount of federal funds available for allocation is \$2,558,320 and the City's contribution is \$1,633,196. These dollars allow applicants to leverage other funding sources to provide needed services in our community.

Through the provision of affordable housing, more of Fort Collins' workforce can reside within the community. This means there is an available labor pool within the city, which is a positive benefit to economic sustainability.

Human Service, Homelessness Response and Public Service programs contribute to economic sustainability and homelessness prevention by providing such programs as education, childcare, counseling, and rent assistance, so workers can maintain their employment and housing.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Human Services and Housing Funding Board recommends adoption of their affordable housing, homelessness, CDBG public service, and human service funding recommendations made on April 29, 2025 and April 30, 2025. The Board read all project applications, viewed presentations by each housing applicant, and asked clarifying questions. Additionally, in the Housing category, they reviewed the priority rankings of the Affordable Housing Board, the goals of the Affordable Housing Strategic Plan and the priorities of the HUD required Five-Year Consolidated Plan.

In the Homelessness, CDBG Public Service, and Human Service categories, they considered the performance of current grantees, the priority areas of the Human Services and Homelessness Priority Platforms, community needs and the program's potential to address community needs. The goals of the HUD-required Five-Year Consolidated Plan were also considered for the CDBG Public Service proposals. Each Board member then completed a scorecard to reflect their evaluations of the proposals relative to a series of weighted criteria. The proposals were then placed in descending ranked order, in their respective categories, based on the average scores of the participating Board members who submitted scores. The Board proceeded to deliberate funding recommendations following a rules-based protocol that had been predetermined.

The evaluation process for the Housing, Homelessness, CDBG Public Service, and Human Service categories addresses deeply rooted community needs that pre-date the COVID-19 pandemic and have continued beyond the public health emergency passing. COVID-19 was not a leading determinant in the funding recommendations. Many applicants were supported in 2020-2024 with federal CARES-CVRF and American Rescue Plan Act (ARPA) grants administered by the Social Sustainability Department.

For the 2025 grant process, several improvements were operationalized to maximize efficiencies and best practices within the various grant programs. The process improvements included: requiring the Board to fully award the requested amounts of their top selected proposals; shifting to a multi-year funding term structure for human service and homelessness grantees; providing a range of pre-set funding request amounts for applicants to select from; and allowing up to 10% of a grant award to be used by the organization towards discretionary direct client assistance expenses.

The Human Services and Housing Funding Board members are subject to certain rules of ethical conduct established by the City Charter and Code, including refraining from voting on or attempting to influence any decision in which they have a financial or personal conflict of interest. Board members have been presented with information detailing the City Charter and Code provisions regarding conflict of interest and the disclosure process.

The following tables present the project-specific allocations recommended by the Board to Council within the Housing, Human Service, Homelessness and CDBG Public Service categories, as well as the accompanying planning and administrative costs:

PLANNING AND ADMINISTRATION CATEGORY

Applicant Project/Program	Funding Request	Recommended Funding FY25	Unfunded Balance	Percent Request of Funded
City of Fort Collins: CDBG Planning/Administration	\$ 235,313	\$ 235,313	\$ 0	100%
City of Fort Collins: HOME Planning/Administration	\$ 78,315	\$ 78,315	\$ 0	100%
City of Fort Collins: Affordable Housing Fund	\$ 55,000	\$ 55,000	\$ 0	100%
Planning/Administration Total	\$ 368,628	\$ 368,628	\$ 0	100%

HOUSING CATEGORY

In the Housing category, the Human Services and Housing Funding Board determined five of the seven housing proposals were projects that would benefit from receiving either full or partial funding. The Board decided that the Harmony Cottages proposal from Fort Collins Habitat for Humanity should be divided into two categories for their ranking consideration (home construction and site amenities costs). The one proposal that was not recommended was not placed in ranked order for funding consideration. Those recommendations and the board's ranked order prioritization are listed in the table below:

Applicant Project/Program	Funding Request	HS&HF Board's Prioritized Ranking	Recommended Funding FY25	Unfunded Balance	Percent of Request Funded
CARE Communities: Windtrail Park Rehab	\$ 1,000,000	# 2	\$ 1,000,000	\$ 0	100%
Fort Collins Habitat for Humanity: Harmony Cottages Homes	\$ 200,000	# 1	\$ 200,000	\$ 0	100%
Fort Collins Habitat for Humanity: Harmony Cottages Amenities	\$ 338,000	# 6	\$ 0	\$ 338,000	0%
Housing Catalyst: Remington Parking Lot	\$ 1,250,000	# 7	\$ 0	\$ 1,250,000	0%
L'Arche Fort Collins: L'Arche Homes at Heartside Hill	\$ 150,000	Not Advanced For Ranking	\$ 0	\$150,000	0%
Loveland Housing Development Corp: Larimer Home Improvement Program	\$ 150,000	# 3	\$ 150,000	\$ 0	100%
Volunteers of America: Handyperson Program	\$25,000	# 4	\$25,000	\$ 0	100%
Volunteers of America National Service: Switchgrass Crossing	\$1,250,000	# 5	\$ 1,215,574	\$ 34,426	97%
Housing Total	\$ 4,363,000		\$ 2,590,574	\$ 1,772,426	

There are no unallocated funds remaining after all applications received full or partial funding recommendations.

HOMELESSNESS RESPONSE & PREVENTION CATEGORY (INCLUDING CDBG PUBLIC SERVICE)

In the Homelessness Response & Prevention category, 15 proposals were received and 9 are being recommended for funding, ranging from 79% to 103% of requests. Six proposals are not being recommended for funding. The total unfunded amount of requests is \$258,515.

Of the 9 programs recommended for funding, 3 are eligible to receive a proportional share of the CDBG Public Service funds. These programs will be considered for renewal annually until the City's HUD Consolidated Plan expires in September 2030, receiving variable annual awards that may be above or below the original request amount. All recommendations are listed in the table below:

Applicant Project/Program	Funding Request	HS&HF Board's Recommended Funding FY25	HS&HF Board's Recommended Funding FY26*	Unfunded Balance FY25	Percent of Request Funded
Catholic Charities: Samaritan House 24/7 Emergency Shelter Operations ~ CDBG Public Service eligible ~	\$ 70,000	41% of CDBG/PS \$ = \$72,359 for FY25	41% of CDBG/PS \$ CDBG/PS FY26 Funding Amount Determined in Spring 2026	\$ 0	103%
Catholic Charities: Samaritan House Extended Stay Case Management	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
Crossroads Safehouse: Domestic Violence Emergency Shelter ~ CDBG Public Service eligible ~	\$ 70,000	41% of CDBG/PS \$ = \$72,359 for FY25	41% of CDBG/PS \$ CDBG/PS FY26 Funding Amount Determined in Spring 2026	\$ 0	103%
Denver Rescue Mission: FCRM 24/7 Shelter Personnel	\$ 70,000	\$ 0	\$ 0	\$ 70,000	0%
Family Housing Network: Shelter Programs at FHN ~ CDBG Public Service eligible ~	\$ 40,000	18% of CDBG/PS \$ = \$31,767 for FY25	18% of CDBG/PS \$ CDBG/PS FY26 Funding Amount Determined in Spring 2026 **	\$ 8,233	79%
Family Housing Network: Sherwood House – Bridge Housing	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Homeward Alliance: Family Services	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Homeward Alliance: Programs at the Murphy Center	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%

Lutheran Campus Ministry at CSU: Student Housing Security Initiative	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Neighbor to Neighbor: N2N Housing Solutions	\$ 70,000	\$ 70,000	\$ 70,000	\$ 0	100%
Outreach Fort Collins: OFC Client Holistic Support	\$ 40,000	\$ 0	\$ 0 **	\$ 40,000	0%
Poudre River Public Library District: Social Service Interventions for Unhoused Library Customers	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Poudre School District: PSD Homeless Education	\$ 70,000	\$ 0	\$ 0	\$ 70,000	0%
The Matthews House: Services for Youth and Young Adults Experiencing Homelessness in Fort Collins	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
United Way of Weld County: Coordinated Assessment Housing Placement System ~ transitioning to Homeward Alliance	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Homelessness Response & Prevention Total	\$ 705,000	\$ 446,485	\$ 270,000 + CDBG/PS Share of Approx. \$170,000	\$ 258,515	63%

* FY26 grant awards are contingent upon budget availability and subrecipient eligibility.

** If additional general fund dollars in excess of the current \$270,000 budget are assigned in FY26, the HS&HF Board recommends: 1) fulfilling the Family Housing Network: Shelter Programs program up to its original request amount; 2) awarding remaining funding to the Outreach Fort Collins: OFC Client Holistic Support program.

HUMAN SERVICE CATEGORY

In the Human Service category, 50 proposals were received and 22 are being recommended for funding, ranging from 74% to 100% of requests. It is the intent of the HS&HF Board to award these funds on a 2-year term. These programs will be considered for renewal again for the FY26 program year. Twenty-eight proposals are not being recommended for funding. The total unfunded amount of requests is \$844,171. All recommendations are listed in the table below:

Applicant Project/Program	Funding Request	HS&HF Board's Recommended Funding FY25	HS&HF Board's Recommended Funding FY26*	Unfunded Balance FY25	Percent of Request Funded
A Little Help: A Little Help for Older Adults	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Abundance Foundation: Recovery Program – Prosocial Activities	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
Alianza NORCO: Bilingual Health Navigation for the Fort Collins Immigrant Community	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
Boulder Pride - Rocky Mountain Equality: Support for LGBTQ+ Youth	\$ 55,000	\$ 0	\$ 0	\$ 55,000	0%
Boys & Girls Clubs of Larimer County: Positive Youth Development Programming	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Care-A-Van/SAINT: SAINT Volunteer Transportation	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
CASA of Larimer County: Court Appointed Special Advocates CASA	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
CASA of Larimer County: Family Connections	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Catholic Charities: Older Adult Community Case Management	\$ 55,000	\$ 0	\$ 0	\$ 55,000	0%
Center for Community Partnerships: The Belong Program	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Center for Family Outreach: Preventing System Involvement and Substance Use for Youth	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
Children's Speech and Reading Center: Therapy Scholarships & Early Literacy	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
ChildSafe Colorado: Child Abuse Treatment Program	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
Colorado Health Network – NCAP: Food Bank Program	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
Colorado Youth for a Change: Educational Support Programs	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%

Applicant Project/Program	Funding Request	HS&HF Board's Recommended Funding FY25	HS&HF Board's Recommended Funding FY26*	Unfunded Balance FY25	Percent of Request Funded
Crossroads Safehouse: Family Justice Center	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Crossroads Safehouse: Youth Violence Prevention	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Disabled Resource Services: Direct Consumer Assistance	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Easterseals Colorado: Employment Services	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
Elderhaus Adult Day Program: Direct Care for Fort Collins Residents Living with Disabilities	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
Enight Skills Center: Low Vision Rehabilitation Care and Support Services	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Exceptional Kids: Facility Modification to Provide Independent Access	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
Feeding Our Community Ourselves - FoCo Café: Meal Exchange Program	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Food Bank for Larimer County: Fort Collins Fresh Food Share	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Healing Warriors Program: Veteran Suicide Prevention for Low Income and Fort Collins Seniors	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
L'Arche Fort Collins: Neurodivergent Friendly Community	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
La Cocina: El Instituto	\$ 25,000	\$ 0	\$ 0 **	\$ 25,000	0%
Larimer County Partners - Partners Mentoring: Youth Mentoring and Prevention Education	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Lighthouse: Supportive Case Management for Substance Abuse Recovery	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
McBackpack: Alleviating Food Insecurity for Poudre School District Students	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%

Applicant Project/Program	Funding Request	HS&HF Board's Recommended Funding FY25	HS&HF Board's Recommended Funding FY26*	Unfunded Balance FY25	Percent of Request Funded
Meals on Wheels for Fort Collins: Home Meal Delivery	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Mercy Housing Mountain Plains: Fort Collins Resident Services Program	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Partnership for Age-Friendly Communities: Age-Friendly Workforce Initiative	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
Pathways: Pathways Hospice CAPABLE Program	\$ 55,000	\$ 0	\$ 0	\$ 55,000	0%
Project Self-Sufficiency of Northern Colorado: Career Pathways for Low-Income Single Parents in Fort Collins	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Respite Care: Childcare Scholarships for Low-Income Families Raising Children with Developmental Disabilities	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Rocky Mountain Youth Medical & Nursing Consultants: Health & Wellness Centers Support for Low-Income Student-Patients	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Sexual Assault Victim Advocate Center: Crisis Intervention & Advocacy Services	\$ 15,000	\$ 15,000	\$ 15,000	\$ 0	100%
Sexual Assault Victim Advocate Center: Youth Prevention & Education Program	\$ 55,000	\$ 40,829	\$ 40,829 **	\$ 14,171	74%
Teaching Tree Early Childhood Learning Center: Childcare Scholarships for Low-Income Families	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
The Crawford Child Advocacy Center: Fighting Child Sexual Abuse and Maltreatment	\$ 15,000	\$ 15,000	\$ 15,000	\$ 0	100%
The Family Center / La Familia: Childcare Sliding	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%

Applicant Project/Program	Funding Request	HS&HF Board's Recommended Funding FY25	HS&HF Board's Recommended Funding FY26*	Unfunded Balance FY25	Percent of Request Funded
Scale Tuition Scholarships					
The Matthews House: Children and Family Services - Family to Family Program	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
The Quarter Project: GEMS - Girls in Engineering, Math & Science	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
The Salvation Army: Life Stabilization Assistance	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
The Vegetable Connection: Farm to Table Produce Prescriptions for Fort Collins	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
Turning Point Center for Youth and Family Development: Fort Collins Behavioral Health Intervention Support Services	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
United Way of Larimer County: Larimer County Child Care Fund	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
Vindeket Foods: Vindeket Market	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Volunteers of America: Home Delivered Meals	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Human Service Total	\$ 1,630,000	\$ 785,829	\$ 785,829	\$ 844,171	48%

* FY26 grant awards are contingent upon budget availability and subrecipient eligibility.

** If additional general fund dollars in excess of the current \$785,829 budget are assigned in FY26, the HS&HF Board recommends: 1) fulfilling the Sexual Assault Victim Advocate Center Youth Prevention & Education program up to its original request amount; 2) awarding remaining funding to the La Cocina El Instituto program.

FUNDING RECOMMENDATIONS BY CATEGORY

A summary of the funding recommendations by category is presented in the following table:

Category	Recommended Funding	% of Total
Planning and Administration	\$ 368,628	9%
Housing	\$ 2,590,574	62%
Homelessness Response & Prevention	\$ 270,000 ***	6%
CDBG Public Service	\$ 176,485 ***	4%
Human Service	\$ 785,829 ***	19%
Total	\$ 4,191,516	100%

*** Recommended funding amounts will be awarded for the FY25 and FY26 program years. The CDBG Public Service amount in FY26 will be variable based on the City's CDBG Entitlement grant from HUD and a separate Resolution will be submitted for Council consideration at that time.

The justifications for the Human Services and Housing Funding Board's recommendations can be found in the approved minutes of the April 29, 2025, meeting and approved minutes of the April 30, 2025, meeting.

PUBLIC OUTREACH

A meeting that combined the Human Services and Housing Funding Board and the Affordable Housing Board was held on March 26, 2025, to discuss the merits of the housing proposals, without any funding discussion. Housing applicants also had the opportunity to create video presentations that were viewed by members of both boards in advance. Housing applicants were provided the opportunity to respond to questions directly from board members at their joint meeting. The Affordable Housing Board met on April 3, 2025, and created their own project ranking list, which was then made available to the Human Services and Housing Funding Board as a resource to consider during funding deliberations. The Human Services and Housing Funding Board met on April 9, 2025, to discuss the merits of the housing proposals, homelessness proposals, CDBG public service proposals and human services proposals and identify follow-up questions for the applicants, without any funding discussion. The Human Services and Housing Funding Board held a meeting on April 29, 2025, to deliberate the housing proposals, homelessness proposals and CDBG public service proposals, and again on April 30, 2025, to deliberate the human service proposals, and make funding recommendations. All meetings were open to the public and added to the City calendar.

The City of Fort Collins Citizen Participation Plan for HUD funds requires a Public Hearing to solicit viewpoints on community needs and the proposed use of funds and is required prior to the funding recommendations being made by the Board. Announcements were published in the Coloradoan newspaper, posted on the Social Sustainability website and the Events Calendar, and emailed to community organizations. The Public Hearing occurred on March 18, 2025.

The City of Fort Collins Citizen Participation Plan for HUD funds also requires a 30-day public comment period on the proposed allocation of CDBG and HOME funds prior to Council's final decision. Staff placed an ad in the Coloradoan newspaper on May 12, 2025, presenting the list of recommended funding for programs/projects and indicated the public comment period would start on May 15, 2025, and end on June 18, 2025. The Council meeting on June 17, 2025, will serve as a Public Hearing and comments will be recorded and reported to HUD in August. The public notice of funding recommendations was placed on the Social Sustainability Department's website. It was also distributed to applicants and entities serving a majority of clients in legally protected classes-including those in a racial/ethnic minority, those with a disability, or female heads of households-or serving those community members who might otherwise have barriers to public participation in the City's civic engagement processes. To date, the public comments received have largely been statements of gratitude from the applying agencies.

ATTACHMENTS

1. 2025 Application Summaries
2. Affordable Housing Board Priority Rankings
3. Human Services and Homelessness Priority Charts
4. Fiscal Year 2025 Proposal Rankings
5. Human Services and Housing Funding Board Minutes April 29, 2025
6. Human Services and Housing Funding Board Minutes April 30, 2025
7. Resolution 2025-065

HS&HF Board Competitive Funding Process FY25

Summary of Organizations Requesting Funding & Recommendations

HOUSING

CARE Communities - Windtrail Park Rehab

Request: \$1,000,000	Recommendation: \$1,000,000	Percentage: 100%
-----------------------------	------------------------------------	-------------------------

CARE Communities provides affordable housing, advocacy and supportive services to empower working families in Northern Colorado. This proposal supports the costs associated with the rehabilitation of 50 multi-family rental units that serve low-income households between 30%-60% of the Area Median Income.

Fort Collins Habitat for Humanity - Harmony Cottages

Request: \$538,000	Recommendation: \$200,000 for home construction; \$0 for amenities	Percentage: 37%
---------------------------	---	------------------------

Habitat for Humanity helps low-income families realize home-ownership by offering 0% interest loans that don't exceed 28% of a family's income. This proposal supports the building costs of 4 homes (2 duplexes) in Harmony Cottages and various site amenities.

Housing Catalyst - Remington Parking Lot

Request: \$1,250,000	Recommendation: \$0	Percentage: 0%
-----------------------------	----------------------------	-----------------------

Housing Catalyst is a Fort Collins, mission-driven real estate developer that designs, builds and serves communities with homes that are affordable in Northern Colorado. This proposal supports the development costs associated with the construction of 75 new multi-family rental units that will serve low-income households between 30%-80% of the Area Median Income.

L'Arche Fort Collins - L'Arche Homes at Heartside Hill

Request: \$150,000	Recommendation: \$0	Percentage: 0%
---------------------------	----------------------------	-----------------------

L'Arche Fort Collins is a nonprofit organization that provides support for adults with intellectual and development disabilities through an inclusive community of volunteers, bound together by intentionally mutual relationships. This proposal supports development costs associated with the development of two "group homes" serving persons with developmental disabilities at Heartside Hill. The project consists of the construction of two six-bedroom single family homes, each occupied by 3 persons with disabilities and 2-3 staff.

Loveland Housing Authority - Larimer Home Improvement Program

Request: \$150,000	Recommendation: \$150,000	Percentage: 100%
---------------------------	----------------------------------	-------------------------

Loveland Housing Authority administers the LHIP funding for all of Larimer County, including residents within Fort Collins City Limits. This proposal supports low- to no-interest loans for homeowners in Fort Collins to address health, safety, and energy efficient repairs to their

homes. The program is available to families earning no more than 80% of the Area Median Income (AMI). The Emergency Funds Program provides a one-time-only grant of up to \$1,000 to very low-income families who have emergency repair needs.

Volunteers of America - Handyperson Program

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Volunteers of America (Fort Collins) provides services to seniors (60+) who are frail and/or home-bound to help them remain healthy, safe, socially connected and independent in their homes as long as possible. The Handyperson program offers VOA clientele safety-related home modifications and repairs utilizing volunteers.

Volunteers of America National Services - Switchgrass Crossing

Request: \$1,250,000	Recommendation: \$1,215,574	Percentage: 97%
-----------------------------	------------------------------------	------------------------

Volunteers of America National Services (VOANS) is a subsidiary of Volunteers of America (VOA) that provides quality affordable housing and healthcare services to further support people facing challenges due to income, age, and physical or mental disability, with a specific focus on seniors. This proposal supports the development costs associated with the construction of 45 new multi-family rental units that will serve low-income seniors below 60% of the Area Median Income.

HOMELESSNESS RESPONSE & PREVENTION (includes CDBG Public Service)

Catholic Charities - Samaritan House 24/7 Emergency Shelter

Request: \$70,000	Recommendation: 41% of CDBG/PS \$ = \$72,359 for FY25	Percentage: 103% 41% of Available CDBG PS \$
--------------------------	--	--

Catholic Charities provides shelter, food, case management, resource navigation, benefits application assistance, and transitional housing help in support of the homeless and near homeless. Program provides emergency overnight shelter, two meals and support services for women & families with children.

Catholic Charities - Extended Stay Case Management

Request: \$55,000	Recommendation: \$55,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Catholic Charities provides shelter, food, case management, resource navigation, benefits application assistance, and transitional housing help in support of the homeless and near homeless. Program allows clients to stay in the extended stay program at the shelter, which provides case management services to men, women and families as well as meals and sheltering.

Crossroads Safehouse - Domestic Violence Emergency Shelter

Request: \$70,000	Recommendation: 41% of CDBG/PS \$ = \$72,359 for FY25	Percentage: 103% 41% of Available CDBG PS \$
--------------------------	--	--

Crossroads Safehouse operates a domestic violence shelter providing emergency housing, crisis intervention and other services and outreach.

Denver Rescue Mission - FCRM 24/7 Shelter Personnel

Request: \$70,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

The Fort Collins Rescue Mission provides the largest quantity of shelter beds for men in Larimer County and provides a critical entry point for people seeking help with challenges such as unemployment, mental health, and substance abuse. Program supports the 24/7 emergency overnight shelter services.

Family Housing Network - Shelter Programs

Request: \$40,000	Recommendation: 18% of CDBG/PS \$ = \$31,767 for FY25	Percentage: 79% 18% of Available CDBG PS \$
--------------------------	--	---

Family Housing Network supports families experiencing homelessness with a full range of emergency and stabilizing services, including overnight shelter, day center support and case management.

Family Housing Network - Sherwood House – Bridge Housing

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Family Housing Network supports families experiencing homelessness with a full range of emergency and stabilizing services, including overnight shelter, day center support and case management. This proposal supports the residential sheltering efforts for families at the Sherwood House.

Homeward Alliance – Family Services

Request: \$40,000	Recommendation: \$40,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Homeward Alliance provides multiple programs that offer a continuum of services to individuals and families who are homeless or at-risk of becoming homeless. This proposal provides bilingual resource navigation, financial assistance, basic need items, and quarterly Family Resource Fairs to families experiencing homelessness or housing insecurity.

Homeward Alliance – Murphy Center

Request: \$40,000	Recommendation: \$40,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Homeward Alliance manages and operates the Sister Mary Alice Murphy Center for Hope. In addition to the programs of Homeward Alliance, they provide oversight of the facility and the programs that provide services to people who are homeless or at-risk of becoming homeless. Proposal would support distribution of survival items and basic needs and the Employment and Resource Navigation (EARN) program.

Lutheran Campus Ministry at CSU – Student Housing Security Initiative

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

LuMin's Housing Security Initiative helps subsidize rent to an affordable level for college students and helps pay all or a portion of security deposits for those unable to pay. The program also offers students free access to laundry, snacks, showers, Wi-Fi, and space for storage of personal property during housing transitions.

Neighbor to Neighbor - N2N Housing Solutions

Request: \$70,000	Recommendation: \$70,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Neighbor to Neighbor provides short-term and mid-term rent assistance with supportive services and case management to assist people in housing crises to identify, secure, and maintain affordable, sustainable rental housing. This proposal supports direct client (rent) assistance and the staffing needs to run the homelessness prevention programming.

Outreach Fort Collins - OFC Client Holistic Support

Request: \$40,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Outreach Fort Collins (OFC) is a street-based outreach organization providing situational response for issues of disruptive behavior, physical and mental health concerns, and general resource inquiry. OFC primarily serves the unhoused community and connects those in need to services and supportive networks.

Poudre River Public Library District - Social Service Interventions

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Program that utilizes a partnership with Northern Colorado Health Alliance to provide a part-time social worker housed at the Old Town Library to connect unhoused individuals to local resources, conduct needs assessments, and help support library staff.

Poudre School District - PSD Homeless Education

Request: \$70,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

PSD program within the Department of Language, Culture and Equity focused on removing educational barriers that students who experience or are at risk of homelessness face, including rental assistance and move-in cost assistance.

The Matthews House – Services for Youth & Young Adults Experiencing Homelessness

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

The Matthews House empowers young adults and families in transition to navigate difficulties on the road to self-sufficiency; many have been in foster care, justice system, generational poverty, etc. Proposal would support case management and resource navigation services for youth experiencing homelessness who access the program's day shelter in Fort Collins.

United Way of Weld County - Coordinated Assessment & Housing Placement System

Request: \$40,000	Recommendation: \$40,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

UWWC develops and supports programs that improve lives and catalyze social change and serves as the fiscal agent for Coordinated Assessment and Housing Placement System (CAHPS) efforts in Fort Collins, which prioritizes housing options community-wide for people experiencing homelessness. Program is transitioning to Homeward Alliance in summer 2025.

HUMAN SERVICES

A Little Help – A Little Help for Older Adults

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

A Little Help helps older adults age in place by providing connections to important resources and services necessary for them to maintain independence in their homes. Program provides volunteer-driven delivery of diverse essential services, access to social connections, mental health programming, and other community-based services.

Abundance Foundation – Recovery Program – Prosocial Activities

Request: \$15,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Abundance Foundation's Recovery Program provides outpatient substance use disorder treatment services and sober housing for low-income, homeless, and recently released Department of Corrections individuals without access to traditional treatment avenues. Recovery coaches assist clients in participating in prosocial activities: weekly community dinners and group outings.

Alianza NORCO – Bilingual Health Navigation Programming for Immigrants

Request: \$55,000	Recommendation: \$55,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Alianza NORCO supports bilingual, culturally informed navigation services that include guidance for health needs, obtaining driver's licenses for immigrants, passport appointments, rent and resource assistance, and ITIN/tax preparation.

Boulder Pride – Support for LGBTQ+ Youth

Request: \$55,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Boulder Pride provides vital social-emotional support, community building, and recovery-focused activities for LGBTQ+ youth. This proposal would allow expansion of reach and offering of comprehensive suite of services aimed at improving mental health through therapy and case management, substance use prevention and intervention, and promotion of positive peer engagement

Boys & Girls Clubs of Larimer County - Fort Collins Clubs

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

B&G Clubs provides after-school and school-break youth development programs at their Fort Collins location to kids 6-18 years. Programs allow members to have access to meals, diverse positive youth development programming, mentoring, behavioral health services, and more.

Care-A-Van/SAINT – SAINT Volunteer Transportation

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Care-A-Van/SAINT provides seniors (ages 60+) connections to community through free, personalized, door-to-door transportation with volunteer drivers.

CASA (Court Appointed Special Advocates) - CASA Program

Request: \$40,000	Recommendation: \$40,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

CASA provides a voice in court for children who have been physically or sexually abused or neglected. Trained community advocates, or CASAs, work with each child they are assigned to and provide neutral recommendations regarding the best interests of the child.

CASA (Court Appointed Special Advocates) - Family Connections

Request: \$40,000	Recommendation: \$40,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

The Family Connections program at Harmony House is a specialized visitation center that serves as a safe, conflict-free public place for family interactions. Harmony House provides parenting coaching, supportive case management, supervised family time and resource sourcing to holistically treat the family unit, combat cycles of abuse, and ensure children can live free from harm and fear of harm.

Catholic Charities - Older Adult Community Case Management

Request: \$55,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Catholic Charities in Fort Collins provides supportive services to vulnerable populations, including services that allow low-income seniors age 60 and over to maintain self-sufficiency. Program provides case management, referrals to community providers, assessments, and application assistance for durable medical equipment and dental, vision, and hearing needs.

Center for Community Partnerships – The Belong Program

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

The Belong Program is an independent living program for neurodiverse young adults in Fort Collins and at CSU fostering community and teaching skills of self-reliance, self-advocacy and self-care. Focus areas include personal care skills, health & wellness, community transportation and participation, social and leisure participation, homemaking and financial management.

Center for Family Outreach – Preventing System Involvement & Substance Use for Youth

Request: \$40,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

The Center for Family Outreach provides programs for youth ages 8-18 (and their families) who are experiencing high-risk behaviors for substance use or behavioral issues. The Center's goal is to strengthen family relationships, promote positive communication, and enhance abilities to solve problems together as a family in order to reduce risk factors leading to further involvement in human services.

Children's Speech & Reading Center - Therapy Scholarships & Early Literacy

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

CSRC provides children that suffer from speech-language and reading delays with high quality therapy on a sliding fee scale. Program provides free screenings to assess early literacy skills, speech and language disorders, and reading delays, individual speech-language and reading therapy on a sliding scale fee structure that goes to zero so no child is ever turned away.

ChildSafe Colorado - Child Abuse Treatment Program

Request: \$55,000	Recommendation: \$55,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

ChildSafe provides comprehensive outpatient treatment to victims of childhood abuse, primarily sexual abuse, and their non-offending family members. Program provides individual, group, and family therapy; coaching to parents and caregivers; and engagement in outreach by providing in-service training for professionals and education to the community.

Colorado Health Network NCAP - Food Bank Program

Request: \$15,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

CHN strives to meet the needs of people affected by HIV and other health conditions through prevention, care and advocacy. The Food Bank Program is available to provide clients with nutritional food options.

Colorado Youth for a Change – Educational Support Programs

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

CYC seeks to reengage out-of-school youth on pathways to earning a diploma or GED. The program established a continuum of support for PreK through high school students across five programs, reducing barriers to education through high-impact tutoring, evidence-based academic and social-emotional interventions and reenrollment support.

Crossroads Safehouse - Family Justice Center

Request: \$40,000	Recommendation: \$40,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Crossroads Safehouse operates a domestic violence shelter providing emergency housing, crisis intervention and other services and outreach. The Family Justice Center is a new program that will provide a centralized, collaborative approach to serving victims of domestic violence, sexual assault, and other forms of abuse with crisis intervention, civil and legal support, counseling, medical care, housing, employment, etc.

Crossroads Safehouse - Youth Violence Prevention

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Crossroads Safehouse operates a domestic violence shelter providing emergency housing, crisis intervention and other services and outreach. The Youth Violence Prevention program is a youth dating violence program that delivers an evidence-based Time to Talk Violence Prevention curriculum to Poudre School District high school students, as well as the community-based Youth Violence Prevention Roundtable.

Disabled Resource Services - Direct Consumer Assistance

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

DRS is the only Center for Independent Living in Larimer County for people with disabilities (physical, cognitive, mental, neurological, deaf, blind, etc.). It is consumer-driven allowing participants to choose the goals they want to pursue to help them live in the community with independence, dignity and equality, with the programming providing case management, resource navigation, and community assistance.

Easterseals Colorado – Employment Services

Request: \$15,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Easterseals works to reduce the impact of disability and health challenges by enhancing the quality of life and creating opportunities for children, adults and families seeking greater independence. The Employment Services program includes skills assessment, job search assistance, new job orientation and ongoing supportive services.

Elderhaus Adult Day Program – Direct Care for Residents Living with Disabilities

Request: \$40,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Elderhaus provides therapeutic daytime programs for adults with disabilities: Down syndrome, Cerebral Palsy, dementia, traumatic brain injuries, etc. The program makes it possible for participants to integrate into the community who otherwise may not be able to.

Enight Skills Center - Low Vision Rehabilitation Care & Support Services

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Enight Skills Center provides quality healthcare services to residents who are visually impaired. Program provides low vision and blindness rehabilitation across the community that works to enhance independence, productivity, and safety.

Exceptional Kids – Facility Modification to Provide Independent Access

Request: \$15,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Exceptional Kids provides services to clients who have significant developmental and physical disabilities. This proposal would modify their facility doors to give independent access to clients, which helps maintain the dignity that comes with being able to enter and exit the building without assistance.

FOCO Café - Meal Exchange Program

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

FOCO Café provides nutritious and delicious meals to the people of Fort Collins regardless of their ability to pay while using mostly local, organic, and sustainably grown ingredients. Program provides meals in exchange for volunteering.

Food Bank for Larimer County - Fort Collins Fresh Food Share

Request: \$40,000	Recommendation: \$40,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

The Food Bank for Larimer County serves as the central hub for food assistance in our county. Fresh Food Share is their largest program, with a no-cost market in Fort Collins that operate like a small grocery store, where people who need food assistance can choose from a variety of foods, all free of charge.

Healing Warriors Program – Veteran Suicide Prevention for Low Income Seniors

Request: \$40,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

The Healing Warriors Program works to decrease suicide risk factors and provide no-cost, non-narcotic pain treatment (Acupuncture, Craniosacral therapy, Healing Touch) to Veterans service members and their families.

L'Arche Fort Collins - Neurodivergent Friendly Community

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

L'Arche Fort Collins is a nonprofit organization that provides support for adults with intellectual and development disabilities through an inclusive community of volunteers, bound together by intentionally mutual relationships. This program would establish strategic partnerships to address systemic social exclusion of persons with IDD through practical expressions of authentic community integration.

La Cocina – El Instituto

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

La Cocina's programs remediate systemic barriers to mental health care by ensuring equitable access for community members least likely to seek services due to language barriers, cost, immigration concerns and displacement, and cultural mistrust of mental health systems. The El Instituto program provides linguistically and culturally affirming mental health care.

Larimer County Partners - Youth Mentoring & Prevention Education

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Partners Mentoring Youth supports mentoring relationships between positive adult role models and youth facing challenges in their personal, social and academic lives. Program supports school based mentoring and prevention education programs.

Lighthouse – Supportive Case Management for Substance Abuse Recovery

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Lighthouse provides affordable, sober housing and comprehensive support services to individuals recovering from substance use disorder and co-occurring disorders. This program supports case management services to individuals in recovery from addiction.

McBackpack - Alleviating Food Insecurity for PSD Students

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

McBackpack provides nutritional food to children and families within the Poudre School District who may otherwise go without food over the weekend. Program is in collaboration with PSD to deliver food bags to referred students so they have take-home meal/snack options.

Meals on Wheels for Fort Collins - Home Meal Delivery Program

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Meals on Wheels provides hot, noontime meals delivered to homebound seniors and persons with disabilities unable to safely prepare their own meals.

Mercy Housing Mountain Plains – Fort Collins Resident Services Program

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Mercy Housing Mountain Plains (MHMP) provides safe, stable affordable housing to low-income residents at two properties in Fort Collins. This program would support families at both properties to identify and address needs, reduce barriers to accessing services, and provide 1:1 and group programming to build a healthy and strong community.

Partnership for Age-Friendly Communities – Age-Friendly Workforce Initiative

Request: \$40,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

PAFC is a key player locally in advocating for and supporting the older population through various collaborative projects. This initiative addresses employment barriers older adults face while meeting local businesses' demands, including job search, coaching sessions, and supportive services to older adults seeking employment.

Pathways – Pathways Hospice CAPABLE Program

Request: \$55,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Pathways Hospice provides comprehensive care in Larimer and Weld Counties for those who have an advanced medical condition, serious illness and those who are grieving. This program leverages the expertise of a collaborative team consisting of an occupational therapist, a registered nurse, and a handy worker which ensures comprehensive care addressing multiple aspects of aging and health for seniors wishing to age in their homes.

Project Self-Sufficiency - Career Pathways for Low-Income Single Parents

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Project Self-Sufficiency assists single parent families to become self-sufficient through career planning, wrap around services and support that removes barriers and empowers parents to complete education and training goals. The program helps to break the cycle of generational poverty by focusing services on post-secondary education and training that leads to a career pathway with living-wage employment.

Respite Care - Childcare Scholarship for Low-Income Families

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Respite Care provides short-term care for children with developmental disabilities and other supportive services that provide respite for families. Support is available 24/7 all year for children from infancy to age 21. Scholarship program allows families pay on a sliding fee scale based on income and family size.

Rocky Mountain Youth Medical & Nursing Consultants – Health & Wellness Centers

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

RYM&NC provides school-based health center program at two PSD school: Centennial HS and Lincoln MS. Any PSD student may enroll in care services, which include physical and behavioral/mental health services from the convenience of school locations.

Sexual Assault Victim Advocate Center - Crisis Intervention & Advocacy Services

Request: \$15,000	Recommendation: \$15,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

SAVA provides crisis intervention, advocacy and counseling to all those affected by sexual violence. This proposal supports SAVA's 24-hour crisis intervention and advocacy services.

Sexual Assault Victim Advocate Center - Youth Prevention & Education Program

Request: \$55,000	Recommendation: \$40,829	Percentage: 74%
--------------------------	---------------------------------	------------------------

SAVA provides crisis intervention, advocacy and counseling to all those affected by sexual violence, as well as prevention education programming in Fort Collins schools. This proposal supports developmentally appropriate education and support addressing: sexual assault, sexual harassment, healthy and unhealthy relationships, boundaries, communication, body image, consent, and safety from trusted adults in their lives.

Teaching Tree Early Childhood Learning Center - Childcare Scholarships

Request: \$55,000	Recommendation: \$55,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Teaching Tree provides accessible and affordable early childhood care and education programs that teach children skills to lower their risk factors and begin kindergarten with social, emotional and academic skills to allow them to learn. The scholarship program significantly reduces the out-of-pocket costs for families.

The Crawford Child Advocacy Center - Fighting Child Sexual Abuse & Maltreatment

Request: \$15,000	Recommendation: \$15,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

The Crawford Child Advocacy Center provides comprehensive response to child abuse working with law enforcement, child protection, prosecution, mental health, medical and victim advocacy to investigate abuse, help children heal from abuse and hold offenders accountable. Program includes direct forensic interviews with children and non-offending family support.

The Family Center / La Familia - Childcare Scholarships

Request: \$55,000	Recommendation: \$55,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

The Family Center / La Familia provides services to help strengthen and stabilize low-income families through affordable child care for infants, toddlers and preschool-aged children, parent and community enrichment programs and adult education. The scholarship program offers childcare tuition discounts for families.

The Matthews House – Family to Family Program

Request: \$25,000	Recommendation: \$25,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

The Matthews House empowers young adults and families in transition to navigate difficulties on the road to self-sufficiency; many have been in foster care, justice system, generational poverty, etc. The Family to Family Program is a holistic intergenerational case management program serving lower-income families and offering peer-to-peer support for parents and children ages 0-18.

The Quarter Project - Girls in Engineering, Math & Science

Request: \$15,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

The Quarter Project offers an afterschool hands-on program for girls from low-income and minority populations to become more confident and comfortable working in a STEM arena. GEMS program is for girls K-5 and teaches foundational concepts through interactive experiments and fun STEM activities.

The Salvation Army - Life Stabilization Assistance

Request: \$25,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

The Salvation Army in Fort Collins offers a variety of programs to support human service needs of vulnerable populations in the community, including rent and utility assistance, transportation assistance, food boxes, clothing and hygiene items, meals, back-to-school items, disaster relief and more. Case management and other support services are also offered.

The Vegetable Connection - Farm to Table Produce Prescriptions

Request: \$40,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

The Vegetable Connection is a local, nonprofit Community Supported Agriculture (CSA) farm that seeks to launch a Produce Prescriptions pilot project in partnership with UC-Health to provide no-cost 'produce prescriptions' of local vegetables to Medicaid patients with diet-related illnesses. Seasonal produce will be provided at the clinics where medical attention is received.

Turning Point Center for Youth & Family Development – Behavioral Health Services

Request: \$40,000	Recommendation: \$0	Percentage: 0%
--------------------------	----------------------------	-----------------------

Turning Point provides mental health, behavioral health and substance abuse treatment services to children and families. Program offers families an individualized continuum of services, from prevention to behavior coaching to wraparound intervention supports.

United Way of Larimer County - Larimer Child Care Fund

Request: \$55,000	Recommendation: \$55,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

UWLC is a community impact organization addressing systems-level change for health and human services. The Childcare Scholarship Fund provides sliding scale scholarships to income-eligible families who receive care through providers of their choice.

Vindeket Foods - Vindeket Market

Request: \$40,000	Recommendation: \$40,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

Vindeket Foods partners with grocery stores, restaurants, & farms to reduce wasted food and ensure all individuals and families feel empowered and dignified in accessing nutritious food and participating in the food system. The program offers a no-cost market that is open to anyone.

Volunteers of America - Home Delivered Meal Service

Request: \$40,000	Recommendation: \$40,000	Percentage: 100%
--------------------------	---------------------------------	-------------------------

The Fort Collins VOA provides services to seniors (60+) who are frail and/or home-bound to help them remain healthy, safe, socially connected and independent. The meal delivery program offers weekly boxed meals or frozen meals and nutrition risk assessments, nutrition education/counseling, information/referral to community resources, etc.

AFFORDABLE HOUSING BOARD (AHB)

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



April 7, 2025

From: Affordable Housing Board, Chair – Stefanie Berganini

To: Human Service and Housing Funding Board

Re: Ranking of Housing Applications in the 2025 Competitive Process

The Affordable Housing Board met on April 3, 2025, and discussed the 7 Housing applications and ranked them in the following priority order:

1. HO 7 VOA - Switchgrass
2. HO 3 Housing Catalyst – Remington Parking Lot
3. HO 5 Loveland Housing Development Corp – Larimer Home Improvement Program (LHIP)
4. HO 2 Fort Collins Habitat for Humanity – Harmony Cottages
5. HO 1 CARE Housing –Windtrail Rehab
6. HO 4 L’Arche Fort Collins – L’Arche Homes at Heartside Hill
7. HO 6 VOA Handyperson Program

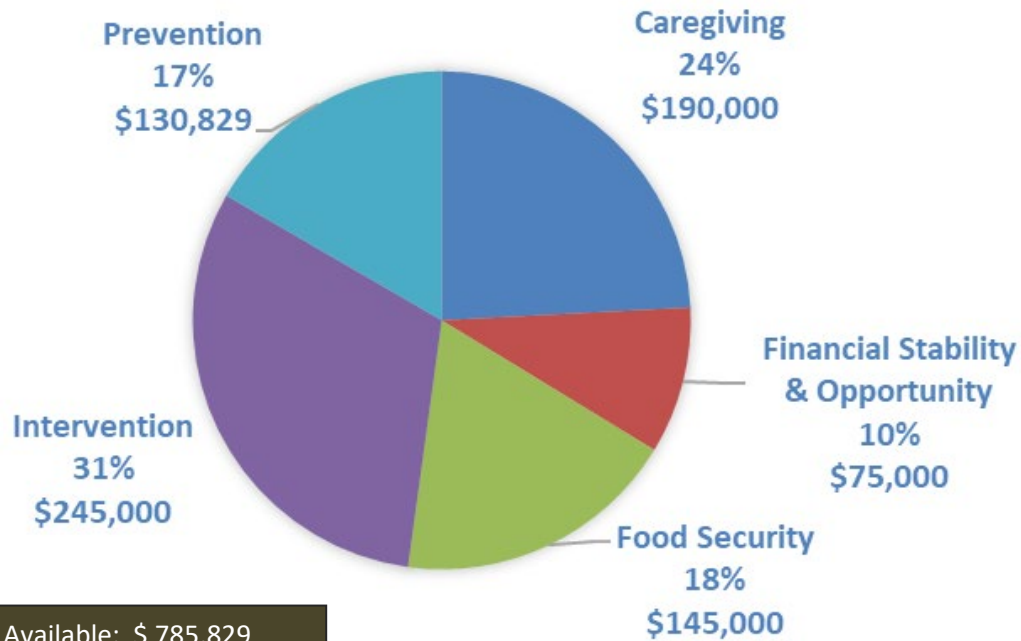
Comments on ranking exercise:

- This was a very difficult round understanding that all applications were for valuable projects and that the amount of funding available was not sufficient to fund all applications.
- The Board prioritized projects bringing new housing units.
- The Board considered readiness to proceed as a factor.
- The Board noted that the Habitat application was the only home ownership application this funding cycle.
- The Board prioritized LHIP as a response to emergency circumstances that put housing at risk.
- The Board appreciates the L’Arche model because it serves a target population (people experiencing disabilities) that is generally lacking in services and housing options.

Note: Members of the Human Services and Housing Funding Board are always invited to attend the Affordable Housing Board’s hybrid meetings (in-person or on Zoom) that occur the first Thursday of each month at 4:00.

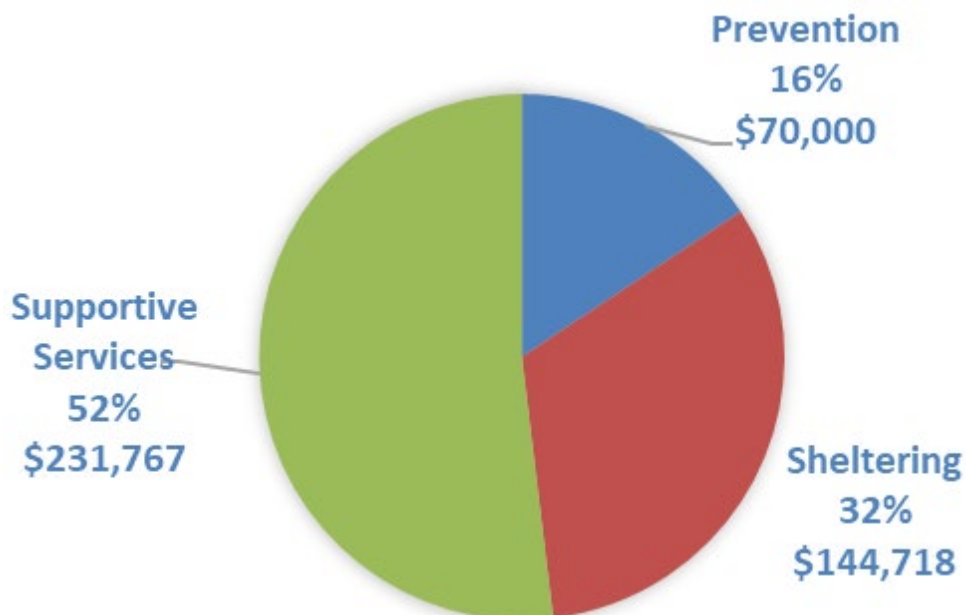
Human Services Priorities

Distribution of FY25 Funding



Homelessness Priorities

Distribution of FY25 Funding



Human Services Funding Recommendations 2025

			Agency	Project	Request	Priority	RECOMMENDED FUNDING
RANKING	SCORE - 100 Total						
1	86.43	HS-3	Alianza NORCO	Bilingual Health Navigation for the Fort Collins Immigrant Community	\$55,000	Intervention	\$55,000
1	86.43	HS-40	Teaching Tree Early Childhood Learning Center	Childcare Scholarships for Low-Income Families	\$55,000	Caregiving	\$55,000
3	86.14	HS-13	ChildSafe Colorado	Child Abuse Treatment Program	\$55,000	Intervention	\$55,000
4	85.14	HS-7	CASA of Larimer County	Court Appointed Special Advocate (CASA)	\$40,000	Prevention	\$40,000
4	85.14	HS-35	Project Self-Sufficiency of Northern Colorado	Career Pathways for Low-Income Single Parents in Fort Collins	\$25,000	Financial Stability & Opportunity	\$25,000
6	84.67	HS-16	Crossroads Safehouse	Family Justice Center	\$40,000	Intervention	\$40,000
7	84.57	HS-24	Food Bank for Larimer County	Fort Collins Fresh Food Share	\$40,000	Food Security	\$40,000
8	84.29	HS-42	The Family Center / La Familia	Childcare Sliding Scale Tuition Scholarships	\$55,000	Caregiving	\$55,000
9	83.43	HS-8	CASA of Larimer County	Family Connections	\$40,000	Intervention	\$40,000
10	83.14	HS-41	The Crawford Child Advocacy Center	Fighting Child Sexual Abuse and Maltreatment	\$15,000	Intervention	\$15,000
11	83.00	HS-36	Respite Care	Childcare Scholarships for Low-Income Families Raising Children with Developmental Disabilities	\$25,000	Caregiving	\$25,000
12	82.57	HS-38	Sexual Assault Victim Advocate Center	Crisis Intervention & Advocacy Services	\$15,000	Intervention	\$15,000
13	82.14	HS-30	McBackpack	Alleviating Food Insecurity for Poudre School District Students	\$25,000	Food Security	\$25,000
14	81.86	HS-43	The Matthews House	Children and Family Services - Family to Family Program	\$25,000	Prevention	\$25,000
15	81.29	HS-50	Volunteers of America	Home Delievered Meals	\$40,000	Food Security	\$40,000
16	81.14	HS-18	Disabled Resource Services	Direct Consumer Assistance	\$25,000	Financial Stability & Opportunity	\$25,000
16	81.14	HS-48	United Way of Larimer County	Larimer County Child Care Fund	\$55,000	Caregiving	\$55,000
18	81.00	HS-49	Vindeket Foods	Vindeket Market	\$40,000	Food Security	\$40,000
19	80.14	HS-6	Care-A-Van / SAINT	SAINT Volunteer Transportation	\$25,000	Financial Stability & Opportunity	\$25,000
20	79.71	HS-5	Boys & Girls Clubs of Larimer County	Positive Youth Development Programming	\$25,000	Caregiving	\$0
21	79.57	HS-1	A Little Help	A Little Help for Older Adults	\$25,000	Intervention	\$25,000
22	78.14	HS-37	Rocky Mountain Youth Medical & Nursing Consultants	Health & Wellness Centers Support for Low-Income Student-Patients	\$25,000	Prevention	\$25,000
23	78.00	HS-27	La Cocina	La Cocina-El Instituto	\$25,000	Intervention	\$0
23	78.00	HS-28	Larimer County Partners - Partners Mentoring	Youth Mentoring and Prevention Education	\$25,000	Prevention	\$0
23	78.00	HS-39	Sexual Assault Victim Advocate Center	Youth Prevention & Education Program	\$55,000	Prevention	\$40,829
26	77.57	HS-45	The Salvation Army	Life Stabilization Assistance	\$25,000	Financial Stability & Opportunity	\$0
27	77.00	HS-11	Center for Family Outreach	Preventing System Involvement and Substance Use for Youth	\$40,000	Prevention	\$0
27	77.00	HS-17	Crossroads Safehouse	Youth Violence Prevention	\$25,000	Prevention	\$0
29	76.57	HS-12	Children's Speech and Reading Center	Therapy Scholarships & Early Literacy	\$25,000	Prevention	\$0
30	76.29	HS-20	Elderhaus Adult Day Program	Direct Care for Fort Collins Residents Living with Disabilities	\$40,000	Caregiving	\$0
31	76.14	HS-4	Boulder Pride - Rocky Mountain Equality	Support for LGBTQ+ Youth	\$55,000	Intervention	\$0
32	74.43	HS-31	Meals on Wheels for Fort Collins	Home Meal Delivery	\$25,000	Food Security	\$0
33	74.29	HS-14	Colorado Health Network - NCAP	Food Bank Program	\$15,000	Food Security	\$0
34	72.00	HS-21	Ensight Skills Center	Low Vision Rehabilitaion Care and Support Services	\$25,000	Intervention	\$0
35	71.71	HS-29	Lighthouse	Supportive Case Management for Substance Abuse Recovery	\$25,000	Intervention	\$0
36	71.67	HS-9	Catholic Charities	Older Adult Community Case Management	\$55,000	Intervention	\$0

37	70.86	HS-23	Feeding Our Community Ourselves - FoCo Café	Meal Exchange Program	\$25,000	Food Security	\$0
38	70.29	HS-44	The Quarter Project	GEMS - Girls in Engineering, Math & Science	\$15,000	Financial Stability & Opportunity	\$0
39	70.14	HS-47	Turning Point Center for Youth and Family Development	Fort Collins Behavioral Health Intervention Support Services	\$40,000	Intervention	\$0
40	67.86	HS-15	Colorado Youth for a Change	Educational Support Programs	\$25,000	Prevention	\$0
41	67.43	HS-10	Center for Community Partnerships	The Belong Program	\$25,000	Financial Stability & Opportunity	\$0
42	67.14	HS-19	Easterseals Colorado	Employment Services	\$15,000	Financial Stability & Opportunity	\$0
43	66.29	HS-25	Healing Warriors Program	Veteran Suicide Prevention for Low Income and Fort Collins Seniors	\$40,000	Prevention	\$0
44	65.29	HS-32	Mercy Housing Mountain Plains	Fort Collins Resident Services Program	\$25,000	Prevention	\$0
45	65.00	HS-2	Abundance Foundation	Recovery Program - Prosocial Activities	\$15,000	Intervention	\$0
46	64.86	HS-34	Pathways	Pathways Hospice CAPABLE Program	\$55,000	Intervention	\$0
47	59.29	HS-22	Exceptional Kids	Facility Modification to Provide Independent Access	\$15,000	Caregiving	\$0
47	59.29	HS-33	Partnership for Age-Friendly Communities	Age-Friendly Workforce Initiative	\$40,000	Financial Stability & Opportunity	\$0
49	55.43	HS-46	The Vegetable Connection	Farm to Table Produce Prescriptions for Fort Collins	\$40,000	Food Security	\$0
50	48.57	HS-26	L'Arche Fort Collins	Neurodivergent Friendly Community	\$25,000	Intervention	\$0
			TOTAL:		\$1,630,000		\$785,829

2025 Funding Recommendations - Homelessness Response & Prevention										
RANKING	SCORE - 100 Total		Agency	Project	Request	Priority		RECOMMENDED FUNDING		
1	87.57	HRP-5	Homeward Alliance	Programs at the Murphy Center	\$40,000	Supportive Services		\$40,000		
2	87.33	CDBG-2	Crossroads Safehouse	Domestic Violence Emergency Shelter	\$70,000	Sheltering		\$72,359	CDBG Funds 41% Share	
3	87.00	HRP-4	Homeward Alliance	Family Services	\$40,000	Supportive Services		\$40,000		
4	86.00	CDBG-1	Catholic Charities	Samaritan House 24/7 Emergency Shelter Operations	\$70,000	Sheltering		\$72,359	CDBG Funds 41% Share	
5	85.57	CDBG-4	Neighbor to Neighbor	N2N Housing Solutions	\$70,000	Prevention		\$70,000		
6	83.67	HRP-11	United Way of Weld County / Homeward Alliance	Coordinated Assessment Housing Placement System	\$40,000	Supportive Services		\$40,000		
7	82.14	CDBG-3	Family Housing Network	Shelter Programs at FHN	\$40,000	Supportive Services		\$31,767	CDBG Funds 18% Share	
8	81.14	HRP-10	The Matthews House	Services for Youth and Young Adults Experiencing Homelessness in Fort Collins	\$25,000	Supportive Services		\$25,000		
9	80.29	HRP-1	Catholic Charities	Samaritan House Extended Stay Case Management	\$55,000	Supportive Services		\$55,000		
10	79.71	HRP-3	Family Housing Network	Sherwood House - Bridge Housing	\$25,000	Sheltering		\$0		
11	79.29	HRP-7	Outreach Fort Collins	OFC Client Holistic Support	\$40,000	Supportive Services		\$0		
12	78.14	HRP-2	Denver Rescue Mission	FCRM 24/7 Shelter Personnel	\$70,000	Sheltering		\$0		
13	73.57	HRP-9	Poudre School District	Poudre School District Homeless Education	\$70,000	Prevention		\$0		
14	64.71	HRP-8	Poudre River Public Library District	Social Service Interventions for Unhoused Library Customers	\$25,000	Supportive Services		\$0		
15	59.57	HRP-6	Lutheran Campus Ministry at CSU	Student Housing Security Initiative	\$25,000	Sheltering		\$0		
				TOTAL:	\$705,000			\$446,485		

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



HUMAN SERVICES AND HOUSING FUNDING BOARD SPECIAL MEETING

Wednesday, April 29, 2025 – 5:30 PM

In-Person at 222 Laporte Avenue, Colorado River Conference Room and online via TEAMS Video Call.

1. CALL TO ORDER: 5:39 PM

2. ROLL CALL

- Board Members Present –
 - Erma Woodfin, Chair
 - Lori Warren, Vice Chair
 - Olga Duvall
 - Michaela Ruppert
 - Chris Coy
 - Christine Koepnick
 - Mike Kulisheck
- Board Members Excused –
 - Jan Stallones
- Staff Members Present –
 - Adam Molzer, Staff Liaison, Social Sustainability – City of Fort Collins
 - Jessi Kauffmann, Social Sustainability – City of Fort Collins
 - Halley Pucker, Social Sustainability – City of Fort Collins
 - Beth Rosen, Social Sustainability – City of Fort Collins
 - Sue Beck-Ferkiss – Social Sustainability - City of Fort Collins
 - Beth Yonce – Social Sustainability – City of Fort Collins
 - Vanessa Fenley - Social Sustainability – City of Fort Collins
 - Marcy Yoder – Neighborhood Services – City of Fort Collins
 - Brittany Depew – Social Sustainability – City of Fort Collins
- Guest(s) –
 - Annette Zacharias
 - Claire Bouchard
 - Donna “D” Lopez
 - Dustin Barrington
 - Kristin Fritz
 - Paula Ordaz
 - Tim Pierz
 - Kimberly Conner
 - Elizabeth Lok
 - Bob Pawlikowski
 - Jonathan Lemar
 - Linda Wright
 - Kim Iwanski

Due to the duration and extent of the preliminary grant review, the summary of the meeting reflected in the minutes below may not include all details of the HSHF Board's discussion. For further information, details and insight and video recording, contact the HSHF Board staff liaison.

3. AGENDA REVIEW – Adam Molzer reviewed the agenda. The Board accepted the agenda without modification.

4. CITIZEN PARTICIPATION –

Guests from the public introduced themselves. No additional public comments.

5. APPROVAL OF MINUTES – April 9, 2025 Regular Meeting

Erma Woodfin motioned to approve the April 9, 2025 Human Services and Housing Funding Board regular meeting minutes as presented. Chris Coy seconded. Approved 7-0.

6. UNFINISHED BUSINESS – None.

7. NEW BUSINESS

- **Deliberations to Formulate Funding Recommendations** – CDBG Public Service and Homelessness Response & Prevention
- Adam Molzer provided a review of the deliberations protocol and funding available: (CDBG \$170,000 and Homelessness Response \$270,000). The funding recommendations will be shared with Council in June.

CDBG – A total of 4 CDBG proposals were submitted, requesting \$250,000

- Olga Duvall motioned to support funding for CDBG-2 Crossroads Safehouse at \$70,000 (equivalent of approx. 41% of available CDBG Public Service funds). Chris Coy seconded. Approved 6-0. 1 recusal - Lori Warren.
- Olga Duvall motioned to support funding for CDBG-1 Catholic Charities at \$70,000 (equivalent of approx. 41% of available CDBG Public Service funds). Erma Woodfin seconded. Approved 7-0.
- The Board engaged in discussion about moving CDBG-4 Neighbor to Neighbor over to the Homelessness Response section.
- Lori Warren motioned to move CDBG-4 Neighbor to Neighbor over to the Homelessness Response funding category. Erma Woodfin seconded. Approved 6-1. Opposed by Chris Coy.
- Olga Duvall motioned to support funding for CDBG-3 Family Housing Network at \$30,000 (equivalent of approx. 18% of available CDBG Public Service funds).. Lori Warren seconded. Approved 7-0.
- Chris Coy motioned to approve the funding slate as presented. Michaela Ruppert seconded. Approved 7-0.

Homelessness – A total of 11 Homelessness proposals were submitted, requesting \$455,000

- Olga Duvall motioned to support funding for HRP-5 Homeward Alliance Murphy Center at \$40,000. Chris Coy seconded. Approved 7-0.
- Olga Duvall motioned to support funding for HRP-4 Homeward Alliance Family Services at \$40,000. Lori Warren seconded. Approved 4-2. Erma Woodfin abstained.
- Erma Woodfin motioned to issue a re-vote on HRP-4 at \$40,000. Chris Coy seconded. Approved 5-2. Opposed by Chris Coy and Christine Koepnick.
- Olga Duvall motioned to support funding for CDBG-4 Neighbor to Neighbor at \$70,000. Erma Woodfin seconded. Approved 6-1. Opposed by Chris Coy.
- Olga Duvall motioned to support funding for HRP-11 United Way of Weld County at \$40,000. Mike Kulisheck seconded. Approved 6-0. Christine Koepnick recused.
- Lori Warren motioned to support funding for HRP-10 The Matthews House at \$25,000. Olga Duvall seconded. Approved 7-0.
- Chris Coy motioned to support funding for HRP-1 Catholic Charities at \$55,000. Olga Duvall seconded. Approved 4-2. Christine Koepnick abstained. Opposed by Lori Warren and Erma Woodfin.
- Lori Warren motioned to support funding for HRP-3 Family Housing Network at \$0. Michaela Ruppert seconded. Approved 7-0.
- Chris Coy motioned to support funding for HRP-7 Outreach Fort Collins at \$0. Mike Kulisheck seconded. Approved 5-2. Opposed by Christine Koepnick and Michaela Ruppert.
- Erma Woodfin motioned to support funding for HRP-2 Denver Rescue Mission at \$0. Mike Kulisheck seconded. Approved 5-2. Opposed by Chris Coy and Lori Warren.
- Olga Duvall motioned to support funding for HRP-9 Poudre School District at \$0. Erma Woodfin seconded. Approved 6-1. Opposed by Chris Coy.
- Michaela Ruppert motioned to support funding for HRP-8 Poudre River Public Library at \$0. Chris Coy seconded. Approved 7-0.
- Chris Coy motioned to support funding for HRP-6 Lutheran Campus Ministry at \$0. Lori Warren seconded. Approved 6-1. Opposed by Erma Woodfin.
- Erma Woodfin motioned to approve the funding slate as presented. Olga Duvall seconded. Approved 7-0.
- Erma Woodfin motioned to approve the funding slate for CDBG & HRP as presented. Olga Duvall seconded. Approved 7-0.
- **Deliberations to Formulate Project Ranked Order for Funding - Affordable Housing**

- A total of 7 proposals were submitted, requesting \$4.4 million total for housing projects and programs. Adam Molzer explained that the Board would first vote to support funding for each project, then rank each project in order of priority.
- Beth Rosen provided an overview of the funding considerations and reviewed the Housing Strategic Plan goals, encouraging Board members to consider how each project relates to these goals when making their decisions.
- Erma Woodfin motioned to consider funding for HO-1 CARE Housing. Michaela Ruppert seconded. Approved 6-1. Opposed by Chris Coy.
- Erma Woodfin motioned to consider funding for HO-2 Fort Collins Habitat for Humanity. Olga Duvall seconded. Approved 7-0.
- Michaela Ruppert motioned to consider funding for HO-3 Housing Catalyst. Chris Coy seconded. Approved 5-2. Opposed by Chris Coy and Lori Warren.
- Chris Coy motioned to consider funding for HO-4 L'Arche Fort Collins. Olga Duvall seconded. The motion fails 4-3. Opposed by Chris Coy, Christine Koepnick, Lori Warren, and Erma Woodfin.
- Lori Warren motioned to consider funding for HO-5 Loveland Housing Development Corp. Michaela Ruppert seconded. Approved 7-0.
- Chris Coy motioned to consider funding for HO-6 Volunteers of America Handyperson Program. Lori Warren seconded. Approved 7-0.
- Erma Woodfin motioned to consider funding for HO-7 Volunteers of America Switchgrass Crossing. Michaela Ruppert seconded. Approved 7-0.
- The board engaged in discussion around separating out the Habitat for Humanity request into two parts, HO-2A and HO-2B. This was agreed and applied to the priority ranked order below.
- Erma Woodfin motioned to recommend allocating funding to all supported projects in rank order until the funds are exhausted. If a project later withdraws their proposal, funding would be made available to the next eligible prioritized project. Chris Coy seconded. The final priority ranking list was presented as follows:

Priority #1: HO-2.A Fort Collins Habitat for Humanity Homes

Priority #2: HO-1 CARE Communities

Priority #3: HO-5 Loveland Housing Development

Priority #4: HO-6 Volunteers of America Handyperson

Priority #5: HO-7 Volunteers of America Switchgrass Crossing

Priority #6: HO-2.B Fort Collins Habitat for Humanity Amenities

Priority #7: HO-3 Housing Catalyst Remington

Erma Woodfin motioned to pass the FY25 Affordable Housing prioritization as presented. Chris Coy seconded. Approved 7-0.

Housing projects are ranked in priority order. If a project receives funding through the City from another source and/or withdraws their proposal, the funding recommendation will be withdrawn, and funds will be made available to the next eligible, prioritized project.

8. BOARD MEMBER REPORTS – None.

9. STAFF REPORTS – None.

10. OTHER BUSINESS – None.

11. ADJOURNMENT

- **Meeting was adjourned at 8:38 pm.**

Minutes approved by the Chair and a vote of the Board on 05/14/2025.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



HUMAN SERVICES AND HOUSING FUNDING BOARD SPECIAL MEETING

Wednesday, April 30, 2025 – 4:00 PM

In-Person at 222 Laporte Avenue, Colorado River Conference Room and online via TEAMS Video Call.

1. CALL TO ORDER: 4:06 PM

2. ROLL CALL

- Board Members Present –
 - Erma Woodfin, Chair
 - Lori Warren, Vice Chair
 - Olga Duvall
 - Michaela Ruppert
 - Chris Coy
 - Christine Koepnick
 - Mike Kulisheck
- Board Members Excused –
 - Jan Stallones
- Staff Members Present –
 - Adam Molzer, Staff Liaison, Social Sustainability – City of Fort Collins
 - Jessi Kauffmann, Social Sustainability – City of Fort Collins
 - Halley Pucker, Social Sustainability – City of Fort Collins
 - Beth Rosen, Social Sustainability – City of Fort Collins
 - Beth Yonce – Social Sustainability – City of Fort Collins
 - Tamra Leavenworth - Social Sustainability – City of Fort Collins
 - Brittany Depew - Social Sustainability – City of Fort Collins
- Guest(s) –
 - Tim Pierz
 - Elizabeth Lok
 - Bob Pawlikowski
 - Hope Cornelis-Moore
 - Runeela Jalal
 - Jodi Terwilliger-Stacey
 - Kyla Pfeif
 - Lorye McLeod
 - Sharlene Johnson
 - Kaley Hunyen
 - Dexter Beasley
 - Annie Lindgren
 - Brennen Barber
 - Marianne Black
 - Zoe Broughton

- Devin Barth
- Lynn Grasso
- Jen Stover

Due to the duration and extent of the preliminary grant review, the summary of the meeting reflected in the minutes below may not include all details of the HSHF Board's discussion. For further information, details and insight and video recording, contact the HSHF Board staff liaison.

3. AGENDA REVIEW – Adam Molzer reviewed the agenda. The Board accepted the agenda without modification.

4. CITIZEN PARTICIPATION –

Guests from the public introduced themselves. No additional public comments.

5. UNFINISHED BUSINESS –

- **Board Decision on Potential Funding for Homelessness in 2026**
- This board is to decide how any potential new dollars are to be assigned if in a situation next year where the local general fund budget has new funds or returned funds above what has been awarded.
- The board engaged in discussion surrounding various organizations to receive the potential funding.

Lori Warren motioned to approve a plan to allocate any new or returned dollars next year to CDBG-3 Family Housing Network and HRP-7 Outreach Fort Collins, in the listed order and not to exceed their original requests. Chris Coy seconded.
Approved 6-1. Opposed by Erma Woodfin.

6. NEW BUSINESS

- **Deliberations to Formulate Funding Recommendations – Human Services**
 Adam Molzer provided a review of the deliberations protocol and funding available (\$785,829). Adam reviewed the scorecard criteria and ranking spreadsheet. He noted that funding recommendations will go before City Council in June and the grant cycle will begin in October 2025. This is a two-year grant cycle.
 Deliberations protocol has Board members begin at the top of the ranking list, with each proposal open to further discussion. Funding recommendations will be made with a first and second motion, and friendly amendments are permitted.
- **HS-3 Alianza NORCO**
 Motion by Erma Woodfin to fund at \$55,000. Seconded by Chris Coy. Approved 7-0.
- **HS-40 Teaching Tree**
 Motion by Michaela Ruppert to fund at \$55,000. Seconded by Chris Coy. Approved 7-0.
- **HS-13 ChildSafe Colorado**
 Motion by Chris Coy to fund at \$55,000. Seconded by Erma Woodfin. Approved 7-0.
- **HS-7 CASA of Larimer County**
 Motion by Chris Coy to fund at \$40,000. Seconded by Lori Warren. Approved 7-0.
- **HS-35 Project Self-Sufficiency of Northern Colorado**
 Motion by Olga Duvall to fund at \$25,000. Seconded by Michaela Ruppert. Approved 6-1.

Opposed by Chris Coy.

- **HS-16 Crossroads Safehouse**
Motion by Erma Woodfin to fund at \$40,000. Seconded by Olga Duvall. Approved 5-1. Opposed by Chris Coy. Lori Warren recused.
- **HS-24 Food Bank for Larimer County**
Motion by Erma Woodfin to fund at \$40,000. Seconded by Olga Duvall. Approved 7-0.
- **HS-42 The Family Center/La Familia**
Motion by Olga Duvall to fund at \$55,000. Seconded by Christine Koepnick. Approved 7-0.
- **HS-8 CASA of Larimer County**
Motion by Chris Coy to fund at \$20,000. Seconded by Lori Warren. Approved 7-0.
- **HS-41 The Crawford Child Advocacy Center**
Motion by Erma Woodfin to fund at \$15,000. Seconded by Chris Coy. Approved 7-0.
- **HS-36 Respite Care**
Motion by Olga Duvall to fund at \$25,000. Seconded by Mike Kulisheck. Approved 4-3. Opposed by Chris Coy, Lori Warren, and Erma Woodfin.
- **HS-38 Sexual Assault Victim Advocate Center**
Motion by Lori Warren to fund at \$25,000. Seconded by Michaela Ruppert. Approved 7-0.
- **HS-30 McBackpack**
Motion by Erma Woodfin to fund at \$25,000. Seconded by Lori Warren. Approved 7-0.
- **HS-43 The Matthews House**
Motion by Olga Duvall to fund at \$25,000. Seconded by Christine Koepnick. Approved 4-3. Opposed by Chris Coy, Michaela Ruppert, and Erma Woodfin.
- **HS-50 Volunteers of America**
Motion by Erma Woodfin to fund at \$40,000. Seconded by Olga Duvall. Approved 7-0.
- **HS-18 Disabled Resource Services**
Motion by Erma Woodfin to fund at \$40,000. Seconded by Chris Coy. Approved 7-0.
- **HS-48 United Way of Larimer County**
Motion by Erma Woodfin to fund at \$55,000. Seconded by Chris Coy. Approved 7-0.
- **HS-49 Vindeket Foods**
Motion by Erma Woodfin to fund at \$40,000. Seconded by Olga Duvall. Approved 7-0.
- **HS-6 Care-A-Van/SAINT**
Motion by Erma Woodfin to fund at \$25,000. Seconded by Chris Coy. Approved 4-3. Opposed by Mike K, Christine Koepnick, and Lori Warren.
- **HS-5 Boys & Girls Clubs of Larimer County**
Motion by Erma Woodfin to fund at \$25,000. Seconded by Olga Duvall. The motion fails 3-4. Opposed by Chris Coy, Christine Koepnick, Michaela Ruppert, Lori Warren. The board engaged in discussion. Michaela Ruppert shared hesitation to fund a program with a large recognized national name and resource reach and would prefer to support smaller grassroots organizations.

Motion by Lori Warren to fund at \$0. Seconded by Christine Koepnick. Approved 4-3. Opposed by Mike Kulisheck, Olga Duvall, and Erma Woodfin.
- **HS-1 A Little Help**

Motion by Erma Woodfin to fund at \$25,000. Seconded by Michalea Ruppert. Approved 5-2.
Opposed by Chris Coy and Erma Woodfin.

- **HS-37 Rocky Mountain Youth Medical & Nursing Consultants**
Motion by Erma Woodfin to fund at \$25,000. Seconded by Michaela Ruppert. Approved 5-2.
Opposed by Chris Coy, Olga Duvall. The board engaged in discussion. Olga Duvall shared hesitation to fund a program supporting a narrow group of people vs. others that serve a larger population.
- **HS-27 La Cocina**
Motion by Chris Coy to fund at \$0. Seconded by Lori Warren. Approved 7-0.
- **HS-28 Larimer County Partners – Partners Mentoring**
Motion by Lori Warren to fund at \$0. Seconded by Chris Coy. Approved 7-0.
- **HS-39 Sexual Assault Victim Advocate Center**
Motion by Erma Woodfin to fund at \$40,829. Seconded by Mike Kulisheck. Approved 5-1.
Opposed by Chris Coy. Michaela Ruppert abstained.
- **HS-45 Salvation Army**
Motion by Erma Woodfin to fund at \$0. Seconded by Chris Coy. Approved 6-1. Opposed by Lori Warren.
- Lori Warren had to leave for another obligation and was excused for the remainder of the meeting.
- **HS-11 Center for Family Outreach**
Motion by Chris Coy to fund at \$0. Seconded by Michaela Ruppert. Approved 6-0.
- **HS-17 Crossroads Safehouse**
Motion by Erma Woodfin to fund at \$0. Seconded by Chris Coy. Approved 6-0.
- **HS-12 Children’s Speech and Reading Center**
Motion by Chris Coy to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.
- **HS-20 Elderhaus Adult Day Program**
Motion by Michaela Ruppert to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.
- **HS-4 Boulder Pride – Rocky Mountain Equality**
Motion by Erma Woodfin to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.
- **HS-31 Meals on Wheels for Fort Collins**
Motion by Michaela Ruppert to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.
- **HS-14 Colorado Health Network**
Motion by Erma Woodfin to fund at \$0. Seconded by Olga Duvall. Approved 6-0.
- **HS-21 Ensign Skills Center**
Motion by Erma Woodfin to fund at \$0. Seconded by Chris Coy. Approved 6-0.
- **HS-29 Lighthouse**
Motion by Erma Woodfin to fund at \$0. Seconded by Chris Coy. Approved 6-0.
- **HS-9 Catholic Charities**
Motion by Erma Woodfin to fund at \$0. Seconded by Christine Koepnick. Approved 5-0.
1 recusal, Chris Coy.
- **HS-23 Feeding Our Community Ourselves – FoCo Café**

Motion by Erma Woodfin to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.

- **HS-44 The Quarter Project**
Motion by Erma Woodfin to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.
- **HS-47 Turning Point Center for Youth and Family Development**
Motion by Erma Woodfin to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.
- **HS-15 Colorado Youth for a Change**
Motion by Erma Woodfin to fund at \$0. Seconded by Michaela Ruppert. Approved 6-0.
- **HS-10 Center for Community Partnerships**
Motion by Erma Woodfin to fund at \$0. Seconded by Chris Coy. Approved 6-0.
- **HS-19 Easterseals Colorado**
Motion by Erma Woodfin to fund at \$0. Seconded by Chris Coy. Approved 6-0.
- **HS-25 Healing Warriors Program**
Motion by Erma Woodfin to fund at \$0. Seconded by Chris Coy. Approved 6-0.
- **HS-32 Mercy Housing Mountain Plains**
Motion by Erma Woodfin to fund at \$0. Seconded by Chris Coy. Approved 6-0.
- **HS-2 Abundance Foundation**
Motion by Erma Woodfin to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.
- **HS-34 Pathways**
Motion by Erma Woodfin to fund at \$0. Seconded by Michaela Ruppert. Approved 6-0.
- **HS-22 Exceptional Kids**
Motion by Erma Woodfin to fund at \$0. Seconded by Michaela Ruppert. Approved 6-0.
- **HS-33 Partnership for Age-Friendly Communities**
Motion by Erma Woodfin to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.
- **HS-46 The Vegetable Connection**
Motion by Erma Woodfin to fund at \$0. Seconded by Chris Coy. Approved 6-0.
- **HS-26 L'Arche Fort Collins**
Motion by Erma Woodfin to fund at \$0. Seconded by Christine Koepnick. Approved 6-0.

Slate Proposals:

Motion by Erma Woodfin to adopt the recommended funding slate for Human Services true dollars and percentages as discussed and presented. Seconded by Chris Coy. Approved 6-0. Lori Warren excused.

Adam Molzer applauded the Board members for the work done in Housing, Homelessness and Human Services over the last few months and weeks.

- **Board Decision on Potential Additional Human Services Funding in 2026**
 - The board was asked to decide how any potential additional new dollars that may become available in 2026 should be assigned.
 - The board engaged in discussion surrounding various organizations to receive the potential funding.

**Motion by Mike Kulisheck to fully fund HS-39 SAVA with potential additional funding.
Seconded by Chris Coy**

Motion by Erma Woodfin to fund HS-27 La Cocina with potential additional funding after SAVA is fully funded. Seconded by Michaela Ruppert. Approved 5-1.

7. BOARD MEMBER REPORTS – None.

8. STAFF REPORTS –

Adam shared recognition for Beth Yonce’s service to the City over the last 30 years and her upcoming retirement this summer.

9. OTHER BUSINESS – None.

10. ADJOURNMENT

- **Meeting was adjourned at 7:04 pm.**

Minutes approved by the Chair and a vote of the Board on 05/14/2025

RESOLUTION 2025-065
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 APPROVING THE PROGRAMS AND PROJECTS THAT WILL RECEIVE FUNDS
 FROM THE FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM,
 THE HOME INVESTMENT PARTNERSHIPS PROGRAM,
 THE CITY'S AFFORDABLE HOUSING FUND, THE
 CITY'S HUMAN SERVICES PROGRAM, AND THE CITY'S HOMELESSNESS
 RESPONSE AND PREVENTION PROGRAM

A. The Community Development Block Grant ("CDBG") Program and the Home Investment Partnerships ("HOME") Program are ongoing grant administration programs funded by the United States Department of Housing and Urban Development ("HUD").

B. The City has received CDBG Program funds since 1975 and HOME program funds since 1994.

C. The City Council has budgeted Affordable Housing Fund ("AHF"), Human Services Program ("HSP"), and Homeless Response Program ("HRP") monies from the General Fund and the General Fund 0.25% Other Community Priorities for use in assisting affordable housing programs and projects and community development activities.

D. On January 18, 2000, the City Council adopted Resolution 2000-013, formally adopting a competitive process for the allocation of City financial resources to affordable housing programs and projects and community development activities. On January 20, 2015, the City Council adopted Resolution 2015-009, adopting a revised competitive process that changed the process from two annual funding cycles, in the spring and fall, to one funding cycle in the spring, with the fall funding cycle being optional and used only when funds are available that were not allocated in the spring or were returned to the City.

E. The Human Services and Housing Funding ("HSHF") Board reviewed applications for the current funding cycle, listened to presentations by applicants, and asked clarifying questions. The current funding cycle includes Fiscal Year 2025 funding for Housing, Human Services, Homelessness Response, CDBG Public Service, and Planning and Administration. The HSHF also seeks to award funding for Fiscal Year 2026 for Human Services, Homelessness Response and a portion of CDBG Public Service funding. The Fiscal Year 2026 Housing and Planning and Administration recommendations will be submitted for Council consideration in a separate Resolution in Spring 2026.

F. In the Housing category, the HSHF Board also reviewed priority rankings from the Affordable Housing Board, the goals of the Affordable Housing Strategic Plan, and the priorities of the HUD-required Five-Year Consolidated Plan.

G. In the Homelessness, CDBG Public Service, and Human Service categories, the HSHF considered the performance of current grantees, the priority areas of the Human Services and Homelessness Priority Platforms, community needs and the program's potential to address community needs.

H. The HSHF Board met on April 29 and 30, 2025, to deliberate and prepare a recommendation to the City Council as to which programs and projects should be funded.

I. As required by HUD regulations and the City's Citizen Participation Plan, a 30-day comment period began on May 15, 2025 and any comments will be recorded and reported to HUD in August.

J. The City Council has considered the recommendations of the HSHF Board and has determined that the City's CDBG, HOME, AHF, HSP and HRP allocation should be made as set out in this Resolution.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby authorizes City staff to submit an application to HUD based on the following recommended funding allocations:

Planning and Administration Category

Applicant Project/Program	Funding Request	Recommended Funding FY25	Unfunded Balance	Percent of Request Funded
City of Fort Collins: CDBG Planning/Administration	\$ 235,313	\$ 235,313	\$ 0	100%
City of Fort Collins: HOME Planning/Administration	\$ 78,315	\$ 78,315	\$ 0	100%
City of Fort Collins: Affordable Housing Fund	\$ 55,000	\$ 55,000	\$ 0	100%
Planning/Administration Total	\$ 368,628	\$ 368,628	\$ 0	100%

Housing Category

Applicant Project/Program	Funding Request	HS&HF Board's Prioritized Ranking	Recommended Funding FY25	Unfunded Balance	Percent of Request Funded
CARE Communities: Windtrail Park Rehab	\$ 1,000,000	# 2	\$ 1,000,000	\$ 0	100%

Fort Collins Habitat for Humanity: Harmony Cottages Homes	\$ 200,000	# 1	\$ 200,000	\$ 0	100%
Fort Collins Habitat for Humanity: Harmony Cottages Amenities	\$ 338,000	# 6	\$ 0	\$ 338,000	0%
Housing Catalyst: Remington Parking Lot	\$ 1,250,000	# 7	\$ 0	\$ 1,250,000	0%
L'Arche Fort Collins: L'Arche Homes at Heartside Hill	\$ 150,000	Not Advanced For Ranking	\$ 0	\$150,000	0%
Loveland Housing Development Corp: Larimer Home Improvement Program	\$ 150,000	# 3	\$ 150,000	\$ 0	100%
Volunteers of America: Handyperson Program	\$25,000	# 4	\$25,000	\$ 0	100%
Volunteers of America National Service: Switchgrass Crossing	\$1,250,000	# 5	\$ 1,215,574	\$ 34,426	97%
Housing Total	\$ 4,363,000		\$ 2,590,574	\$ 1,772,426	

Homelessness Response & Prevention, including CDBG Public Service Category

[Note: These programs are eligible to receive a proportional share of the CDBG Public Service ("CDBG/PS") funds, which will be renewed annually until the City's current HUD consolidated Plan expires in September 2030.]

Applicant Project/Program	Funding Request	HS&HF Board's Recommended Funding FY25	HS&HF Board's Recommended Funding FY26*	Unfunded Balance FY25	Percent of Request Funded
Catholic Charities: Samaritan House 24/7 Emergency Shelter Operations ~ CDBG Public Service eligible ~	\$ 70,000	41% of CDBG/PS \$ = \$72,359 for FY25	41% of CDBG/PS \$ CDBG/PS FY26 Funding Amount	\$ 0	103%

			Determined in Spring 2026		
Catholic Charities: Samaritan House Extended Stay Case Management	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
Crossroads Safehouse: Domestic Violence Emergency Shelter ~ CDBG Public Service eligible ~	\$ 70,000	41% of CDBG/PS \$ = \$72,359 for FY25	41% of CDBG/PS \$ CDBG/PS FY26 Funding Amount Determined in Spring 2026	\$ 0	103%
Denver Rescue Mission: FCRM 24/7 Shelter Personnel	\$ 70,000	\$ 0	\$ 0	\$ 70,000	0%
Family Housing Network: Shelter Programs at FHN ~ CDBG Public Service eligible ~	\$ 40,000	18% of CDBG/PS \$ = \$31,767 for FY25	18% of CDBG/PS \$ CDBG/PS FY26 Funding Amount Determined in Spring 2026 **	\$ 8,233	79%
Family Housing Network: Sherwood House – Bridge Housing	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Homeward Alliance: Family Services	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Homeward Alliance: Programs at the Murphy Center	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Lutheran Campus Ministry at CSU: Student Housing Security Initiative	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Neighbor to Neighbor: N2N Housing Solutions	\$ 70,000	\$ 70,000	\$ 70,000	\$ 0	100%
Outreach Fort Collins: OFC Client Holistic Support	\$ 40,000	\$ 0	\$ 0 **	\$ 40,000	0%
Poudre River Public Library	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%

District: Social Service Interventions for Unhoused Library Customers					
Poudre School District: PSD Homeless Education	\$ 70,000	\$ 0	\$ 0	\$ 70,000	0%
The Matthews House: Services for Youth and Young Adults Experiencing Homelessness in Fort Collins	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
United Way of Weld County: Coordinated Assessment Housing Placement System ~ transitioning to Homeward Alliance	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Homelessness Response & Prevention Total	\$ 705,000	\$ 446,485	\$ 270,000 + CDBG/PS Share of Approx. \$170,000	\$ 258,515	63%

* FY26 grant awards are contingent upon budget availability and subrecipient eligibility.

** If additional general fund dollars in excess of the current \$270,000 budget are assigned in FY26, the HS&HF Board recommends: 1) fulfilling the Family Housing Network: Shelter Programs program up to its original request amount; 2) awarding remaining funding to the Outreach Fort Collins: OFC Client Holistic Support program.

Human Service Category

Applicant Project/Program	Funding Request	HS&HF Board's Recommended Funding FY25	HS&HF Board's Recommended Funding FY26*	Unfunded Balance FY25	Percent of Request Funded
A Little Help: A Little Help for Older Adults	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%

Abundance Foundation: Recovery Program – Prosocial Activities	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
Alianza NORCO: Bilingual Health Navigation for the Fort Collins Immigrant Community	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
Boulder Pride - Rocky Mountain Equality: Support for LGBTQ+ Youth	\$ 55,000	\$ 0	\$ 0	\$ 55,000	0%
Boys & Girls Clubs of Larimer County: Positive Youth Development Programming	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Care-A-Van/SAINT: SAINT Volunteer Transportation	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
CASA of Larimer County: Court Appointed Special Advocates CASA	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
CASA of Larimer County: Family Connections	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Catholic Charities: Older Adult Community Case Management	\$ 55,000	\$ 0	\$ 0	\$ 55,000	0%
Center for Community Partnerships: The Belong Program	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Center for Family Outreach: Preventing System Involvement and Substance Use for Youth	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
Children's Speech and Reading Center: Therapy Scholarships & Early Literacy	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%

ChildSafe Colorado: Child Abuse Treatment Program	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
Colorado Health Network – NCAP: Food Bank Program	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
Colorado Youth for a Change: Educational Support Programs	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Crossroads Safehouse: Family Justice Center	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Crossroads Safehouse: Youth Violence Prevention	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Disabled Resource Services: Direct Consumer Assistance	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Easterseals Colorado: Employment Services	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
Elderhaus Adult Day Program: Direct Care for Fort Collins Residents Living with Disabilities	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
Ensign Skills Center: Low Vision Rehabilitation Care and Support Services	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Exceptional Kids: Facility Modification to Provide Independent Access	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
Feeding Our Community Ourselves - FoCo Café: Meal Exchange Program	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%

Food Bank for Larimer County: Fort Collins Fresh Food Share	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Healing Warriors Program: Veteran Suicide Prevention for Low Income and Fort Collins Seniors	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
L'Arche Fort Collins: Neurodivergent Friendly Community	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
La Cocina: El Instituto	\$ 25,000	\$ 0	\$ 0 **	\$ 25,000	0%
Larimer County Partners - Partners Mentoring: Youth Mentoring and Prevention Education	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Lighthouse: Supportive Case Management for Substance Abuse Recovery	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
McBackpack: Alleviating Food Insecurity for Poudre School District Students	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Meals on Wheels for Fort Collins: Home Meal Delivery	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Mercy Housing Mountain Plains: Fort Collins Resident Services Program	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
Partnership for Age-Friendly Communities: Age-Friendly Workforce Initiative	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
Pathways: Pathways Hospice	\$ 55,000	\$ 0	\$ 0	\$ 55,000	0%

CAPABLE Program					
Project Self-Sufficiency of Northern Colorado: Career Pathways for Low-Income Single Parents in Fort Collins	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Respite Care: Childcare Scholarships for Low-Income Families Raising Children with Developmental Disabilities	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Rocky Mountain Youth Medical & Nursing Consultants: Health & Wellness Centers Support for Low-Income Student-Patients	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
Sexual Assault Victim Advocate Center: Crisis Intervention & Advocacy Services	\$ 15,000	\$ 15,000	\$ 15,000	\$ 0	100%
Sexual Assault Victim Advocate Center: Youth Prevention & Education Program	\$ 55,000	\$ 40,829	\$ 40,829 **	\$ 14,171	74%
Teaching Tree Early Childhood Learning Center: Childcare Scholarships for Low-Income Families	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
The Crawford Child Advocacy Center: Fighting Child Sexual Abuse and Maltreatment	\$ 15,000	\$ 15,000	\$ 15,000	\$ 0	100%
The Family Center / La Familia: Childcare Sliding	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%

Scale Tuition Scholarships					
The Matthews House: Children and Family Services - Family to Family Program	\$ 25,000	\$ 25,000	\$ 25,000	\$ 0	100%
The Quarter Project: GEMS - Girls in Engineering, Math & Science	\$ 15,000	\$ 0	\$ 0	\$ 15,000	0%
The Salvation Army: Life Stabilization Assistance	\$ 25,000	\$ 0	\$ 0	\$ 25,000	0%
The Vegetable Connection: Farm to Table Produce Prescriptions for Fort Collins	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
Turning Point Center for Youth and Family Development: Fort Collins Behavioral Health Intervention Support Services	\$ 40,000	\$ 0	\$ 0	\$ 40,000	0%
United Way of Larimer County: Larimer County Child Care Fund	\$ 55,000	\$ 55,000	\$ 55,000	\$ 0	100%
Vindeket Foods: Vindeket Market	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Volunteers of America: Home Delivered Meals	\$ 40,000	\$ 40,000	\$ 40,000	\$ 0	100%
Human Service Total	\$1,630,000	\$ 785,829	\$ 785,829	\$ 844,171	48%

* FY26 grant awards are contingent upon budget availability and subrecipient eligibility.

** If additional general fund dollars in excess of the current \$785,829 budget are assigned in FY26, the HS&HF Board recommends: 1) fulfilling the Sexual Assault Victim Advocate Center Youth Prevention & Education program up to its original request amount; 2) awarding remaining funding to the La Cocina El Instituto program.

Section 2. That, subject to the appropriation of funds by the City Council, the City County hereby authorizes the City Manager to execute any agreements necessary to

implement the funding allocations described herein on terms and conditions consistent with this Resolution, along with such additional terms and conditions as the City Manager, in consultation with the City Attorney, deems necessary or appropriate to protect the interests of the City.

Section 3. This Resolution shall not be construed as constituting City Council approval, support for approval, or waiver of any City regulatory requirement, including any development application process whether in administrative or quasi-judicial review, for any project referenced herein.

Passed and adopted on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 17, 2025
Approving Attorney: Ted Hewitt

Exhibits: None

File Attachments for Item:

17. Resolution 2025-066 Authorizing the Assignment of the City's 2025 Private Activity Bond Allocation to Housing Catalyst to Finance the Construction and Rehabilitation of Affordable Housing Units.

The purpose of this item is to support the rehabilitation and new construction of affordable housing at CARE Communities Windtrail Apartments and elsewhere in the City by assigning the City's 2025 Allocation of Private Activity Bond (PAB) capacity to Housing Catalyst, a qualified issuer. PAB capacity is required for development projects using 4% Low-Income Housing Tax Credit financing.

June 17, 2025



AGENDA ITEM SUMMARY

City Council

STAFF

Sue Beck-Ferkiss, Social Policy and Housing Programs Manager
Vanessa Fenley, Senior Housing Manager
Jacob Castillo, Chief Sustainability Officer

SUBJECT

Resolution 2025-066 Authorizing the Assignment of the City's 2025 Private Activity Bond Allocation to Housing Catalyst to Finance the Construction and Rehabilitation of Affordable Housing Units.

EXECUTIVE SUMMARY

The purpose of this item is to support the rehabilitation and new construction of affordable housing at CARE Communities Windtrail Apartments and elsewhere in the City by assigning the City's 2025 Allocation of Private Activity Bond (PAB) capacity to Housing Catalyst, a qualified issuer. PAB capacity is required for development projects using 4% Low-Income Housing Tax Credit financing.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Background and History: The State of Colorado Private Activity Bond (PAB) allocation program is established by the Colorado Private Activity Bond Ceiling Allocation Act, Colorado Revised Statutes Section 24-32-1707, et seq., (the Allocation Act). PABs are tax-exempt bonds that can be issued by eligible authorities. The proceeds of the sale of the bonds must be used for specific purposes as determined by the federal Internal Revenue Service. Permitted purposes include, but are not limited to, affordable housing development and rehabilitation, which is the City's prioritized use. Historically, PAB financing has also been used by the City for economic and industrial development purposes.

In 2025, the total PAB capacity amount available statewide is \$767,174,070. Fifty percent of the state ceiling is allocated directly to statewide authorities and the other half is allocated directly to local governments based on population size. The City has been notified that, pursuant to Section 24-32-1706 of the Allocation Act, its allocation from the state for 2025 is \$11,184,752 (**Attachment 1**).

PAB capacity is merely the authority to take on tax exempt debt and is not an allocation of funding. The City will not incur debt by assigning this allocation and this will not affect the City's credit rating. If a local government does not issue bonds or assign the bond cap to an eligible entity for a local project or projects by September 15 annually, the City allocation automatically reverts to the state's pool of available bond capacity.

The Colorado Housing and Finance Authority (CHFA) offers a 4% Low Income Tax Credit Program which is a financing mechanism for the development and rehabilitation of affordable housing. CHFA requires

these types of financing deals to include private activity bonds. Historically, Fort Collins had assigned its annual allocation on a first-come, first-served basis. From 2009 through 2012, the Fort Collins allocation was not used locally and therefore reverted to the state's pool of available bond capacity. Since 2013, the City has assigned its full allocation to Housing Catalyst, the Fort Collins Housing Authority, and/or to CHFA for the rehabilitation or construction of affordable rental housing units. Both of these entities are qualified bond issuers.

In 2018, the City implemented an application process for requesting the City's annual allocation of PAB. The guidelines are set forth in the City's General Financial Policies. Applications are due annually by March 15 and are reviewed by the City PAB committee. The finance policy states that the following factors be considered when making a recommendation for allocating PAB capacity:

- How well the project meets the land use, economic development and/or affordable housing goals of the City.
- Project feasibility and timing.
- Leverage of other investment into the project.
- Maintenance of or increase in local tax base.
- Competing uses for the City's allocation.
- Whether the City's allocation should be used in multiple projects; and
- Whether the application should be considered by any City board or commission.

Current requests: This year the City received two (2) requests (**attached**) for twice as much available PAB capacity which are summarized as follows:

Applicants	Project	Location	Amount requested
CARE Communities	Windtrail Rehab	Fort Collins	\$9,000,000
Related Affordable, LLC	Dawson Square	Thornton/Denver	\$11,184,752
Total Requests			\$20,184,752
Available PAB Cap			\$11,184,752

CARE Communities is seeking \$9,000,000 million in PAB Capacity for the rehabilitation of 50 apartment homes at the Windtrail Park community, located at 2120 Bridgefield Lane, Fort Collins, CO 80526 (**Location Map**). The project requires at least \$9,000,000 in PAB capacity. The bond issuer for this project is Housing Catalyst. The City may assign more than the requested amount of PAB and prefers to assign PAB capacity and not act as bond issuer. It is Housing Catalyst's mission to provide affordable rental homes to the City's residents. In addition to being an issuer for others, Housing Catalyst has several projects in the planning stages that will require PAB for financing. Once allocated to Housing Catalyst, the PAB cap can be carried over for up to three (3) years. Often PAB capacity must be built up over several years to meet the needs of the local pipeline of projects.

Related Affordable, LLC is seeking \$11,184,752 in PAB capacity for the acquisition and renovation of Dawson Square, a 36-unit income and age restricted community in Thornton, Colorado at 8710 Dawson Street. **(Location Map)** They require \$12,000,000 in PAB capacity for this project. Please note that Related's request lists Exhibit B – Statement from bond council that project is eligible for Private Activity Bonds, however this exhibit was not provided.

City PAB Committee's Considerations

The City's PAB committee, made up of staff representatives from Social Sustainability, Economic Health and Finance departments, met and considered the following:

- The committee decided that local projects are a City priority.
- The Committee considered using the 2025 allocation in multiple projects.
- The Committee considered project feasibility and timing.
- The Committee considered the completeness of the information provided.
- Lastly the Committee decided to bring recommendations to the Affordable Housing Board.

City PAB Committee's Recommendations

Of the two applications received by the City, one application was complete, submitted before the deadline and is for a Fort Collins location. The other application was incomplete and was submitted after the deadline. Further the project location in the second application is outside the City of Fort Collins.

Therefore, based on the criteria listed in the Finance Policy and the City's affordable housing goals, the Committee recommends approving CARE Communities' application and allocating the City's 2025 PAB capacity to Housing Catalyst for the construction and rehabilitation of affordable housing in Fort Collins including the Windtrail Park rehabilitation project.

City Council must adopt a resolution assigning the 2025 PAB Allocation to Housing Catalyst to allow Housing Catalyst to issue bonds for qualifying projects. Additionally, the City will enter into an Assignment of Allocation Agreement with Housing Catalyst to complete the transaction.

CITY FINANCIAL IMPACTS

The City will not issue Private Activity Bonds and the bonds will not be the obligations of the City. The debt service on the bonds will be repaid from revenue generated by the housing developments and does not constitute a debt of the City. This action will not affect the City's credit rating. The renovation project will require goods and labor which will benefit the local economy.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Affordable Housing Board considered this request at their May 2025 meeting and supports the PAB Committee's recommendation.

PUBLIC OUTREACH

The Affordable Housing Board heard this matter at their hybrid May meeting which was open to the public. The process to request PAB capacity is detailed on the Social Sustainability Department's web page and the guidelines are set forth in the City's General Financial Policies.

ATTACHMENTS

1. Allocation Letter
2. CARE Communities request
3. Related Affordable, LLC request
4. Windtrail Location Map
5. Dawson Square Location Map
6. May 2025 Affordable Housing Board Minutes (DRAFT)
7. Resolution 2025-066

January 15, 2025

Randy Bailey
Senior Manager
Fort Collins

Re: Private Activity Bond Allocation of \$11,184,752

Dear Randy Bailey:

I hereby certify that the above amount will be allocated to the respective local government for the purpose of issuing Private Activity Bonds (PAB) in 2025 under the state ceiling imposed by the Internal Revenue Code of 1986, as amended.

In accordance with the provisions of C.R.S. 24-32-1709.5, a fee on bonds issued is due to DOLA for the portion of each issuance that originated from a direct allocation. The amount of this fee is subject to revision, but is currently 0.027% of bonds issued. This fee is also due within five working days of the bond closing. In the event that the full allocation amount is not issued, or the fee rate changes, the fee will be recalculated to reflect the actual amount issued and the rate in effect at the time of closing.

If you have any questions, please contact Lisa Blakeney (720) 557-2112 or dola_pab@state.co.us.

Sincerely,



Maria De Cambra
Executive Director



February 25, 2025

Dear Ms. Sue Beck-Ferkiss,

I am writing to formally request an allocation of private activity bonds (PABs) to support the rehabilitation of CARE Communities' Windtrail Park apartments. CARE Communities is the current owner of this community and will be the developer for this project that will preserve affordable housing opportunities in Fort Collins.

The Windtrail Park rehabilitation aligns with the City's Housing Strategic Plan and meets the criteria for PAB use in preserving affordable housing. This project will ensure long-term affordability for residents while revitalizing a key housing resource in our community.

Under current law, an affordable housing project can receive an allocation of 4% Low Income Housing Tax Credits on 100% of the qualified low-income units if the project is financed at least 50% with tax-exempt bonds. This rehabilitation project will need a total of \$9 million in PABs to meet the 50% PAB test for the 4% LIHTC application we will be submitting in June 2025.

Under current law, an affordable housing project may qualify for an allocation of 4% Low-Income Housing Tax Credits (LIHTC) on 100% of the qualified low-income units if at least 50% of the project is financed with tax-exempt bonds. To meet this requirement, we are seeking a total allocation of \$9 million in PABs, which will enable us to submit our 4% LIHTC application in June 2025. Housing Catalyst has agreed to serve as the bond issuer for this financing.

We respectfully request that the City of Fort Collins allocate a portion of its available 2025 PAB capacity to this project. With this allocation, we anticipate securing all necessary funding commitments by the end of 2025, allowing rehabilitation work to commence in early 2026.

We appreciate your time and consideration of this request. Please let me know if you require any additional information or if you would like to discuss the project further. I look forward to your response.

Sincerely,

Kim Iwanski
Director of Housing Development

City of Fort Collins Private Activity Bonds Request

February 25, 2025

Applicant Information:

CARE Communities, 1303 West Swallow Road, Bldg. 11, Fort Collins, CO 80526

Contacts:

- Kim Iwanski, Director of Housing Development, 970-218-1829, kiwanski@CareCommunitiesNoCo.org
- Tatiana Zentner, Housing Development Project Manager, 970-420-5704, tzenter@CareCommunitiesNoCo.org

Amount requested:

CARE Communities is requesting \$9 million in Private Activity Bonds (PABs) for the rehabilitation of 50 affordable apartments at our Windtrail Park apartment community. This is our only request for PABs.

Bond counsel contact information:

The bond issuer will be Housing Catalyst. The bond counsel will be Taft Stettinius & Hollister.

Contact Information:

Cory Kalanick

675 Fifteenth Street, Suite 2300

Denver, Colorado 80202

CARE Communities' local projects and history of operations:

During its 33 years in business, CARE has developed eight affordable housing communities in Northern Colorado. Seven of these communities are in Fort Collins and one is in Windsor. Over 1,500 people, half of whom are children, call CARE Communities "home."

CARE completed a rehabilitation of its Swallow Road Apartments in 2022. This property is comprised of 84 two- and three-bedroom units. This rehab was very similar to our upcoming rehab, with the goal of maintaining affordability while reviving and restoring an aging apartment community. The Swallow Road Apartment rehab involved extensive updates to apartments while residents were living onsite. Since this was a recent project with a similar scope, existing CARE staff are experienced in executing this project, including the logistics involved with moving residents temporarily as apartments are renovated.

CARE Communities' projects completed in Northern Colorado:

- Greenbriar (1994): New construction, 40 units
- Swallow (1996): New construction, 40 units
- Eagle Tree (1998): New construction, 36 units
- Windtrail (2001): New construction, 50 units
- Fairbrooke Heights (2002): New construction, 36 units
- Cottonwood Townhomes (2007-08): Acquisition/Rehabilitation, 37 Units
- Provincetowne Green (2011): New construction, 85 units
- Swallow Road Apartments (2022): Acquisition/Rehabilitation, 84 Units
- Heartside Hill (to be completed June 2025): New construction, 72 units

Number of years doing business in the State of Colorado and a Certificate of Good Standing from the Secretary of State's office:

CARE Communities has been in business in Colorado for 33 years. Attached is our Certificate of Good Standing.

Description of assets to be purchased or constructed:

CARE Communities is requesting City funds to assist in renovating/rehabilitating its Windtrail Park property. CARE Communities currently owns Windtrail Park, and it will be the General Partner, developer, owner, and property manager of this property throughout the project and post-construction.

Built in 2001, Windtrail Park consists of 50 apartments with 10 of those designated for seniors (55+). This property was developed with Low Income Housing Tax Credits and maintains affordability restrictions. The rehabilitation of this property will reset the affordability restrictions, ensuring it will remain affordable to the community for another 60 years.

This property has not undergone any renovation since it was built, thus the scope of this rehabilitation includes quite a few necessary updates. The most impactful update for residents will be new furnaces that include central air conditioning, as there is currently no central air conditioning in these apartments. Another significant upgrade for residents will be the installation of washers and dryers in each apartment. The renovation includes painting all interiors and exteriors, and replacing flooring, cabinets, and window coverings. We will replace all fixtures and appliances with energy star-rated products, including water heaters, lighting, windows, and water fixtures. Other amenities provided will include covered bicycle storage, community Wi-Fi, and an expanded residential clubhouse that will enhance our youth and resident services programming.

Explanation of how the project aligns with City objectives:

Investing in this project will impact many of the goals in the 2021 Housing Strategic Plan.

Preservation: The City of Fort Collins has set a goal to preserve existing affordable housing. The rehabilitation of this property will preserve existing affordable housing and reset the affordability restrictions for at least another 60 years. Additionally, proceeds from this transaction will be directly invested into the creation of more affordable housing. CARE Communities will invest these funds into our 5-year pipeline of projects and leverage them to bring more funding into our community for future affordable housing.

Healthy Homes: Following the City goal of Healthy Homes, the rehabilitation of these properties will replace outdated, less energy-efficient appliances and fixtures with highly efficient and sustainable products that meet the Enterprise Green Communities program criteria. This green building program includes integrative design, site considerations, water, energy, healthy building, operations/maintenance, and resident engagement. In addition to using ENERGY STAR appliances, WaterSense fixtures, and healthy building materials, CARE is also committed to educating residents about green building principles.

Stable Housing: To help ensure housing stability, CARE has a robust Resident Services program. CARE Communities knows that mental health is equally as important as physical health. Therefore, CARE's Resident Services staff works closely with residents, providing support and serving as vital connectors to services and resources within the community. Additional resident support includes the Housing Success Program (HSP) and

the Sister Mary Alice Fund. The HSP is an opportunity for residents who have violated the lease to cure the issue over an extended period (up to 6 months) by developing an action plan followed by regular progress check-ins with CARE's Resident Services staff. CARE's emergency rent assistance program, the Sister Mary Alice Fund, provides residents with a grant to address emergency situations, including but not limited to, medical expenses, car repairs, and temporary loss of income.

CARE Communities promotes **inclusivity and diversity** as outlined in the Housing Strategic Plan. CARE Communities is a Community Housing Development Organization (CHDO), a private, nonprofit organization that builds affordable housing for its community. A CHDO must be accountable to low-income community residents through significant representation on its governing board. CARE residents are a key component to the organization, and we strive to "lead with the resident's voice." In 2023, CARE launched a Resident Council, a resident-driven group committed to helping improve the quality of life in their communities. Residents have a voice in CARE resident programs, community events, expenditures of program dollars at each property, and strategies to promote vibrant and sustainable communities. One-third of CARE's Board of Directors consists of members from this Resident Council, ensuring their voices are heard in the organization's high-level strategic decisions.

Number of housing units and target demographics:

This development will rehabilitate 50 rental homes for families, seniors, and individuals with disabilities who earn 30-60% of the area's median income.

The AMI unit breakdown is as follows:

- 5 units at 30% AMI
- 25 units at 40% AMI
- 16 units at 50% AMI
- 4 units at 60% AMI

Senior Preference: The Windtrail property has 10 units designated for seniors. CARE Communities will maintain this designation after the completion of rehabilitation.

Statement from bond counsel that the project is eligible for Private Activity Bonds:

Please see attached letter from Taft Stettinius & Hollister f/n/a Sherman and Howard LLC.

OFFICE OF THE SECRETARY OF STATE
OF THE STATE OF COLORADO

CERTIFICATE OF FACT OF GOOD STANDING

I, Jena Griswold, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

COMMUNITY AFFORDABLE RESIDENCES ENTERPRISE, INC.

is a

Nonprofit Corporation

formed or registered on 04/20/1992 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 19921040555 .

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 01/30/2025 that have been posted, and by documents delivered to this office electronically through 01/31/2025 @ 11:37:36 .

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, and issued this official certificate at Denver, Colorado on 01/31/2025 @ 11:37:36 in accordance with applicable law. This certificate is assigned Confirmation Number 16955849 .



Secretary of State of the State of Colorado

*****End of Certificate*****

Notice: A certificate issued electronically from the Colorado Secretary of State's website is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Validate a Certificate page of the Secretary of State's website, <https://www.coloradosos.gov/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our website, <https://www.coloradosos.gov> click "Businesses, trademarks, trade names" and select "Frequently Asked Questions."



675 Fifteenth Street, Suite 2300
Denver, Colorado 80202
Tel: 303.297.2900 | Fax: 303.298.0940
taftlaw.com

February 14, 2025

Mr. Randy Bailey, Controller
City of Fort Collins
City Hall
300 Laporte Ave.
Fort Collins, Colorado 80521

Qualified Residential Rental Project Bonds
(Windtrail Park Apartments Rehabilitation Project)

Dear Mr. Bailey:

We will likely serve as bond counsel in connection with the issuance of the above-captioned bonds (the “Bonds”) by the Housing Catalyst or another “issuing authority” (the “Issuing Authority”) under the Colorado Private Activity Bond Ceiling Allocation Act. CARE Communities is the project sponsor.

The Bonds are to be issued in one or more series in a principal amount to be determined, of which up to \$9,000,000 of such Bonds require additional tax-exempt bond capacity. Assuming that such additional tax-exempt bond capacity is acquired, the Bonds will constitute private activity bonds as defined in Section 141 of the Internal Revenue Code of 1986, as amended (the “Code”). The Issuing Authority is authorized under the laws and constitution of the State of Colorado, including the Colorado Housing and Finance Authority Act, being Part 2, Article 7, Title 29 of Colorado Revised Statutes, as amended, to issue the Bonds.

The Bonds are intended to finance “qualified residential rental projects” (as defined in Section 142(a)(7) of the Code), including but not limited to the acquisition, construction, rehabilitation and equipping of the Windtrail Park Apartments. The Bonds will constitute “exempt facility bonds” within the meaning of section 146(f)(5)(A) of the Code.

Respectfully submitted,

TAFT STETTINIUS & HOLLISTER LLP

This Letter of Interest presents Related Affordable, LLC's ("RA", the "Applicant") request for Private Activity Bonds that will be used to execute a 4% low-income housing tax credit ("LIHTC") acquisition, renovation, and preservation of Dawson Square (the "Project"), a 36-unit 100% project-based Section 8 elderly designated apartment community located in Denver, Colorado. RA, in partnership with Maiker Housing Partners, plans to acquire and meaningfully renovate the Project, while extending affordability restrictions for the maximum allowable term. The Applicant is currently the non-member manager of the Project with all control rights, and is prepared to move forward with the recapitalization as soon as viable. Prior to closing, the Applicant will form a new special purpose entity designed to acquire and renovate the Project.

Applicant Experience

The Related Companies, L.P. ("TRCLP") was founded in 1972 and is currently one of the largest owners of affordable multifamily apartment complexes in the country. In addition to becoming one of the largest owners of affordable multifamily apartment complexes in the country, it has significantly expanded its platform. Today, Related owns and operates a premier portfolio of high quality assets valued at over \$30 billion. With offices in New York, Chicago, Dallas, Los Angeles, Miami, San Francisco, Abu Dhabi, São Paulo and Shanghai, Related manages an operating portfolio that includes luxury residential, affordable and workforce apartments, commercial, retail and mixed-use developments. Related's senior management team averages more than 20 years of experience in the industry and over 14 years with Related. The Related team's experience and the company's vast capital resources enable the firm to quickly and expertly execute on the most challenging and complex development and financing opportunities around the globe.

Related Affordable, LLC was created in 2013 as an expansion of Related Apartment Preservation, LLC which was formed in 2002 – both wholly owned subsidiaries of The Related Companies, L.P. ("TRCLP"). As its name implies, Related Affordable was formed with the express purpose of growing TRCLP's affordable housing development business by acquiring, recapitalizing, rehabilitating, and preserving existing low and moderate-income properties around the country.

Related Affordable specializes in combining the various tools of affordable housing preservation and multifamily finance to redevelop and preserve affordable housing in areas where market-rate housing pressures threaten existing low and moderate-income housing options. Related Affordable takes great pride in working with federal, state, and local agencies to ensure it is leveraging all possible resources – both public and private – in order to provide the highest quality housing to its residents. Related Affordable excels in designing win-win solutions in extremely complicated transactions involving various financing, subsidy, and contractual arrangements. Leveraging TRCLP's 30+ years of experience in affordable housing development, finance, and management, Related Affordable is especially well positioned to acquire and preserve affordable properties around the country, meeting the needs of existing and future residents as well as the needs of the larger communities in which the properties are located.

Related Affordable has extensive experience redeveloping, financing, and managing:

- Section 8 / 236 properties
- Section 42 LIHTC (4% & 9%) properties
- Tax-exempt bond financed properties

To date, Related Affordable has purchased over 110 affordable housing properties consisting of more than 16,000 units, with a total development value in excess of \$2.4 billion. Related Affordable presently oversees a portfolio of approximately 280 properties, including over 43,000 units.

Specifically, in Colorado, Related Affordable has been an active investor since 2018 and currently controls 17 properties, one of which was successfully acquired and preserved using 4% LIHTCs and tax-exempt bonds. This transaction, preserved an elderly high-rise building in Arvada, CO as affordable housing, and significantly improved the living conditions for the existing residents while extending the affordability commitments for another 35 years. We are proposing to use a similar financial structure here, to complete a meaningful renovation, that will improve the living

Project Summary

Dawson Square is a 36-unit affordable family designated apartment complex located in the city of Thornton at 8710 Dawson St. The Project was originally built in 1982 and now and requires meaningful upgrades to continue to effectively serve its resident base. The community is made up four two and three story buildings that aggregate 20 two-bedroom units and 16 three-bedroom units that are home to approximately 104 residents. The Project is currently encumbered by a Section 8 Use Agreement and existing tax-credit LIHTC Land Use Restriction Agreement (“LURA”) from the last comprehensive project renovation in 2003. Upon the proposed recapitalization, the project’s Section 8 agreement will be extended for 20 years and a new LURA will be put in place for at least 30 years. Furthermore, the Project’s new LURA will require that 100% of units be made affordable to families earning 60% or less than the area-median income. The new LURA would extend to 2056, ensuring that the Project remains a resource to the community for decades to come.

The proposed renovation includes comprehensive upgrades to the Project’s units, common spaces, systems, exterior and amenities. The total renovation budget is anticipated to be approximately \$3.6M or \$100,500 per unit.

Planned unit improvements include upgraded cabinets and countertops, stainless steel appliances, dishwashers, tubs and surrounds, vanities, exhaust fans, bathroom accessories, toilets, lighting, doors, vinyl flooring, paint, window blinds, accessibility upgrades, and a new pendant call system. Systems upgrades include new high efficiency boilers and boiler holding tanks, secured access security features. Exterior upgrades include new roofs, gutters, windows, PTAC sleeves, siding/ trim, and upgraded lighting. Lastly, anticipated site improvements include replacement of property signage, pedestal mailboxes, general landscaping upgrades, and parking lot/ concrete upgrades. The planned upgrades will be fully compliant with CHFA’s Energy Efficiency and Sustainability Requirements. A full preliminary scope of work and budget is included as Exhibit A.

The rehabilitation will allow the Project’s family population, many of whom live paycheck to paycheck, to maintain a stable and dignified quality of life. As housing costs continue to rise across the Denver metropolitan area, the percentage of cost-burdened renters in the region has risen significantly in recent years. As evidenced by Dawson Square’s prospective resident waitlist, the Project meets a critical need within the community. Its preservation aligns with the stated goals of Adams County Community Needs Assessment as well as the City’s 2025-2029 Consolidated Plan, which specifically mentions the need for more HUD funding. Improving the existing HUD housing stock could not align more with these goals.

Financing Plan & Private Activity Bond Request Summary

The rehabilitation will be financed with tax-exempt bonds and equity from the sale of Low-Income Housing Tax Credits allocated by CHFA. In order to secure the necessary PAB volume cap needed to enact the LIHTC rehabilitation, the Applicant has reached out several recipients of PAB in an effort to garner support. Below is a summary of anticipated sources of PAB based on ongoing conversations with the various allocating agencies. The bond request will consist of applications to Adams County, Fort Collins, Weld County, Larimer County, Fort Collins, The CO Department of Local Affairs, and CHFA’s Top off program. Each award, be it a full award or partial award, will be aggregated to achieve the necessary of \$12,000,000 of bonds in order to fund the project.

Private Activity Bond Request Summary	
Allocating Body	PAB Request
Fort Collins	11,184,752
CHFA Top Off Program	815,248
Total	12,000,000

Permanent Sources & Uses			
Source	%	Permanent	Per Unit
Tax Exempt Bond Loan	53%	\$12,000,000	\$333,333
Taxable Loan	3%	\$678,000	\$18,833
4 % Tax Credit Equity	34%	\$7,730,000	\$214,772
Deferred Developer Fee	6%	\$1,435,000	\$39,816
Income During Construction	4%	\$1,000,000	\$27,777
Total Sources	100%	\$22,843,000	\$634,528
Use	%	Total	Per Unit
Acquisition	66%	\$15,000,000	\$416,667
Construction	16%	\$3,618,000	\$100,500
Soft Costs	7%	\$1,685,000	\$46,806
Financing Costs	2%	\$550,000	\$15,278
Reserves & Contingency	2%	\$500,000	\$13,889
Developer Fee	7%	\$1,490,000	\$41,389
Total Development Costs	100%	\$22,843,000	\$634,528

Projected Timeline	
Milestone	Date
Aggregate PAB Awards	5/1/2025
Maiker Housing Partners Statewide Balance Application	6/1/2025
Submit CHFA LIHTC / Top Off Application	8/1/2025
LIHTC Closing	1/1/2026
Renovations Begin	2/1/2026
Renovations Complete	1/1/2027
Stabilization	4/1/2027
Form 8609	7/1/2027

Development Team Contact Information

Development Team Member	Name	Email Address	Phone Number
Bond Counsel	Jon Peterson	jpeterson@winthrop.com	(612) 604-6736
Project Developer	Nicholas Boehm	nboehm@related.com	(617)399-9573
Project Developer	Patrick Barry	pbarry@related.com	(617) 399-9534
Project Developer	Ean Dubrowsky	edubrowsky@related.com	(973) 464-3129

Exhibits

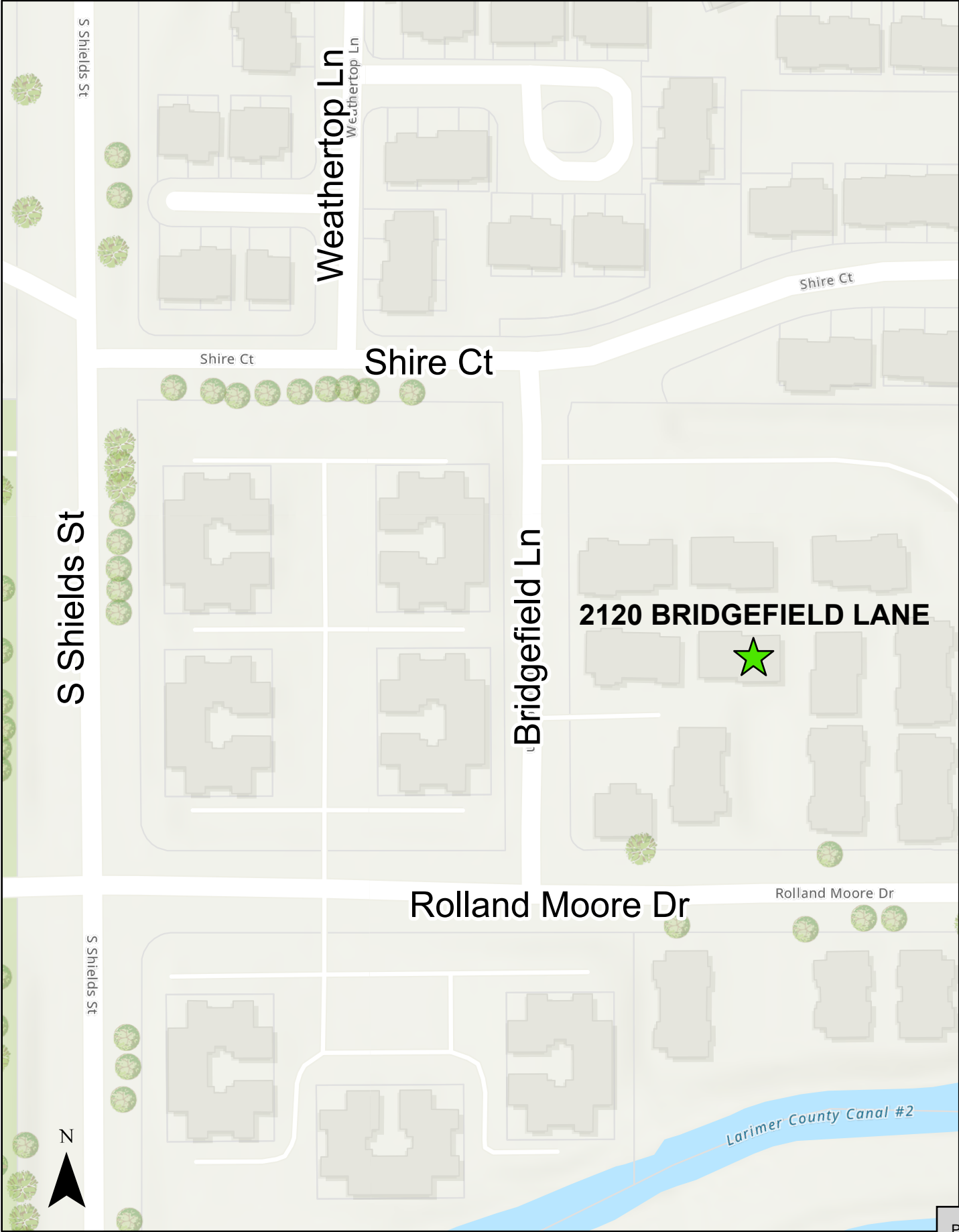
Exhibit A - Scope of Work and Preliminary Budget

Exhibit B - Statement from bond council that project is eligible for Private Activity Bonds

Exhibit C - Certificate of Good Standing from the Secretary of State's office (N/A SPE to be formed)

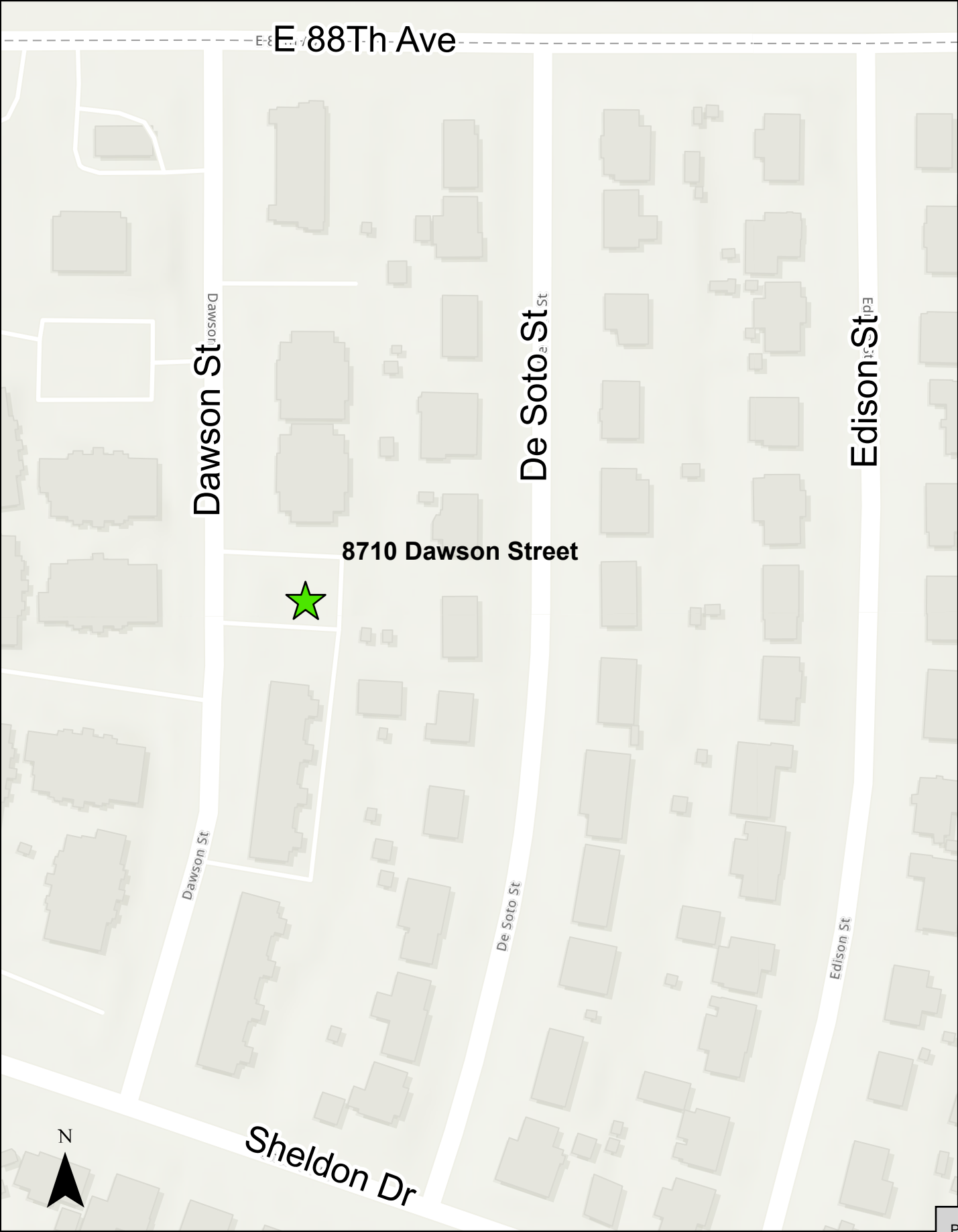
Windtrail Park

Item 17.



Dawson Square, Thornton CO.

Item 17.



MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Affordable Housing Board REGULAR MEETING

Thursday, May 1, 2025 – 4:00 PM

Lory Student Center at CSU and online via Teams

1. CALL TO ORDER: 4:05 PM

2. ROLL CALL

- a. Board Members Present –
 - Stefanie Berganini, Chair
 - Bob Pawlikowski, Vice Chair
 - Liz Young-Winne
 - Claire Bouchard
 - Jorja Whyte
 - Josh Beard
 - John Singleton
 - Kristin Fritz, Ex Officio
- b. Board Members Absent – None
- c. Staff Members Present –
 - Sue Beck-Ferkiss, Staff Liaison
 - Jessi Kauffmann, Minutes
- d. Guest(s) –
 - Marilyn Heller
 - Lisa Cunningham
 - Sydney Fulcher
 - Lily Vu
 - Isabel Scanlon
 - Sydney Wang
 - Lauren Davis
 - Leah Rohlf
 - Joe Rowan

Material deleted

6. NEW BUSINESS –

a. Private Activity Bonds

- i. Two applications have been received seeking assignment of the City's 2025 allocation of Private Activity Bond allocation from the Internal Revenue Service (IRS) via the State. The PAB Committee met and recommended providing bond capacity to one of the applicants. This recommendation will be forwarded to City Council. The Board is asked to provide feedback on the committee's recommendation.
- ii. Sue provided a presentation on Private Activity Bonds and related

processes to educate new board members and guests.

- iii. Liz inquired why a Thornton organization applied. Sue explained that it is due to scarcity, and projects can apply for bonds from anywhere in the state. She shared an example of Housing Catalyst utilizing Weld County bonds for Fort Collins projects in the past.

John Singleton motioned that the Board support the Private Activity Bond Committee's recommendation. Stefanie Berganini seconded. Bob Pawlikowski abstained.

Material deleted

12. ADJOURNMENT

a. Meeting adjourned at 5:51 PM

Minutes approved by the Chair and a vote of the Board/Commission on XX/XX/XX

RESOLUTION 2025-066
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ASSIGNMENT OF THE CITY'S 2025
PRIVATE ACTIVITY BOND ALLOCATION TO HOUSING
CATALYST TO FINANCE THE CONSTRUCTION AND
REHABILITATION OF AFFORDABLE HOUSING UNITS

A. The City of Fort Collins is authorized and empowered under the laws of the State of Colorado to issue revenue bonds for purposes including the financing of affordable housing projects for low- and moderate-income persons and families.

B. The Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State of Colorado (the "State Ceiling").

C. Pursuant to the Code, the Colorado General Assembly adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among various State and local governmental units, and further providing for the assignment of such allocations from such governmental units to any entity or person with the authority to issue bonds.

D. Pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City has received a direct allocation of the 2025 State Ceiling for the issuance of Private Activity Bonds in the aggregate principal amount of \$11,184,752 (the "2025 Allocation").

E. If the City does not issue bonds or assign its annual allocation to another entity by September 15 of each year, its allocation is relinquished to the statewide balance.

F. The City received applications for the 2025 Allocation from two entities: CARE Communities, with the Allocation going through Housing Catalyst for the Windtrail Park rehabilitation project, and Related Affordable, LLC, for a project in Thornton and Denver.

G. The City's Private Activity Bond Committee considered the applications and recommends assigning the City's entire 2025 Allocation to Housing Catalyst, with Housing Catalyst issuing at least \$9,000,000 in bonds to CARE Communities for the Windtrail Park rehabilitation project. Housing Catalyst will be able to use the remainder of the assignment to finance other affordable housing projects.

H. The City Council finds that the 2025 Allocation can be utilized most efficiently by assigning it to Housing Catalyst to issue Private Activity Bonds for CARE Communities' Windtrail Park rehabilitation project and for other affordable housing projects, and that such assignment will advance the City's objective of increasing the

availability of adequate affordable housing for low- and moderate-income persons and families within the City.

I. The debt service on the bonds will be repaid from revenue generated by the housing developments and does not constitute a debt of the City.

J. The Council wishes to assign the 2025 Allocation to Housing Catalyst, which assignment is to be evidenced by an Assignment of Allocation #1.

K. A draft of the proposed Assignment of Allocation #1 is shown on Exhibit A, attached hereto and incorporated herein by this reference.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council hereby approves assignment to Housing Catalyst of \$11,184,752 of the City's 2025 Allocation as described herein.

Section 2. The City Council hereby authorizes the Mayor to execute an Assignment of Allocation with Housing Catalyst in substantially the form attached as Exhibit "A" along with such other 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 Resolution.

Section 3. This Resolution shall not be construed as constituting City Council approval, support for approval, or waiver of any City regulatory requirement, including any development application process whether in administrative or quasi-judicial review, for any project referenced herein.

Passed and adopted on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 17, 2025
Approving Attorney: Ted Hewitt

Exhibits: Exhibit A – Assignment of Allocation

ASSIGNMENT OF ALLOCATION #1

THIS ASSIGNMENT (the “Assignment”), dated _____, 2025 is between the City of Fort Collins, Colorado, a municipal corporation (the “Assignor”), and Housing Catalyst, a body corporate and politic (the “Assignee”).

RECITALS

A. The Assignee intends to finance the construction of affordable housing within the City of Fort Collins, all for households with incomes ranging from 30% to 80% of area median income, and consistent with the objectives outlined in the City’s Housing Strategic Plan (collectively, the “Projects”). The Projects will each be designed to qualify as a “project” within the meaning of Title 29, Article 4, Part 2, Colorado Revised Statutes, as amended (the “Act”). The Projects include CARE Communities’ project to rehabilitate apartments at Windtrail Park in Fort Collins.

B. The Assignee intends to provide for the issuance of its Multifamily Housing Revenue Bonds (the “Proposed Bonds”), pursuant to the provisions of the Act for the purpose of financing the Projects.

C. The Assignee has requested that the Assignor assign to the Assignee \$11,184,752 of the Assignor’s 2025 allocation (the “Allocation”) under the bond ceiling for the State of Colorado and its issuing authorities (“the State Ceiling”) computed under Section 146(d) of the Internal Revenue Code of 1986 (the “Code”) as provided for the Assignor as a “designated local issuing authority” under part 17 of article 32 of title 24, Colorado Revised Statutes (the “Allocation Act”), for use in connection with the financing of the Projects.

D. Subject to the terms and conditions set forth herein, the Assignor desires to assign to the Assignee, and the Assignee desires to accept, such Allocation from the State Ceiling.

ASSIGNMENT

In exchange for the agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Assignor hereby assigns and transfers to the Assignee \$11,184,752 of the Assignor’s 2025 Allocation from the State Ceiling for private activity bonds. The Assignor and the Assignee understand that such assigned allocation shall automatically be relinquished to the “Statewide Balance” as defined under the Allocation Act unless (a) the Proposed Bonds are issued by the Assignee on or before September 15, 2025, or (b) Section 24-32-1706(3)(c), C.R.S., applies.

2. The Assignor represents that it has received no monetary consideration for the assignment set forth above.

3. The Assignee hereby:

(a) accepts the assignment of the Assignor's Allocation from the State Ceiling described above;

(b) agrees to issue not less than nine million dollars (\$9,000,000) of the Proposed Bonds to CARE Communities for its Windtrail Park rehabilitation project located at 2120 Bridgefield Lane, Fort Collins, CO 80526;

(c) agrees to use its best efforts to issue and use the remainder of the Proposed Bonds for the purpose of financing the Projects; and

(d) agrees to abide by each of the terms and conditions of this Assignment in connection with the use of such Allocation.

4. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carryforward purpose.

5. This Assignment shall not constitute a debt or indebtedness or financial obligation of the Assignor within the meaning of the constitution or statutes of the State of Colorado, nor give rise to a pecuniary liability or charge against the general credit or taxing power of the Assignor.

6. This Assignment shall not be construed to constitute City of Fort Collins approval, support for approval, or waiver of any City regulatory requirement, including any development review process whether administrative or quasi-judicial, for any Project funded with the Proposed Bonds.

[The remainder of this page is intentionally left blank]

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this instrument to be executed to be effective as of the date and year first written above.

CITY OF FORT COLLINS, COLORADO,
as Assignor

Jeni Arndt, Mayor

ATTEST:

APPROVED AS TO FORM:

Title: _____

(print name)

Assistant City Attorney

(print name)

HOUSING CATALYST, as Assignee

By: _____
Its: _____

ATTEST:

By: _____
Its: _____

File Attachments for Item:

18. Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments. (three options presented)

This Ordinance, unanimously adopted on First Reading on March 18, 2025, repeals the 2021 International Fire Code and adopts the 2024 International Fire Code (IFC) with local amendments. The International Code Council (ICC) publishes code updates every three years. The Poudre Fire Authority (PFA) Board of Directors has reviewed and approved this code package and is requesting the code be adopted as amended.

Staff is presenting three versions of the Ordinance for Council to consider on Second Reading:

- Option 1 – Ordinance as it was adopted on First Reading.
- Option 2 – Creates a Fire Board of Appeals consisting of the Chair of PFA's Board of Directors, the Fort Collins City Manager, and the City's Chief Building Official. Also contains other clean-up changes.
- Option 3 – Maintains the current process for appealing decisions of the Fire Code Official to the Building Review Commission (BRC), acting as the Fire Board of Appeals. This option is consistent with the BRC's recommendation and also contains other clean-up changes.

All three options were published by the City Clerk on June 10, 2025, on the public notice page found online at: [**www.fcgov.com/publicnotices/**](http://www.fcgov.com/publicnotices/)

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Shawn McGaffin, Fire Marshal/Division Chief
Kevin Sullivan, Assistant Fire Marshal
Katie Quintana, Assistant Fire Marshal

SUBJECT

Second Reading of Ordinance No. 051, 2025, Amending Chapter 9 of the Code of the City of Fort Collins for the Purpose of Repealing the 2021 International Fire Code and Adopting the 2024 International Fire Code, with Amendments. (three options presented)

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 18, 2025, repeals the 2021 International Fire Code and adopts the 2024 International Fire Code (IFC) with local amendments. The International Code Council (ICC) publishes code updates every three years. The Poudre Fire Authority (PFA) Board of Directors has reviewed and approved this code package and is requesting the code be adopted as amended.

Staff is presenting three versions of the Ordinance for Council to consider on Second Reading:

- Option 1 – Ordinance as it was adopted on First Reading.
- Option 2 – Creates a Fire Board of Appeals consisting of the Chair of PFA's Board of Directors, the Fort Collins City Manager, and the City's Chief Building Official. Also contains other clean-up changes.
- Option 3 – Maintains the current process for appealing decisions of the Fire Code Official to the Building Review Commission (BRC), acting as the Fire Board of Appeals. This option is consistent with the BRC's recommendation and also contains other clean-up changes.

All three options were published by the City Clerk on June 10, 2025, on the public notice page found online at: www.fcgov.com/publicnotices/

STAFF RECOMMENDATION

Staff recommends adoption of Option 2 or 3 for this Ordinance on Second Reading.

UPDATED BACKGROUND/DISCUSSION

Staff have presented three versions of the Ordinance for Council's consideration on Second Reading:

Option 1: The Ordinance exactly as it was adopted on First Reading. Appendix A of Option 1 would redelegate the City's authority to hear and decide appeals of the Fire Code Official to a Fire Board of

Appeals housed at PFA and consisting of members appointed by the Fire Code Official. This is the option that was originally developed and recommended by the Code Review Committee. Option 1 has been considered and was originally recommended for adoption by both the PFA Board and the Poudre Valley Fire Protection District Board. If Council is interested in adopting Option 1 on Second Reading, staff will provide correcting amendments to be considered.

Option 2: Option 2 contains a revised appeal model, which redelegates the BRC's authority to hear and decide appeals of the Fire Code Official to a Fire Board of Appeals consisting of the Chair of PFA's Board of Directors, the Fort Collins City Manager, and the City's Chief Building Official. Option 2 also includes other corresponding changes to the Ordinance, including deleting qualification requirements for board members from Section 112 and adding language to Appendix A to provide for substitutions in case one of these officials is unavailable or must recuse themselves. Option 2 has been considered and recommended for adoption by the PFA Board.

Option 3: Option 3 removes Appendix A entirely and revises the language of Section 112 to maintain the current process for appealing decisions of the Fire Code Official to the BRC, acting as the Fire Board of Appeals. Option 3 is consistent with the BRC's recommendation; it has not been presented to the PFA Board for consideration.

Options 2 and 3 also contain additional clean-up changes to remove references to the Fire Code Official acting as an ex officio member of the Fire Board of Appeals, to correct an error in the requirements pertaining to automatic fire sprinkler systems in attics, to repeal an obsolete section of City Code Chapter 4 (Section 9-3), and to direct the codifier to update cross-references to the Fire Code.

Attachments to this AIS contain the excerpted pages from Options 2 and 3, showing the changes from Option 1.

Background:

Sections 9-1 and 9-2 of City Code (the Fire Code) adopt by reference the most recent version of the IFC along with local amendments to the provisions of the IFC to best serve the needs of the Fort Collins community. The International Code Council publishes an updated version of the IFC every three years, and the City has historically attempted to stay up-to-date with current international fire protection standards by amending the Fire Code to adopt the updated IFC every three years. This is to ensure the highest level of life safety is met. For example, the 2021 IFC does not cover the storage of Lithium Ion Batteries but the 2024 version does assist in the regulations for how to best store these batteries. As technology changes, so do IFC regulations that assist with the enforcement and intent of always putting life safety first. This adoption process has historically been spearheaded by the Poudre Fire Authority (PFA) Fire Marshal, working in collaboration with City staff and considering input from Larimer County and various other external stakeholders within PFA's jurisdiction.

The City's Fire Code was last updated in 2022, to adopt the 2021 IFC with local amendments. The 2024 IFC was published last year and is now being considered for adoption into the City's Fire Code.

The 2024 IFC was first considered by a code review committee ("Committee") consisting of PFA, the City's Chief Building Official, and other external stakeholders (including other municipal building officials, developers, business owners, and representatives from Colorado State University, Poudre School District, and Broadcom). The Committee reviewed the 2024 IFC and suggested local amendments that would better fit the needs of PFA's jurisdiction. The 2024 IFC along with the Committee's suggested local amendments were both unanimously approved by both the PFA Board and the Poudre Valley Fire Protection Board on February 25, 2025.

On March 18, 2025, the Fort Collins City Council considered and adopted on First Reading Ordinance No. 051, 2025 (the Ordinance), which amends the City's Fire Code by adopting the 2024 IFC along with the Committee's suggested local amendments (Option 1). Second Reading of the Ordinance was originally

scheduled on the April 1, 2025, Council agenda; however, public commenters expressed concerns about potential conflicts between the Ordinance and the City's Building Code, particularly given that the Ordinance had not been considered by the Building Review Commission. In response to public comment, Council voted to postpone Second Reading, to allow time for the Building Review Commission to consider the Ordinance.

Additionally, as part of the work after First Reading of the Ordinance, City staff identified concerns with the proposed Appendix A in Option 1, which delegates the City's authority to hear and decide appeals of the Fire Code Official to PFA.

Staff collaborated with PFA to propose Option 2, containing a revised appeals model that would meet the needs of both the City and PFA. Under Option 2, the Fire Board of Appeals would consist of the Chair of PFA's Board of Directors, the Fort Collins City Manager, and the City's Chief Building Official. Option 2 also includes other corresponding changes to the Ordinance, including adding language to Appendix A to provide for substitutions in case one of these officials is unavailable or must recuse themselves. Option 2 was unanimously approved by the PFA Board on May 27, 2025.

On May 29, 2025, the Building Review Commission (BRC) considered both Options 1 and 2 and expressed concerns about an appeal procedure in which decisions of the Fire Code Official would not be ultimately appealable to an elected body, like City Council. The BRC unanimously voted to recommend that City Council adopt the Ordinance on Second Reading "with an amendment to maintain the current process for appealing decisions of the Fire Code Official to the Building Review Commission." Option 3 is consistent with this recommendation.

FIRST READING BACKGROUND / DISCUSSION

Poudre Fire Authority ("PFA") is responsible for the enforcement and administration of the IFC in the City of Fort Collins, Town of Timnath and unincorporated areas of Larimer and Weld Counties within the Poudre Valley Fire Protection District boundaries. Every three years, the IFC is updated by the ICC with the most recent update having been published in 2024. PFA routinely reviews new codes, proposes local amendments, and then seeks adoption of IFC changes and local amendments by Council.

At the April 23, 2024, PFA Board meeting, the Board approved the recommended appointment of the Fire Code Review Committee (Committee). This volunteer committee is comprised of community and industry stakeholders who reviewed the 2024 IFC and proposed local amendments in order to make a recommendation for adoption. The Committee completed their work on Thursday, October 17, 2024, with a unanimous recommendation to adopt the 2024 IFC along with the accompanying local amendments. At the February 25, 2025 meeting, the PFA Board unanimously approved the IFC adoption and local amendments. This item was also unanimously approved by the Poudre Valley Fire Protection District Board at its February 25, 2025, meeting.

The Committee's primary goal was to limit the number of local amendments to the 2024 IFC, while still providing comprehensive life safety codes that are clear, relevant, and aligned with current practices. The Committee was able to accomplish this and focus on the amendments that were brought forward on local community needs. The local amendment for fire sprinklers has been maintained, as it has been since the 1980's, and as adopted by the local building departments. Of note, many other fire jurisdictions in Northern Colorado have, or are considering, similar amendments to specify fire suppression systems.

Several local 2021 amendments were eliminated due to the new 2024 published codes addressing the issues that had been a local amendment in the past.

There are changes to the published code that the Committee also supported. The most significant items in the 2024 IFC (as published) that have been changed from the 2021 IFC include:

- Adding provisions to address heating and cooking in temporary membrane structures, construction sites and wildfire areas.
- Adding temporary housing code (shelters).
- Adding new provisions specific to lithium-ion battery storage.
- Adding new provisions specific to Powered Micromobility Devices (E-bikes, Scooters).
- Updating provisions on Emergency Responder Communication Enhancement Systems to meet new technology.
- Recognizing a Hybrid Fire Extinguishing System as based out of National Fire Protection Agency (NFPA) 770.

Items of note for the 2024 IFC proposed local amendments include:

- Appendix A, Board of Appeals is being adopted as published with local amendments to create an appeal process over which PFA has jurisdiction. This differs from previous code adoptions, in which Appendix A had been deleted and replaced in its entirety to direct the appeals process with the Building Department having jurisdiction.
- The term “fire alarm” was defined to expand and elaborate on types and circumstances of such fire alarms.
- A provision was added to impose a fee when multiple unwanted alarms occur at the same location.
- Changes were made to the requirements for storage and use of lithium-ion batteries in factories.
- Requirements for letter sizes on signage were added.
- Valet trash service was removed from PFA’s jurisdiction.
- Additional section added in Appendix D requiring schools to use a consistent numbering process on exterior doors for faster response in emergency situations.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Adoption of the 2024 IFC as amended was unanimously recommended by the Fire Code Review Committee.

On February 25, 2025, the PFA Board of Directors and the Poudre Valley Fire Protection District Board of Directors each reviewed Option 1 at their respective meetings and unanimously voted to recommend adoption to the City of Fort Collins.

On May 27, 2025, the PFA Board of Directors reviewed Option 2 and unanimously voted to recommend adoption to the City of Fort Collins.

On May 29, 2025, the Building Review Commission (BRC) reviewed Options 1 and 2 and unanimously voted to recommend that City Council adopt the Ordinance on Second Reading “with an amendment to maintain the current process for appealing decisions of the Fire Code Official to the Building Review Commission.” During the discussion on this item, the BRC expressed a preference that decisions of the Fire Code Official be ultimately appealable to City Council or another elected body. The BRC’s recommendation is consistent with Option 3.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in March 18, 2025 agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Option 2 Excerpts showing changes from Option 1
2. Option 3 Excerpts showing changes from Option 1
3. Ordinance No. 051, 2025 (Option 1)
4. Ordinance No. 051, 2025 (Option 2)
5. Ordinance No. 051, 2025 (Option 3)

103.1 Creation of agency. Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

3. **Section 104.8 Liability** is amended to read as follows:

104.8 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

104.8.1 Legal defense. Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

5. **Section 112.1 General** is amended to read as follows, and **Section 112.3 Qualifications** is deleted in its entirety:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority in accordance with Appendix A and shall hold office at its pleasure. **Membership of the board shall be as set forth in Appendix A.** The board shall conduct business and procedures in accordance with Appendix A.

6. **Section 202 General Definitions** is amended to read as follows:

...

1. Where the *fire area* of the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, exceeds 12,000 square feet (1115 m²). Where a Group S-2 *fire area* exceeds 5,000 square feet (464.5 m²).
2. Where the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, is located beneath other groups.
Exception: Enclosed parking garages located beneath Group R-3 occupancies.
3. Where the *fire area* of the open parking garage, in accordance with Section 406.5 of the *International Building Code*, exceeds 48,000 square feet (4460 m²).
4. A Group S-2 *fire area* is located more than three stories above *grade plane*.

53. **Section 903.2.11.1.3 Basements** is amended to read as follows:

903.2.11.1.3 Basements. Where any portion of a *basement* is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

54. **Section 903.3.1.2.3 Attics** is amended to add subsection 5 and its Exceptions to read as follows:

...

5. In buildings containing dwelling or sleeping units ~~where automatic fire sprinklers are required in attics~~, the automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13, regardless of the fire sprinkler installation standard allowed for other portions of the building.

Exceptions:

1. Buildings that do not contain more than 6 individual dwelling units or sleeping units and the units are separated from each other with a 1-hour fire barrier.
2. Buildings that do not contain more than 12 individual dwelling units or sleeping units and is divided into no more than 6 individual dwellings units (complying with number 1 above) by a minimum 2-hour fire wall.
3. Buildings containing only Group R-3 occupancy.

4th Edition, February 2020
Protection Practices

Recommended Fire

5701.2

For Distilled Spirits Beverage Facilities5001.1,

...

LCUASS

Larimer County Engineering
200 W Oak Street
Fort Collins, CO 80524

Standard Reference
Reference

Title

Code

Enacted August 1, 2021

Larimer County Urban
Area Street Standards

.....D105.6

...

83. **APPENDIX A BOARD OF APPEALS** is deleted in its entirety and replaced with the following:

APPENDIX A BOARD OF APPEALS

SECTION A101 GENERAL

A101.1 Scope. Pursuant to the provisions of Section 112 of this code, upon the filing of an application for appeal of a decision of the *fire code official* as to the application and/or interpretation of this code, a board of appeals shall be established in accordance with Section A101.3. The board shall be established and operated in accordance with this Section A101 and shall be authorized to hear evidence from appellant(s) and the *fire code official* pertaining to the application and intent of this code for the purpose of issuing a decision pursuant to these provisions.

A101.2 Application for appeal. Any person or entity shall have the right to appeal a decision of the *fire code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted and/or applied, the provisions of

this code do not fully apply, or an equally good or better form of construction is proposed. The board has the right to dismiss an application for appeal upon receipt which on its face does not demonstrate plausible grounds that the *fire code official* made an incorrect interpretation and/or application, the provisions of this code do not fully apply, or an equivalent or better form of construction should be considered. A person wishing to submit an appeal shall request an application via email or letter to the *fire code official*. The completed application shall be filed within 90 days after the date the *fire code official's* decision was issued. The board will not consider an appeal that is not filed within 90 days of the *fire code official's* decision.

A101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

A101.2.2 Stays of enforcement. Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the board dismisses the application for appeal pursuant to Section A101.2, or it issues a decision on the appeal.

A101.3 Membership of board. The board shall consist of the Chair of the PFA Board of Directors or their appointee, the Fort Collins City Manager or their appointee, and the City's Chief Building Official. The members of the board shall not be employees of PFA. In the event any of the officials listed is unavailable or recused, the individual who would normally stand in as that official's substitute in other matters shall take their place. ~~no less than three voting members appointed by the fire code official. Each member will be selected based on their expertise in the field of which the appellant is challenging the application and/or interpretation of this code. The board members will be selected within 20 business days of the fire code official's receipt of the appellant's application for appeal. The fire code official shall be an ex officio member of the board but shall not vote on any matter before the board.~~

A101.3.1 Qualifications. All members of the board shall be trained on quasi-judicial proceedings. To ensure the board is competent to decide the appeal before them, the board may designate qualified experts to educate and assist the board as necessary. Qualified experts shall mean persons ~~The board shall consist of members~~ who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or *fire protection systems*, and are not employees of the jurisdiction **City of Fort Collins or PFA.**

A101.3.2 Chairperson. The **Chair of the PFA Board of Directors or their appointee shall act** ~~board shall select one of its members~~ as the chairperson of the board, **unless otherwise designated by the board.** The chairperson will present in writing the board's dismissal of or decision on an appeal.

A101.3.3 Secretary. The *fire code official* shall designate a qualified clerk to serve as secretary to the board. The secretary shall **post required notices and prepare the agenda for all board meetings, cause the board's meetings to be recorded, and prepare minutes that provide** ~~submit~~ a detailed record of all proceedings ~~to the chief appointing authority and the *fire code official*~~, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any members abstaining from voting.

A101.3.4 Conflict of interest. A member with any personal, professional, or financial interest in a matter before the board shall declare such interest and shall recuse themselves from the board with respect to that matter.

~~**A101.3.5 Compensation of members.** Compensation of members shall be determined by law.~~

~~**A101.3.5**~~ **A101.3.6 Board decision and dissolution.** The board's decision, **containing detailed findings of fact, conclusions of law, and order,** shall be promptly submitted in writing to the *fire code official* and the individual(s), entity, or entities that initiated the appeal. ~~The board shall automatically dissolve 10 business days after it issues its decision if no post-decision issues have been brought to its attention.~~ The board's decision is final and conclusive for purposes of exhaustion of administrative remedies.

A101.4 Rules and procedures. ~~The board shall follow the applicable policies and procedures of the PFA in carrying out its duties consistent with the provisions of this code and applicable state law.~~ **In carrying out its duties, the board shall follow the Fort Collins Code of Conduct policy applicable to quasi-judicial commissions, as well as applicable policies and procedures of the PFA consistent with the provisions of that policy, Fort Collins' Charter and City Code, and applicable state law.** The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.

A101.5 Notice of meetings. ~~The board shall meet upon notice from the chairperson within 20 calendar days of the last board member being selected by the *fire code official* or at stated periodic intervals.~~ **The board's secretary shall provide notice to the board of the need to meet and shall schedule the meeting no less than 10 business days and no more than 35 business days after the filing of an application for appeal. Written notice of the date, time and place of the meeting shall be mailed by the secretary to the appellant no less than 10 business days prior to the date of said meeting. As required under Colorado law, public notice shall be provided in advance of any meeting of the board.**

84. ~~**APPENDIX B FIRE-FLOW REQUIREMENTS**~~ is adopted in its entirety, with the following amendments:

the number of the door in closest proximity on the first floor or primary access level.

5. Doors which do not provide access to the greater interior portion of any building or structure, such as for electrical or mechanical access, shall not require an emergency identification number but shall be identified on the emergency response map and labeled as a utility room with a designation as (UR).
6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. Section 9-3 of the Code of the City of Fort Collins is deleted in its entirety.

Section 5. The current codifier of the Code of the City of Fort Collins is directed to amend all existing cross references in the City Code in accordance with the provisions of this ordinance.

~~Section 4~~ Section 6. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025

Approving Attorney: Madelene Shehan

103.1 Creation of agency. Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

3. **Section 104.8 Liability** is amended to read as follows:

104.8 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

104.8.1 Legal defense. Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

5. **Sections 112.1 General and 112.2 Limitations on authority** are is amended to read as follows, **and Section 112.3 Qualifications is deleted in its entirety:**

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals to be known as the Fire Board of Appeals. The City of Fort Collins Building Review Commission, as appointed from time to time, shall constitute the Fire Board of Appeals. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*. Application for an appeal and all process and procedures for an appeal shall be as stipulated in

Section 113 of the International Building Code, as amended and adopted by the City of Fort Collins. The board shall follow the applicable policies and procedures of the City of Fort Collins in carrying out its duties consistent with the provisions of this code and applicable state law. ~~The board of appeals shall be appointed by the applicable governing authority in accordance with Appendix A and shall hold office at its pleasure. The board shall conduct business and procedures in accordance with Appendix A.~~

112.2 Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

6. **Section 202 General Definitions** is amended to read as follows:

...

BARREL. A charred wooden process vessel made of bent staves held together with steel hoops, with the greatest diameter being at the center of the staves, known as the "bilge." The ends, known as "heads," are flat, and the rim formed by staves overlapping the heads is known as the "chime."

...

CASK. See "Barrel."

...

DWELLING. A *building* used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal *building*.

DWELLING UNIT. One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use *building*.

...

FALSE ALARM. See *Unwanted Alarm*.

54. **Section 903.3.1.2.3 Attics** is amended to add subsection 5 and its Exceptions to read as follows:

...

5. In buildings containing dwelling or sleeping units ~~where automatic fire sprinklers are required in attics~~, the automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13, regardless of the fire sprinkler installation standard allowed for other portions of the building.

Exceptions:

1. Buildings that do not contain more than 6 individual dwelling units or sleeping units and the units are separated from each other with a 1-hour fire barrier.
2. Buildings that do not contain more than 12 individual dwelling units or sleeping units and is divided into no more than 6 individual dwellings units (complying with number 1 above) by a minimum 2-hour fire wall.
3. Buildings containing only Group R-3 occupancy.

55. A new **Section 903.3.1.4 Core and shell buildings** is added to read as follows:

903.3.1.4 Core and shell buildings. Automatic fire sprinkler systems in buildings constructed to house future tenant spaces that are not assigned an occupancy shall have minimum hazard classification of Ordinary Hazard 2 in accordance with NFPA 13.

56. **Section 903.4.3 Alarms** is amended only as to the Exception to read as follows:

903.4.3 Alarms.

...

Exception: *Automatic sprinkler systems* protecting one- and two-family dwellings, unless such dwellings are arranged so that it is unclear which *automatic sprinkler system* has activated, and for these conditions an approved audible and visual sprinkler waterflow device, located on the exterior of the building in an approved location shall be provided for each fire sprinkler system installed.

83. ~~APPENDIX A BOARD OF APPEALS~~ is deleted in its entirety and replaced with the following:

~~APPENDIX A BOARD OF APPEALS~~

~~SECTION A101 GENERAL~~

~~**A101.1 Scope.** Pursuant to the provisions of Section 112 of this code, upon the filing of an application for appeal of a decision of the *fire code official* as to the application and/or interpretation of this code, a board of appeals shall be established in accordance with Section A101.3. The board shall be established and operated in accordance with this Section A101 and shall be authorized to hear evidence from appellant(s) and the *fire code official* pertaining to the application and intent of this code for the purpose of issuing a decision pursuant to these provisions.~~

~~**A101.2 Application for appeal.** Any person or entity shall have the right to appeal a decision of the *fire code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted and/or applied, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board has the right to dismiss an application for appeal upon receipt which on its face does not demonstrate plausible grounds that the *fire code official* made an incorrect interpretation and/or application, the provisions of this code do not fully apply, or an equivalent or better form of construction should be considered. A person wishing to submit an appeal shall request an application via email or letter to the *fire code official*. The completed application shall be filed within 90 days after the date the *fire code official's* decision was issued. The board will not consider an appeal that is not filed within 90 days of the *fire code official's* decision.~~

~~**A101.2.1 Limitation of authority.** The board shall not have authority to waive requirements of this code or interpret the administration of this code.~~

~~**A101.2.2 Stays of enforcement.** Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the board dismisses the application for appeal pursuant to Section A101.2, or it issues a decision on the appeal.~~

~~**A101.3 Membership of board.** The board shall consist of no less than three voting members appointed by the *fire code official*. Each member will be selected based on their expertise in the field of which the appellant is challenging the application and/or interpretation of this code. The board members will be selected within 20 business days of the *fire code official's*~~

~~receipt of the appellant's application for appeal. The *fire code official* shall be an *ex officio* member of the board but shall not vote on any matter before the board.~~

~~**A101.3.1 Qualifications.** The board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or *fire protection systems*, and are not employees of the jurisdiction.~~

~~**A101.3.2 Chairperson.** The board shall select one of its members as the chairperson of the board. The chairperson will present in writing the board's dismissal of or decision on an appeal.~~

~~**A101.3.3 Secretary.** The *fire code official* shall designate a qualified clerk to serve as secretary to the board. The secretary shall submit a detailed record of all proceedings to the chief appointing authority and the *fire code official*, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any members abstaining from voting.~~

~~**A101.3.4 Conflict of interest.** A member with any personal, professional, or financial interest in a matter before the board shall declare such interest and shall recuse themselves from the board with respect to that matter.~~

~~**A101.3.5 Compensation of members.** Compensation of members shall be determined by law.~~

~~**A101.3.5 Board decision and dissolution.** The board's decision shall be promptly submitted in writing to the *fire code official* and the individual(s), entity, or entities that initiated the appeal. The board shall automatically dissolve 10 business days after it issues its decision if no post-decision issues have been brought to its attention. The board's decision is final and conclusive for purposes of exhaustion of administrative remedies.~~

~~**A101.4 Rules and procedures.** The board shall follow the applicable policies and procedures of the PFA in carrying out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.~~

~~**A101.5 Notice of meetings.** The board shall meet upon notice from the chairperson within 20 calendar days of the last board member being selected by the *fire code official* or at stated periodic intervals.~~

84. **APPENDIX B FIRE-FLOW REQUIREMENTS** is adopted in its entirety, with the following amendments:

the number of the door in closest proximity on the first floor or primary access level.

5. Doors which do not provide access to the greater interior portion of any building or structure, such as for electrical or mechanical access, shall not require an emergency identification number but shall be identified on the emergency response map and labeled as a utility room with a designation as (UR).
6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. Section 9-3 of the Code of the City of Fort Collins is deleted in its entirety.

Section 5. The current codifier of the Code of the City of Fort Collins is directed to amend all existing cross references in the City Code in accordance with the provisions of this ordinance.

~~Section 4~~ Section 6. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025
Approving Attorney: Madelene Shehan

OPTION 1

ORDINANCE NO. 051, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE
PURPOSE OF REPEALING THE 2021 INTERNATIONAL FIRE CODE AND
ADOPTING THE 2024 INTERNATIONAL FIRE CODE, WITH AMENDMENTS

A. As early as 1958, the City has reviewed, amended and adopted the latest nationally recognized fire protection standards available for the times.

B. The City previously adopted the 2021 *International Fire Code*, with local amendments, to minimize human suffering and property loss from fire.

C. The 2024 edition of the *International Fire Code* represents the most current version now available.

D. A Fire Code Review Committee ("Committee"), formed by the Poudre Fire Authority ("PFA") in 2024 for the purpose of reviewing the 2024 *International Fire Code*, has recommended unanimously that the jurisdictions being served by PFA adopt the 2024 *International Fire Code* with certain local amendments tailored to the circumstances in Fort Collins.

E. The Fire Prevention Bureau staff of the PFA, working in conjunction with the Committee, also has reviewed the 2024 *International Fire Code* and the local amendments proposed by the Committee and has recommended that the jurisdictions being served by the PFA adopt the 2024 *International Fire Code* with the local amendments.

F. On February 25, 2025, the PFA Board of Directors unanimously voted to recommend that the 2024 *International Fire Code* with proposed local amendments be adopted by those jurisdictions being served by PFA.

G. The City Council has determined that it is in the best interests of the health, safety, and welfare of the city and its citizens that the 2024 *International Fire Code*, in substantially the form recommended by the Fire Code Review Committee and the PFA staff, be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to City Charter Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins Coloradoan such notice of hearing concerning adoption of the 2024 *International Fire Code* on February 23, 2025, and March 2, 2025.

J. Exhibit A, attached hereto and incorporated herein by reference is the Notice of Public Hearing dated February 23, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council repeals the 2021 *International Fire Code* (“IFC”) and adopts the 2024 IFC as amended by this Ordinance.

Section 2. Section 9-1 of the Code of the City of Fort Collins is amended to read as follows:

Section 9-1. - Adoption of the International Fire Code, 2024 Edition.

Pursuant to the authority conferred by Article II, Section 7 of the Charter and by Section 31-16-201 et seq., C.R.S., there is hereby adopted by reference as the fire code of the City, for the purposes of safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, the International Fire Code, 2024 Edition, as promulgated by the International Code Council (hereafter, “this code” or “this fire code”). Except as to any portion of this fire code that is herein after added to, deleted, modified or amended in this Chapter, this fire code shall include all articles and appendices in the *International Fire Code*, 2024 Edition. Not less than three (3) copies of this fire code shall be on file in the office of the Fire Marshal and may be inspected at regular business hours and purchased from the Fire Prevention Bureau at a price not to exceed one hundred dollars (\$100.00) per copy. The provisions of this fire code shall be controlling within the limits of the City of Fort Collins.

Section 3. Section 9-2 of the Code of the City of Fort Collins is repealed and reenacted to read as follows:

Section 9-2 - Amendments and deletions to the 2024 International Fire Code.

The 2024 International Fire Code adopted in §9-1 is amended to read as follows:

1. **Section 101.1 Title** is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Fort Collins, hereinafter referred to as “this code.”

2. **Section 103.1 Creation of Agency** is deleted in its entirety and replaced with the following:

103.1 Creation of agency. Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

3. **Section 104.8 Liability** is amended to read as follows:

104.8 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

104.8.1 Legal defense. Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

5. **Section 112.1 General** is amended to read as follow:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority in accordance with Appendix A and shall hold office at its pleasure. The board shall conduct business and procedures in accordance with Appendix A.

6. **Section 202 General Definitions** is amended to read as follows:

. . .

BARREL. A charred wooden process vessel made of bent staves held together with steel hoops, with the greatest diameter being at the center of the staves, known as the “bilge.” The ends, known as “heads,” are flat, and the rim formed by staves overlapping the heads is known as the “chime.”

. . .

CASK. See “Barrel.”

. . .

DWELLING. A *building* used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal *building*.

DWELLING UNIT. One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use *building*.

. . .

FALSE ALARM. See *Unwanted Alarm*.

. . .

MALICIOUS ALARM. Any unwanted activation of an alarm initiating device caused by a person acting with malice.

. . .

MAZE. Temporary or permanent passageways constructed within agricultural crops such as corn, or within vegetation such as hedges, or constructed such as with hay bales, or by other means and methods, and where passageways are occupied for amusement, entertainment, and are arranged in a manner to intentionally confound or bewilder identification of the means of egress, or otherwise make the means of egress path not readily available because of the nature of the attraction or mode of conveyance through passageways.

...

NUISANCE ALARM. Any unwanted activation of a signaling system or an alarm initiating device in response to a stimulus or condition that is not the result of a potentially hazardous condition. This includes such matters as mechanical failure, malfunction, improper installation or lack of proper maintenance, or an alarm for which the cause cannot be determined.

...

ROOM, SLEEPING (BEDROOM). A habitable room within a *dwelling* or other housing unit designed primarily for the purpose of sleeping. The presence of a bed, cot, mattress, convertible sofa or other similar furnishing used for sleeping purposes shall be prima facie evidence that such space or room is a sleeping room. The presence of closets or similar storage facilities shall not be considered relevant factors in determining whether or not a room is a sleeping room.

...

TOWNHOUSE. A single-family *dwelling unit* constructed as part of a group of two or more attached individual *dwelling units*, each of which is separated from the other from the foundation to the roof and is located entirely on a separately recorded and platted parcel of land (site) bounded by property lines, which parcel is deeded exclusively for such single-family dwelling.

...

UNWANTED ALARM. Any alarm that occurs that is not the result of a potentially hazardous condition. This includes *malicious alarms*, *nuisance alarms*, and *unintentional alarms* in accordance with National Fire Protection Association (NFPA) 72.

...

UNINTENTIONAL ALARM. An unwanted activation of an alarm initiating device caused by a person acting without malice.

...

7. **Section 304.1.1 Valet trash** is amended to read as follows:

304.1.1 Valet Trash. *Valet trash collection* shall be prohibited.

8. A new **Section 307.2.2 Time and Atmospheric Restrictions** is added to read as follows:

307.2.2 Time and Atmospheric Restrictions. *Open burning* shall be performed only when time and atmospheric conditions comply with the limits set forth in the Open Burning Permit.

9. **Section 307.4.1 Bonfires** is deleted in its entirety and replaced with the following:

307.4.1 Bonfires. Bonfires are prohibited unless specifically approved and permitted by the *fire code official*.

10. **Section 307.4.2 Recreational Fires** is deleted in its entirety and replaced with the following:

307.4.2 Recreational fires. *Recreational fires* are prohibited.

Exception: *Recreational fires* may be conducted at campgrounds, open camping areas, parks, open lands or similar areas in accordance with the rules and restrictions set forth by the authority having jurisdiction at such locations, provided that such fires do not have a fuel area that exceeds 2 feet in height and are not conducted within 25 feet of a structure or combustible material.

11. **Section 307.4.3 Portable outdoor fireplaces** is deleted in its entirety and replaced with the following:

307.4.3 Portable and Fixed Outdoor Fireplaces. Portable and fixed outdoor fireplaces, including fire tables, shall be used in accordance with the manufacturer's instructions. Outdoor fireplaces for public use must be listed for commercial use. Outdoor fireplaces shall not be placed closer to combustible materials than what is stated in the manufacturer's instructions. If the manufacturer's instructions are not available or do not establish a distance, outdoor fireplaces shall not be operated within 15 feet (4572 mm) of a combustible structure or combustible material. Outdoor fireplaces shall not be operated underneath a combustible structure of any type. Outdoor fireplaces shall be gas or liquid-fueled unless otherwise approved by the *fire code official*.

Exception: Outdoor fireplaces at one and two-family dwellings may use *approved solid* fuels.

12. **Section 308.1.7 Sky lanterns** is amended to read as follows:

308.1.7 Sky lanterns. A person shall not release or cause to be released a tethered or untethered sky lantern.

13. **Section 401.3 Emergency Responder Notification** is amended to read as follows:

401.3 Emergency Responder Notification. Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3. 4.

...

401.3.4 Reporting Emergencies. In the event a fire occurs or upon the discovery of a fire, smoke, or unauthorized release of flammable, combustible, or hazardous materials on any property, the *owner*, the *owner's* authorized representative, or the occupant shall, without delay, report such condition to the fire department.

14. **Section 401.5 Making false report** is amended to read as follows:

401.5 Making false report. False alarms shall be subject to enforcement in accordance with Section 401.9 Unwanted alarms.

15. A new **Section 401.9 Unwanted alarms** is added to read as follows:

401.9 Unwanted alarms. All *unwanted alarms* shall be subject to enforcement as per PFA's policies and procedures and adopted fee schedule.

16. **Section 402.1 Definitions** is amended to read as follows:

402.1 Definitions. The following terms are defined in Chapter 2:

EMERGENCY EVACUATION DRILL.

LOCKDOWN.

MALICIOUS ALARAM.

NUISANCE ALARAM.

UNINTENTIONAL ALARM.

UNWANTED ALARM.

17. **Section 503.1 Where required** is amended to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D Fire Apparatus Access Roads.

18. **Section 503.1.1 Buildings and facilities** is amended to read as follows:

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the

exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) up to 300 feet (91440 mm) where any of the following conditions occur:
 - 1.1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
 - 1.3. Group U occupancies.
 2. Where *approved* by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.
19. **Section 503.2 Specifications** is amended to read as follows:
- 503.2 Specifications.** Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D Fire Apparatus Access Roads.
20. **Section 503.2.1 Dimensions** is amended to read as follows:
- 503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).
21. **Section 503.2.4 Turning Radius** is amended to read as follows:
- 503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be 25 feet (7.6 m) inside radius and 50 feet (15.2 m) outside radius.
22. **Section 503.2.7 Grade** is amended to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 10 percent in grade.

Exception: Where approved by the *fire code official*, grades steeper than 10 percent due to geographic or location conditions may be permitted.

23. **Section 503.2.8 Angles of approach and departure** is amended to read as follows:

503.2.8 Angles of approach and departure. The angles of approach and departure when entering or exiting fire apparatus access roads shall not exceed a 10 percent angle of approach or departure.

24. **Section 503.6 Security gates** is amended to read as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be *approved* by the *fire code official*. Where security gates are installed, they shall have an *approved* means of emergency operation and shall comply with the requirements of Appendix D 103.5.

25. **Section 505.1 Address identification** is amended to read as follows:

Section 505.1 Address identification. New and existing buildings or facilities shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Address identification shall be maintained.

26. A new **Section 505.1.1 Address assignment and standards** is added to read as follows:

505.1.1 Address assignment and standards. Addresses shall be assigned by the governmental entity having jurisdiction (Fort Collins, Timnath, Weld County or Larimer County) and shall comply with the Larimer County Street Naming and Addressing Standards as contained in the Larimer County Urban Area Street Standards.

27. A new **Section 505.1.2 Location and size** is added to read as follows:

505.1.2 Location and size. The address numbers and letters for any commercial or industrial buildings shall be placed at a height to be clearly visible from the street. The minimum height and stroke shall be in accordance with Table 505.1.2.

A new **TABLE 505.1.2 Location and size** is added to read as follows:

TABLE 505.1.2
LOCATION AND SIZE

Distance from street curb to building	Letter/number height
1 – 100 feet	8 inches ¹
101 – 150 feet	10 inches ¹
151 – 200 feet	12 inches ¹
201 – 350 feet	14 inches ²
351 – 500 feet	16 inches ²
501 – 700 feet	20 inches ²
In excess of 700 feet	As approved by the <i>Fire Code Official</i> ³

¹ 8 in. – 12 in. numbers shall be a minimum 1 in. stroke

² 13 in.– 20 in. numbers shall be a minimum 1 ½ in. stroke

³ 21 in. and larger shall have proportional strokes to ensure visibility

28. A new **Section 505.1.3 Posting on one- and two-family dwellings** is added to read as follows:

505.1.3 Posting on one- and two-family dwellings. The address numbers and letters for one- and two-family dwellings shall be a minimum of four inches in height with a minimum ½ inch stroke and shall be posted on a contrasting background. If bronze or brass numerals are used, they shall only be posted on a black background for visibility.

29. A new **Section 505.1.4 Monument signs** is added to read as follows:

505.1.4 Monument signs. Monument signs may be used in lieu of address numbers and letters on the building as approved by the *fire code official*. The *address* numbers and letters for monument signage shall be a minimum of four (4) inches in height with a minimum ½ inch stroke unless otherwise approved by the *fire code official*. The *address* letters and numbers shall also be located at a minimum height of 22 inches above the surface or grade directly below.

30. A new **Section 505.1.5 Unit identifiers** is added to read as follows:

505.1.5 Unit identifiers. Buildings with multiple suites, apartments or units shall have the individual suites, apartments or units provided with individual identification numbers in sequential order.

1. Suite identifiers accessed from the exterior of the building shall be a minimum of four inches in height with a minimum ½ inch stroke.

2. Suite identifiers accessed from the interior of the building shall be a minimum of two inches in height with a minimum ¼ inch stroke.
3. Suites, apartments, or units located on the first floor shall be identified by numbers within the 100 or 1000 range or series. Suites, apartments or units located on the second floor shall be identified by numbers within the 200 or 2000 range or series. Suites, apartments or units located on the third floor shall be identified by numbers within the 300 or 3000 range or series. Higher floors shall follow this same numbering sequence.

31. A new **Section 505.1.6 Multiple address postings** is added to read as follows:

505.1.6 Multiple address postings. Buildings, either individually or part of a multi-building complex, that have emergency access lanes on sides other than on the addressed street side, shall have the address numbers and street name on each side that fronts a fire lane. Buildings that are addressed on one street but are accessible from another street, shall have the address numbers and street name on each side that is adjacent to another street.

32. A new **Section 505.1.7 Interior wayfinding** is added to read as follows:

505.1.7 Interior wayfinding. *Approved* wayfinding signage shall be posted in conspicuous locations within buildings to provide clear direction to locate any suite, apartment, or unit within the building. Interior wayfinding signage shall be a minimum of two inches in height with a minimum ¼ inch stroke.

33. A new **Section 505.1.8 Exterior wayfinding** is added to read as follows:

505.1.8 Exterior wayfinding. Multiple-building complexes must have *approved* signage as needed to direct first responders to individual buildings.

34. A new **Section 505.1.9 Campus addressing** is added to read as follows:

505.1.9 Campus addressing. Multiple-building complexes that have a single street address for the entire complex shall utilize alpha or numeric characters to identify the individual buildings. Such identification shall be assigned to the buildings in a sequential order following a clockwise direction starting at the main entrance to the complex.

35. **Section 507.2 Type of water supply** is amended to read as follows:

507.2 Type of water supply. A water supply shall consist of pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required sustainable fire flow.

36. **Section 507.5 Fire hydrant systems** is amended to read as follows:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.

37. **Section 507.5.1 Where required** is amended to read as follows:

507.5.1 Where required. Where the furthest portion of a facility or building or portion thereof hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.

Exceptions:

1. For Group R-3, one- and two-family dwellings, and Group U occupancies, the distance requirement shall be 400 feet (121 m).
2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

38. **Section 605.3 Chimneys and vents** is amended to read as follows:

605.3 Chimneys and vents. Masonry chimneys shall be constructed in accordance with the *International Building Code*. Factory-built chimneys and vent systems serving solid-fuel-fired appliances or oil-fired appliances shall be installed in accordance with the *International Mechanical Code*. Metal chimneys shall be constructed and installed in accordance with the *International Mechanical Code*. Factory-built chimneys and vent systems serving gas-fired appliances shall be installed in accordance with the *International Fuel Gas Code*. Means for arresting sparks must be in compliance with the Wildland Urban Interface (WUI) Code.

39. **Section 606.3 Operations and maintenance** is amended to read as follows:

606.3 Operations and maintenance Commercial cooking systems shall be operated, inspected and maintained in accordance with Sections 606.3.1 through 606.3.4. As outlined in NFPA 96, cooking appliances shall not be moved, modified, or rearranged without prior re-evaluation of the fire extinguishing system by the system installer or qualified servicing agent, unless otherwise allowed by the design of the fire extinguishing system. Any

movement, modification, or rearrangement of system components shall require an approved permit from PFA prior to the work being conducted.

40. A new **Section 606.5 Solid fuel-fired cooking appliances** is added to read as follows:

606.5 Solid fuel-fired cooking appliances. Solid fuel-fired commercial cooking appliances shall comply with applicable provisions of National Fire Protection Association (NFPA) 96.

41. **Section 901.4.7.1 Access** is amended to read as follows:

901.4.7.1 Access. Automatic sprinkler system risers, fire pumps and controllers shall be provided with *ready access*. Where located in a fire pump room or *automatic sprinkler system* riser room, the door shall be permitted to be locked provided that the key is available at all times. The clear door opening shall be 32 inches wide and 80 inches high, or a size large enough to accommodate the largest piece of equipment, whichever is larger.

42. **Section 903.2.1.1 Group A-1** is amended to read as follows:

903.2.1.1 Group A-1. An *automatic sprinkler system* shall be provided throughout stories containing Group A-1 occupancies and throughout all stories from the Group A-1 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. The *fire area* contains a multiple-theater complex.

43. **Section 903.2.1.3 Group A-3** is amended to read as follows:

903.2.1.3 Group A-3. An *automatic sprinkler system* shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.

3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

44. **Section 903.2.1.4 Group A-4** is amended to read as follows:

903.2.1.4 Group A-4. An *automatic sprinkler system* shall be provided throughout stories containing Group A-4 occupancies and throughout all stories from the Group A-4 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

45. **Section 903.2.2 Group B** is amended to read as follows:

903.2.2 Group B. An *automatic sprinkler system* shall be provided for Group B occupancies where the *fire area* exceeds 5,000 square feet (464.5 m²).

46. **Section 903.2.3 Group E** is amended to read as follows:

903.2.3 Group E. An *automatic sprinkler system* shall be provided for Group E occupancies as follows:

1. Throughout all Group E *fire areas* greater than 5,000 square feet (464.5 m²) in area.
2. The Group E *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an *automatic sprinkler system* is not required in any area below the lowest *level of exit discharge* serving that area.

3. The Group E *fire area* has an *occupant load* of 300 or more.

47. **Section 903.2.4 Group F-1** is amended to read as follows:

903.2.4 Groups F-1 and F-2. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group F-1 or F-2 occupancy where one of the following conditions exists:

1. A Group F-1 or F-2 *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group F-1 or F-2 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group F-1 or F-2 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group F-1 occupancy is used to manufacture lithium-ion or lithium metal batteries.
5. A Group F-1 occupancy is used to manufacture vehicles, energy storage systems or equipment containing lithium-ion or lithium metal batteries where the batteries are installed as part of the manufacturing process.

48. **Section 903.2.6 Group I** is amended to read as follows:

903.2.6 Group I. An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

Exceptions:

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1, Condition 1 facilities.
2. An *automatic sprinkler system* is not required where Group I-4 day care facilities are at the *level of exit discharge* and where every room where care is provided has not fewer than one exterior *exit* door and the fire area does not exceed 5,000 square feet (464.5 m²).
3. In buildings where Group I-4 day care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the *level of exit discharge* and all floors below the *level of exit discharge* other than areas classified as an open parking garage.

49. **Section 903.2.7 Group M** is amended to read as follows:

903.2.7 Group M. An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group M *fire area* is located more than three stories above *grade plane*.

3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

50. **Section 903.2.9 Group S-1** is amended to read as follows:

903.2.9 Group S-1. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group S-1 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 5,000 square feet (464.5 m²).
4. A Group S-1 *fire area* used for the storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464.5 m²).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m²).

51. **Section 903.2.9.1 Repair garages** is amended to read as follows:

903.2.9.1 Repair garages. An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, as shown:

1. Buildings having two or more stories above *grade plane*, including *basements*, with a *fire area* containing a repair garage exceeding 5,000 square feet (464.5 m²).
2. Buildings not more than one story above *grade plane*, with a *fire area* containing a repair garage exceeding 5,000 square feet (464.5 m²).
3. Buildings with repair garages servicing vehicles parked in *basements*.
4. A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m²).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m²).

52. **Section 903.2.10 Group S-2 parking garages** is amended to read as follows:

903.2.10 Group S-2 parking garages. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-2 occupancy where any of the following conditions exists:

1. Where the *fire area* of the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, exceeds 12,000 square feet (1115 m²). Where a Group S-2 *fire area* exceeds 5,000 square feet (464.5 m²).
2. Where the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

3. Where the *fire area* of the open parking garage, in accordance with Section 406.5 of the *International Building Code*, exceeds 48,000 square feet (4460 m²).
4. A Group S-2 *fire area* is located more than three stories above *grade plane*.

53. **Section 903.2.11.1.3 Basements** is amended to read as follows:

903.2.11.1.3 Basements. Where any portion of a *basement* is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

54. **Section 903.3.1.2.3 Attics** is amended to add subsection 5 and its Exceptions to read as follows:

...

5. In buildings containing dwelling or sleeping units where automatic fire sprinklers are required in attics, the automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13, regardless of the fire sprinkler installation standard allowed for other portions of the building.

Exceptions:

1. Buildings that do not contain more than 6 individual dwelling units or sleeping units and the units are separated from each other with a 1-hour fire barrier.
2. Buildings that do not contain more than 12 individual dwelling units or sleeping units and is divided into no more than 6 individual dwellings units (complying with number 1 above) by a minimum 2-hour fire wall.

3. Buildings containing only Group R-3 occupancy.

55. A new **Section 903.3.1.4 Core and shell buildings** is added to read as follows:

903.3.1.4 Core and shell buildings. Automatic fire sprinkler systems in buildings constructed to house future tenant spaces that are not assigned an occupancy shall have minimum hazard classification of Ordinary Hazard 2 in accordance with NFPA 13.

56. **Section 903.4.3 Alarms** is amended only as to the Exception to read as follows:

903.4.3 Alarms.

...

Exception: *Automatic sprinkler systems* protecting one- and two-family dwellings, unless such dwellings are arranged so that it is unclear which *automatic sprinkler system* has activated, and for these conditions an approved audible and visual sprinkler waterflow device, located on the exterior of the building in an approved location shall be provided for each fire sprinkler system installed.

57. **Section 906.1 Where required**, Exception 1 in paragraph 1 is deleted in its entirety and replaced to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

...

Exceptions:

1. In Group R-2 occupancies, portable fire extinguishers shall be required in approved common spaces that are readily accessible to the occupants of dwelling units. Portable fire extinguishers shall have a minimum rating of 2-A:10-B:C, with a maximum travel distance of 75 feet (22860 mm) as measured from the entry doors of dwelling units to the mounted portable fire extinguisher. Unless otherwise specified by a law or regulation, it shall be the responsibility of the property owner of their authorized designee to maintain portable fire extinguishers in accordance with this code and NFPA 10.

...

58. **Section 907.2.11 Single-and multiple-station smoke alarms** is amended to read as follows:

907.2.11 Single- and multiple-stations smoke alarms. *Listed* single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.7, NFPA 72 and the manufacturer's instructions. Where one or more sleeping rooms are added or created in existing Group R Occupancies, the entire building shall be provided with smoke detectors located and installed as required for new Group R Occupancies described herein.

59. **Section 907.5.2.1.3.2 Smoke alarm signal in sleeping rooms** is amended to read as follows:

907.5.2.1.3.2 Smoke alarm signal in sleeping rooms. In sleeping rooms of Group R-1, R-2 and I-1 occupancies that are required by Section 907.2.8 or 907.2.9 to have a *fire alarm system*, the audible alarm signal activated by single- or multiple-station smoke alarms in the *dwelling unit* or *sleeping unit* shall be a 520-Hz signal complying with NFPA 72 or an alternative means approved by the *fire code official*.

Where a sleeping room smoke alarm is unable to produce a 520-Hz alarm signal, the 520-Hz alarm signal shall be provided by a *listed* notification appliance.

60. A new **Section 907.8.5 Excessive false alarms** is added to read as follows:

907.8.5 Excessive false alarms. An excessive number of false alarms shall be defined as two (2) alarm activations for a fire alarm system within a sixty (60) day period, provided that any such activations are not the result of a cause reasonably beyond the control of the *owner*, tenant, or operator of the building. In the event of an excessive number of false alarms, the *fire code official* may order the building *owner*, tenant, operator of the building or party responsible for the building to take reasonable actions necessary to prevent false alarms. These actions may include repair or replacement of the faulty alarm components, addition of tamper proof devices, modification of system design and repair of other building components which affect alarm system performance. The *fire code official* also may require the building *owner*, tenant, operator of the building or party responsible for the building to obtain an *approved* maintenance contract with a qualified fire alarm maintenance technician as required by NFPA 72 to provide continuous maintenance service of the system.

61. **Section 1010.1.4 Floor elevation** is amended to read as follows:

1010.1.4 Floor elevation. There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent slope). All exterior steps, slabs, walks, decks and patios serving as exterior door landings or exterior stairs shall be adequately and permanently secured in place by *approved* methods to prevent such landings or stairs from being undermined or subject to significant displacement due to improper placement of supporting backfill or due to inadequate anchoring methods.

Exceptions:

. . .

7. Exterior doors serving individual dwelling units, other than the main entrance door to a dwelling unit, may open at one intervening exterior step that is equally spaced between the interior floor level above and exterior landing below, provided that the step has a minimum tread depth of 12 inches (30.48 cm), a maximum riser height of 7¾ inches (19.68 cm), and a minimum width equal to the door width and, provided further that the door does not swing over the step.

62. **Section 1011.11 Handrails** is amended to read as follows:

1011.11 Handrails. *Flights of stairways* of more than one riser shall have *handrails* on each side and shall comply with Section 1014. Where glass is used to provide the *handrail*, the *handrail* shall comply with Section 2407 of the *International Building Code*.

. . .

63. **Section 1015.8 Window openings** is amended to read as follows:

1015.8 Window openings. Windows in Group R-2 and R-3 buildings including *dwelling units*, where the bottom of the clear opening of an operable window is located less than 24 inches (610 mm) above the finished floor and more than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the building, shall comply with one of the following:

. . .

64. A new **Section 1015.9 Below grade openings** is added to read as follows:

1015.9 Below grade openings. All area wells, stair wells, window wells and light wells attached to any *building* that are located less than 36 inches from the nearest intended walking surface and deeper than 30 inches below the

surrounding ground level shall have guards or *approved* covers for fall protection.

65. **Section 1031.2 Where required** is amended only as to Exceptions 1 and 5 to read as follows:

...

Exceptions:

1. *Basements* with a ceiling height of less than 72 inches (1828.8 mm) and that do not contain habitable space, shall not be required to have *emergency escape and rescue openings*.

...

5. Within individual *dwelling* and *sleeping units* in Groups R-2 and R-3, where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, sleeping rooms in *basements* shall not be required to have *emergency escape and rescue openings* provided that the *basement* has one of the following:
 - 5.1. One *means of egress* and one *emergency escape and rescue opening*.
 - 5.2. Two *means of egress*.

66. **Section 1031.3 Emergency escape and rescue openings** is amended to read as follows:

1031.3 Emergency escape and rescue openings. *Emergency escape and rescue openings* shall comply with Sections 1031.3.1 through 1031.3.4.

67. A new **Section 1031.3.4 Emergency escape and rescue openings** shall be added to read as follows:

1031.3.4 Minimum height from floor. *Emergency escape and rescue window openings* that are located more than 72 inches (1829 mm) above the finished grade shall have a sill height of not less than 24 inches (609 mm) measured from the finished interior side floor.

68. **Section 1103.2 Emergency responder communications enhancement in existing buildings** is amended to read as follows:

1103.2 Emergency responder communications enhancement in existing buildings. Existing buildings other than Group R-3 that do not have *approved* in-building emergency response communications enhancement for emergency

responders in the building based on existing coverage levels of the public safety communication systems, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not *approved* in accordance with Section 510.1, Exception 1.
2. In all buildings exceeding 10,000 sq.ft. and any Type V construction exceeding 15,000 sq.ft.

Exception: Where it is determined by the *fire code official* that the in-building emergency responder communications enhancement system is not needed.

69. **Section 1205.3 Other than Group R-3 buildings** is amended to read as follows:

1205.3 Other than Group R-3 buildings. Access to systems for buildings, other than those containing Group R-3 occupancies, shall be provided in accordance with Sections 1205.3.1 through 1205.3.3.

Exception: Where it is determined by the *fire code official* that the roof configuration is similar to that of a Group R-3 occupancy, and the building does not exceed three stories and does not require aerial fire apparatus access in accordance with Appendix D, the residential access and ventilation requirements in Section 1205.2.1.1 through 1205.2.1.3 are a suitable alternative.

...

70. **Section 3102.1 Definitions** is amended to read as follows:

3102.1 Definitions. The following terms are defined in Chapter 2:

...

MAZE.

71. A new **Section 3105.9 Mazes** is added to read as follows:

3105.9 Mazes. Mazes, including but not limited to, outdoor corn stalk or hedge-mazes, or similar indoor or outdoor conditions, shall be in accordance with requirements established by the *fire code official* and the PFA's special event policies and procedures.

72. **Section 3307.1.2 Stairways required** is amended to read as follows:

3307.1.2 Stairways required. Where building construction exceeds 20 feet (6096 mm) or one-story in height above the lowest level of fire department vehicle access, a temporary or permanent *stairway* shall be provided to all floors that have secured decking or flooring. As construction progresses, such *stairway* shall be extended to within one floor of the highest point of construction having secured decking or flooring.

73. **Section 5001.1 Scope** is amended only as to Exception 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the Distilled Spirits Council of the United States ("DISCUS") "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" and NFPA 13.

...

74. **Section 5601.1.3 Fireworks** is amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608.

75. **Section 5701.2 Nonapplicability** is amended only as to numbered item 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the DISCUS "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" and NFPA 13.

...

76. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited** is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

77. **Section 5706.2.4.4 Locations where above-ground tanks are prohibited** is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

78. **Section 5806.2 Limitations** is amended to read as follows:

5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

79. **Section 6104.2 Maximum capacity within established limits** is amended to read as follows:

6104.2 Maximum capacity within established limits. For the protection of heavily populated or congested areas, storage of liquified petroleum gas shall not exceed an aggregate capacity in any one installation of 2,000 gallons (7570 L) within the limits established by law as set forth in the fire code adoption ordinance and in accordance with the City of Fort Collins Land Use Code.

Exception: In particular installations, this capacity limit shall be determined by the *fire code official*, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

80. **Section 6109.13 Protection of containers** is amended to read as follows:

6109.13 Protection of containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

81. A new **CHAPTER 68 APPENDIX ADOPTION STATUS** is added to read as follows:

APPENDIX	TITLE	STATUS
A	Board of Appeals	Adopted, with amendments

B	Fire-flow Requirements for Buildings	Adopted, with amendments
C	Fire Hydrant Locations and Distribution	Adopted, with amendments
D	Fire Apparatus Access Roads	Adopted, with amendments
E	Hazard Categories	Adopted as reference
F	Hazard Ranking	Adopted
G	Cryogenic Fluids—Weights and Volume Equivalents	Adopted as reference
H	Hazardous Materials Management Plan (HMMP)	Adopted as reference
I	Fire Protection Systems—Non-compliant Conditions	Not Adopted
J	Building Information Sign	Not Adopted
K	Construction Requirements for Existing Ambulatory Care Facilities	Not Adopted
L	Requirements for Fire Fighter Air Replenishment Systems	Adopted
M	High-rise Buildings—Retroactive Automatic Sprinkler Requirements	Not Adopted
N	Indoor Trade Shows and Exhibitions	Adopted
O	Valet Trash and Recycling Collection in Group R-2 Occupancies	Not Adopted

82. **CHAPTER 80 REFERENCED STANDARDS** is amended by adding the following additional referenced standards:

...

CHAPTER 80 REFERENCED STANDARDS

DISCUS

Distilled Spirits Council of the United States

1250 Eye Street, NW Suite 400
Washington, DC 20005

Standard Reference
Reference

Title

Code

4th Edition, February 2020
Protection Practices

Recommended Fire

For Distilled Spirits Beverage Facilities5001.1,
5701.2

...

LCUASS

Larimer County Engineering
200 W Oak Street
Fort Collins, CO 80524

Standard Reference Reference	Title	Code
Enacted August 1, 2021	Larimer County Urban Area Street Standards	
.....D105.6		

...

83. **APPENDIX A BOARD OF APPEALS** is deleted in its entirety and replaced with the following:

APPENDIX A BOARD OF APPEALS

SECTION A101 GENERAL

A101.1 Scope. Pursuant to the provisions of Section 112 of this code, upon the filing of an application for appeal of a decision of the *fire code official* as to the application and/or interpretation of this code, a board of appeals shall be established in accordance with Section A101.3. The board shall be established and operated in accordance with this Section A101 and shall be authorized to hear evidence from appellant(s) and the *fire code official* pertaining to the application and intent of this code for the purpose of issuing a decision pursuant to these provisions.

A101.2 Application for appeal. Any person or entity shall have the right to appeal a decision of the *fire code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted and/or applied, the provisions of

this code do not fully apply, or an equally good or better form of construction is proposed. The board has the right to dismiss an application for appeal upon receipt which on its face does not demonstrate plausible grounds that the *fire code official* made an incorrect interpretation and/or application, the provisions of this code do not fully apply, or an equivalent or better form of construction should be considered. A person wishing to submit an appeal shall request an application via email or letter to the *fire code official*. The completed application shall be filed within 90 days after the date the *fire code official's* decision was issued. The board will not consider an appeal that is not filed within 90 days of the fire code official's decision.

A101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

A101.2.2 Stays of enforcement. Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the board dismisses the application for appeal pursuant to Section A101.2, or it issues a decision on the appeal.

A101.3 Membership of board. The board shall consist of no less than three voting members appointed by the *fire code official*. Each member will be selected based on their expertise in the field of which the appellant is challenging the application and/or interpretation of this code. The board members will be selected within 20 business days of the *fire code official's* receipt of the appellant's application for appeal. The *fire code official* shall be an *ex officio* member of the board but shall not vote on any matter before the board.

A101.3.1 Qualifications. The board shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or *fire protection systems*, and are not employees of the jurisdiction.

A101.3.2 Chairperson. The board shall select one of its members as the chairperson of the board. The chairperson will present in writing the board's dismissal of or decision on an appeal.

A101.3.3 Secretary. The *fire code official* shall designate a qualified clerk to serve as secretary to the board. The secretary shall submit a detailed record of all proceedings to the chief appointing authority and the *fire code official*, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any members abstaining from voting.

A101.3.4 Conflict of interest. A member with any personal, professional, or financial interest in a matter before the board shall declare such interest and shall recuse themselves from the board with respect to that matter.

A101.3.5 Compensation of members. Compensation of members shall be determined by law.

A101.3.6 Board decision and dissolution. The board's decision shall be promptly submitted in writing to the *fire code official* and the individual(s), entity, or entities that initiated the appeal. The board shall automatically dissolve 10 business days after it issues its decision if no post-decision issues have been brought to its attention. The board's decision is final and conclusive for purposes of exhaustion of administrative remedies.

A101.4 Rules and procedures. The board shall follow the applicable policies and procedures of the PFA in carrying out its duties consistent with the provisions of this code and applicable state law. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.

A101.5 Notice of meetings. The board shall meet upon notice from the chairperson within 20 calendar days of the last board member being selected by the *fire code official* or at stated periodic intervals.

84. **APPENDIX B FIRE-FLOW REQUIREMENTS** is adopted in its entirety, with the following amendments:

Section B105.1 One-and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.1(1) being deleted in its entirety:

B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum *fire-flow* and flow duration requirements for one- and two-family *dwellings*, Group R-3 and R-4 buildings and *townhouses* shall be 1000 gpm with residual pressure of 20 psi for a duration of one (1) hour.

Exception: One- and two-family *dwellings*, Group R-3 and R-4 buildings and townhouses located outside of the City of Fort Collins Growth Management Area shall provide a minimum *fire-flow* of 500 gpm with residual pressure of 20 psi for a duration of one (1) hour.

Section B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.2 being deleted in its entirety:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum *fire-flow* and flow duration

for buildings other than one- and two-family *dwelling*s, Group R-3 and R-4 buildings and *townhouses* shall be as specified in Table B105.1(2).

Exception: A reduction in required fire flow of up to 75%, as *approved*, is allowed when the building is protected with an automatic fire suppression system in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting *fire-flow* shall not be less than 1,500 gpm for the prescribed duration as specified in Table B105.1(2).

85. **APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION** is deleted in its entirety and replaced with the following:

APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION

SECTION C101 GENERAL

C101.1 Scope. In addition to the requirements of Section 507.5.1, fire hydrants shall be provided along public roads and required fire apparatus access roads in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

SECTION C102 NUMBER OF FIRE HYDRANTS

C102.1 Fire hydrants available. The number of fire hydrants available to a building, complex or subdivision shall be not less than that determined by spacing requirements listed in Table C102.1 when applied to fire apparatus access roads and adjacent public streets from which fire operations could be conducted.

TABLE C102.1 – REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS.^f

APPLICATION	FIRE FLOW REQUIREMENTS (gpm)	SPACING BETWEEN HYDRANTS (feet) ^{a,b,c}	MAXIMUM DISTANCE FROM FURTHEST POINT ON A BUILDING TO A HYDRANT (feet) ^e
Commercial/ Multifamily	Value as calculated in accordance with section B105.2	600	300 ^d

One- & Two-Family Dwelling - Urban	1,000	800	400
One- & Two-Family Dwelling - Rural	500	800	400

- a. Reduce by 100 feet for dead-end streets or roads.
- b. Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or are arterial streets, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.
- c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- d. For buildings equipped with a standpipe, see **Section 507.5.1.1**.
- e. For the purposes of determining distance from a building to a hydrant, hydrants located across 2- and 4-lane arterial roads shall not be considered available unless the building is protected with an *approved* automatic fire suppression system. Hydrants located across 6 lane arterial roads shall not be considered available.
- f. The fire code official is authorized to modify the location, number and distribution of fire hydrants based on site-specific constraints and hazards.

SECTION C103 FIRE HYDRANT SPACING

C103.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C102.1. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C102.1.

Exception: The *fire code official* is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

SECTION C104 CONSIDERATION OF EXISTING FIRE HYDRANTS

C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available to meet the requirements of Sections C102 and C103. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

86. **APPENDIX D FIRE APPARATUS ACCESS ROADS** is deleted in its entirety and replaced with the following:

APPENDIX D FIRE APPARATUS ACCESS ROADS

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code* adopted by the City of Fort Collins, including all local amendments.

SECTION D102 REQUIRED ACCESS

D102.1 Access, construction, and loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road. All access roads must be an all-weather driving surface constructed of asphalt, concrete, or compacted road base and engineered to support the imposed load of fire apparatus weighing at least 80,000 pounds (36,287 kg).

D102.2 [Reserved].

D102.2.1 Temporary emergency access. Compacted road base or chip shall only be used for a temporary emergency access. Temporary access shall be available as long as the site is under construction. Thereafter, permanent fire lanes shall be accessible and unobstructed at all times.

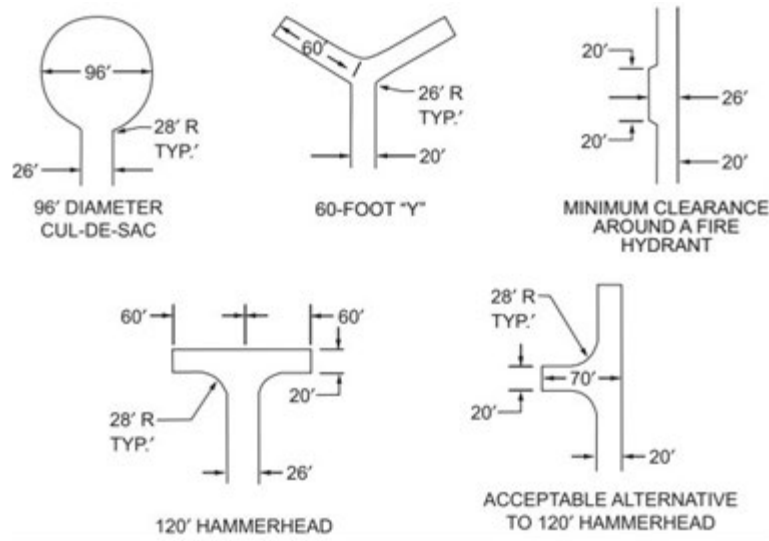
D102.2.2 Permanent emergency access. All permanent points of access shall be hard decks consisting of asphalt or concrete designed to HS 20 or to support 80,000 pounds (36,287 kg). Compacted road base or other surfaces engineered and capable of supporting the imposed loads may be *approved* by the *fire code official* for ground mounted solar installations, cell towers and similar isolated facilities and structures.

D102.2.3 Installation timing. All required access roads must be installed and serviceable before above-ground construction begins unless otherwise *approved* by the *fire code official*.

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7,925 mm), exclusive of shoulders (see Figure 103.1).

FIGURE D103.1 – DEAD END FIRE APPARATUS ACCESS ROAD TURNAROUND



D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the *fire code official*. (See section D105.5 for aerial fire apparatus access roads.)

D103.3 Turning radius. The minimum turning radius shall be 25 feet inside radius and 50 feet outside radius and 18 inches of clearance from the curb is required.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (46 m) shall be provided with width and turnaround provisions in accordance with Table D103.5.

TABLE D103.4 - REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS		
LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-660	20	100-foot hammerhead, 100-foot cul-de-sac in accordance with Figure D103.1
Over 660	Special Approval Required	

D103.4.1 Additional Points of Access Required. Additional points of access shall be required where a required access roadway exceeds 660 feet (201 m) in length.

Exception: Where the access road does not exceed 1320 feet (402 m) in length and all dwelling units beyond 660 feet (201 m) are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

D103.4.2 Remoteness. Where two or more points of access are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

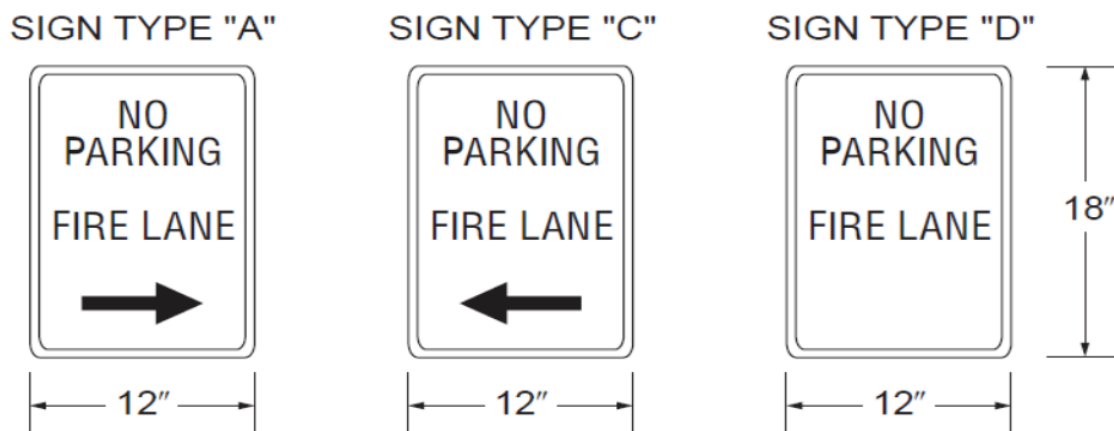
D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6,096 mm). Where a fire apparatus access road consists of a divided roadway, the gate shall be not less than 12 feet (3,658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices must be *approved* by the *fire code official*.
6. Methods of locking the gate must be *approved* by the *fire code official*.
7. Manual opening gates shall not be locked with a padlock or chain and padlock unless the padlock is *approved* by the *fire code official* and is compatible with the *approved* Key Boxes in use by the fire department.
8. Gate design and locking device specifications shall be submitted for approval by the *fire code official* prior to installation.

9. Electric gate operators, where provided, shall be listed in accordance with UL325.
10. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200.

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure D 103.6 or other *approved* sign. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Sections D103.8.1 or D103.8.2.

FIGURE D103.6 – FIRE LANE SIGNS



D103.7 Angle of Approach/Departure. Grade changes upon a fire apparatus access road or when entering or exiting from or to a fire apparatus access road shall not exceed a 10 percent angle of approach or angle of departure.

SECTION D103.8 FIRE LANE SIGNS

D103.8.1 Roads 20 to 26 feet in width. *Fire lane* signs as specified in D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6,096 to 7,925 mm).

D103.8.2 Roads more than 26 feet in width. *Fire lane* signs as specified in D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7,925 mm) and less than 32 feet wide (9,754 mm).

D103.9 Minimum Overhead Clearance. Fire access roads shall have a minimum overhead clearance for the entire width of the access road of not less than 14 feet (4,267 mm).

D103.10 Fire Apparatus Access Roads. Fire apparatus access roads shall not be located on an arterial street, as defined by the LCUASS Standards for arterial roads.

Exception: Buildings, structures, facilities and premises located on multiple arterial roads may use one arterial road defined as less than six lanes.

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

Exception: Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height that have a single *approved* fire apparatus access road where the buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520m²) that have a single *approved* fire apparatus access road where all buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9,144 mm), *approved* aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a

pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

Exception: Where approved by the *fire code official*, building of Type IA, Type IB or Type IIA construction equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and having firefighter access through an enclosed stairway with Class I Standpipe from the lowest level of fire department vehicle access to all roof surfaces.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof if the fire apparatus access road is not a dead end. Dead end fire apparatus access roads for aerial apparatus access shall be a minimum of 30 feet (9144 mm) wide.

D105.3 Proximity to building. One or more of the required access roads meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be *approved* by the *fire code official*.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road and the building. Other obstructions may be permitted to be placed only if *approved* by the *fire code official*.

D105.5 Grade. Aerial fire apparatus access roads adjacent to the building shall not exceed 5 percent in grade.

D105.6 Road type. Aerial fire apparatus access roads shall not be located on an arterial streets as defined by the LCUASS standards for arterials.

Exception: Buildings or facilities located on multiple arterial roads can use one arterial road defined as less than six (6) lanes. Or approved by the *fire code official*.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including

nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads that comply with Section D103.5.2.

Exception: Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road not exceeding 1320 feet (402 m) in length and all dwelling units are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

D107.2 Future connection. The number of *dwelling units* on a single fire apparatus access road shall not exceed 30 *dwelling units* unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D107.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D108 REFERENCED STANDARDS

D108.1 General. See Table D108.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification

with the effective date, standard title, and the section or sections of this appendix that reference the standard.

TABLE D108.1
REFERENCED STANDARDS

STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
ASTM F 2200—14	<i>Standard Specification for Automated Vehicular Gate Construction</i>	D103.5
UL 325—02	<i>Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through May 2015</i>	D103.5

SECTION D109
**SCHOOL EMERGENCY IDENTIFICATION NUMBERS
AND EMERGENCY RESPONSE MAP**

D109.1 Scope. New and existing buildings, structures, mobile rooms, and auxiliary buildings as part of any public school, institute charter school, and junior college meeting 8 CCR 1507-30, shall be provided with approved emergency identification numbering and an approved emergency response map. Emergency identification numbers shall be placed on the exterior, top left corner of each door in an approved clockwise sequence for each building or structure. Numbers shall be Arabic and numerically displayed as opposed to spelled out. Each number shall be a minimum of 5 inches (127 mm) high with a minimum stroke of 3/4 inch (19.05 mm). Emergency identification numbers which serve doors that do not have electronic access are permitted to be of any color scheme other than the color red, provided the numbers contrast with their background and are readily distinguishable. Emergency identification numbers which serve doors that do have electronic access shall have numbers that are green in color with a white background and shall be of a reflective quality. Emergency identification numbers shall be permanent and durable. Emergency identification numbers shall be maintained.

D109.2 Emergency Response Map. An emergency response map shall be required to be provided to the PFA and any responding law enforcement agency. The map shall display an aerial view of all buildings and structures. The boundary of each building or structure shall be clearly distinguishable with the corresponding emergency identification numbers displayed.

Exceptions:

1. Where it is impractical to post emergency identification numbers on or above a door frame, such as for glass doors, posting in the top left corner of the glass or spandrel panel within the door is permissible.
2. Where more than one door is provided as part of an assembly, only one door is required to have an emergency identification number.
3. Where multiple doors or assemblies of doors are provided, they occur along the same wall, and they serve the same common area, only one door is required to have an emergency identification number.
4. Doors which serve floors above the first floor or primary access level, shall have an emergency identification number to correspond with the number of the door in closest proximity on the first floor or primary access level.
5. Doors which do not provide access to the greater interior portion of any building or structure, such as for electrical or mechanical access, shall not require an emergency identification number but shall be identified on the emergency response map and labeled as a utility room with a designation as (UR).
6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025

Approving Attorney: Madelene Shehan

Exhibit: Exhibit A - Notice of Public Hearing dated February 23, 2025

OPTION 2

ORDINANCE NO. 051, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE
PURPOSE OF REPEALING THE 2021 INTERNATIONAL FIRE CODE AND
ADOPTING THE 2024 INTERNATIONAL FIRE CODE, WITH AMENDMENTS

A. As early as 1958, the City has reviewed, amended and adopted the latest nationally recognized fire protection standards available for the times.

B. The City previously adopted the 2021 *International Fire Code*, with local amendments, to minimize human suffering and property loss from fire.

C. The 2024 edition of the *International Fire Code* represents the most current version now available.

D. A Fire Code Review Committee ("Committee"), formed by the Poudre Fire Authority ("PFA") in 2024 for the purpose of reviewing the 2024 *International Fire Code*, has recommended unanimously that the jurisdictions being served by PFA adopt the 2024 *International Fire Code* with certain local amendments tailored to the circumstances in Fort Collins.

E. The Fire Prevention Bureau staff of the PFA, working in conjunction with the Committee, also has reviewed the 2024 *International Fire Code* and the local amendments proposed by the Committee and has recommended that the jurisdictions being served by the PFA adopt the 2024 *International Fire Code* with the local amendments.

F. On February 25, 2025, the PFA Board of Directors unanimously voted to recommend that the 2024 *International Fire Code* with proposed local amendments be adopted by those jurisdictions being served by PFA.

G. The City Council has determined that it is in the best interests of the health, safety, and welfare of the city and its citizens that the 2024 *International Fire Code*, in substantially the form recommended by the Fire Code Review Committee and the PFA staff, be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to City Charter Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins Coloradoan such notice of hearing concerning adoption of the 2024 *International Fire Code* on February 23, 2025, and March 2, 2025.

J. Exhibit A, attached hereto and incorporated herein by reference is the Notice of Public Hearing dated February 23, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council repeals the 2021 *International Fire Code* (“IFC”) and adopts the 2024 IFC as amended by this Ordinance.

Section 2. Section 9-1 of the Code of the City of Fort Collins is amended to read as follows:

Section 9-1. - Adoption of the International Fire Code, 2024 Edition.

Pursuant to the authority conferred by Article II, Section 7 of the Charter and by Section 31-16-201 et seq., C.R.S., there is hereby adopted by reference as the fire code of the City, for the purposes of safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, the International Fire Code, 2024 Edition, as promulgated by the International Code Council (hereafter, “this code” or “this fire code”). Except as to any portion of this fire code that is herein after added to, deleted, modified or amended in this Chapter, this fire code shall include all articles and appendices in the *International Fire Code*, 2024 Edition. Not less than three (3) copies of this fire code shall be on file in the office of the Fire Marshal and may be inspected at regular business hours and purchased from the Fire Prevention Bureau at a price not to exceed one hundred dollars (\$100.00) per copy. The provisions of this fire code shall be controlling within the limits of the City of Fort Collins.

Section 3. Section 9-2 of the Code of the City of Fort Collins is repealed and reenacted to read as follows:

Section 9-2 - Amendments and deletions to the 2024 International Fire Code.

The 2024 International Fire Code adopted in §9-1 is amended to read as follows:

1. **Section 101.1 Title** is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Fort Collins, hereinafter referred to as “this code.”

2. **Section 103.1 Creation of Agency** is deleted in its entirety and replaced with the following:

103.1 Creation of agency. Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

3. **Section 104.8 Liability** is amended to read as follows:

104.8 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

104.8.1 Legal defense. Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

5. **Section 112.1 General** is amended to read as follows, and **Section 112.3 Qualifications** is deleted in its entirety:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. Membership of the board shall be as set forth in Appendix A. The board shall conduct business and procedures in accordance with Appendix A.

6. **Section 202 General Definitions** is amended to read as follows:

...

BARREL. A charred wooden process vessel made of bent staves held together with steel hoops, with the greatest diameter being at the center of the staves, known as the “bilge.” The ends, known as “heads,” are flat, and the rim formed by staves overlapping the heads is known as the “chime.”

...

CASK. See “Barrel.”

...

DWELLING. A *building* used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal *building*.

DWELLING UNIT. One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use *building*.

...

FALSE ALARM. See *Unwanted Alarm*.

...

MALICIOUS ALARM. Any unwanted activation of an alarm initiating device caused by a person acting with malice.

...

MAZE. Temporary or permanent passageways constructed within agricultural crops such as corn, or within vegetation such as hedges, or constructed such as with hay bales, or by other means and methods, and where passageways are occupied for amusement, entertainment, and are arranged in a manner to intentionally confound or bewilder identification of the means of egress, or otherwise make the means of egress path not readily available because of the nature of the attraction or mode of conveyance through passageways.

...

NUISANCE ALARM. Any unwanted activation of a signaling system or an alarm initiating device in response to a stimulus or condition that is not the result of a potentially hazardous condition. This includes such matters as mechanical failure, malfunction, improper installation or lack of proper maintenance, or an alarm for which the cause cannot be determined.

. . .

ROOM, SLEEPING (BEDROOM). A habitable room within a *dwelling* or other housing unit designed primarily for the purpose of sleeping. The presence of a bed, cot, mattress, convertible sofa or other similar furnishing used for sleeping purposes shall be prima facie evidence that such space or room is a sleeping room. The presence of closets or similar storage facilities shall not be considered relevant factors in determining whether or not a room is a sleeping room.

. . .

TOWNHOUSE. A single-family *dwelling unit* constructed as part of a group of two or more attached individual *dwelling units*, each of which is separated from the other from the foundation to the roof and is located entirely on a separately recorded and platted parcel of land (site) bounded by property lines, which parcel is deeded exclusively for such single-family dwelling.

. . .

UNWANTED ALARM. Any alarm that occurs that is not the result of a potentially hazardous condition. This includes *malicious alarms*, *nuisance alarms*, and *unintentional alarms* in accordance with National Fire Protection Association (NFPA) 72.

. . .

UNINTENTIONAL ALARM. An unwanted activation of an alarm initiating device caused by a person acting without malice.

. . .

7. **Section 304.1.1 Valet trash** is amended to read as follows:

304.1.1 Valet Trash. *Valet trash collection* shall be prohibited.

8. A new **Section 307.2.2 Time and Atmospheric Restrictions** is added to read as follows:

307.2.2 Time and Atmospheric Restrictions. *Open burning* shall be performed only when time and atmospheric conditions comply with the limits set forth in the Open Burning Permit.

9. **Section 307.4.1 Bonfires** is deleted in its entirety and replaced with the following:

307.4.1 Bonfires. Bonfires are prohibited unless specifically approved and permitted by the *fire code official*.

10. **Section 307.4.2 Recreational Fires** is deleted in its entirety and replaced with the following:

307.4.2 Recreational fires. *Recreational fires* are prohibited.

Exception: *Recreational fires* may be conducted at campgrounds, open camping areas, parks, open lands or similar areas in accordance with the rules and restrictions set forth by the authority having jurisdiction at such locations, provided that such fires do not have a fuel area that exceeds 2 feet in height and are not conducted within 25 feet of a structure or combustible material.

11. **Section 307.4.3 Portable outdoor fireplaces** is deleted in its entirety and replaced with the following:

307.4.3 Portable and Fixed Outdoor Fireplaces. Portable and fixed outdoor fireplaces, including fire tables, shall be used in accordance with the manufacturer's instructions. Outdoor fireplaces for public use must be listed for commercial use. Outdoor fireplaces shall not be placed closer to combustible materials than what is stated in the manufacturer's instructions. If the manufacturer's instructions are not available or do not establish a distance, outdoor fireplaces shall not be operated within 15 feet (4572 mm) of a combustible structure or combustible material. Outdoor fireplaces shall not be operated underneath a combustible structure of any type. Outdoor fireplaces shall be gas or liquid-fueled unless otherwise approved by the *fire code official*.

Exception: Outdoor fireplaces at one and two-family dwellings may use *approved solid* fuels.

12. **Section 308.1.7 Sky lanterns** is amended to read as follows:

308.1.7 Sky lanterns. A person shall not release or cause to be released a tethered or untethered sky lantern.

13. **Section 401.3 Emergency Responder Notification** is amended to read as follows:

401.3 Emergency Responder Notification. Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3. 4.

...

401.3.4 Reporting Emergencies. In the event a fire occurs or upon the discovery of a fire, smoke, or unauthorized release of flammable, combustible, or hazardous materials on any property, the *owner*, the *owner's* authorized representative, or the occupant shall, without delay, report such condition to the fire department.

14. **Section 401.5 Making false report** is amended to read as follows:

401.5 Making false report. False alarms shall be subject to enforcement in accordance with Section 401.9 Unwanted alarms.

15. A new **Section 401.9 Unwanted alarms** is added to read as follows:

401.9 Unwanted alarms. All *unwanted alarms* shall be subject to enforcement as per PFA's policies and procedures and adopted fee schedule.

16. **Section 402.1 Definitions** is amended to read as follows:

402.1 Definitions. The following terms are defined in Chapter 2:

EMERGENCY EVACUATION DRILL.

LOCKDOWN.

MALICIOUS ALARAM.

NUISANCE ALARAM.

UNINTENTIONAL ALARM.

UNWANTED ALARM.

17. **Section 503.1 Where required** is amended to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D Fire Apparatus Access Roads.

18. **Section 503.1.1 Buildings and facilities** is amended to read as follows:

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the

exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) up to 300 feet (91440 mm) where any of the following conditions occur:
 - 1.1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
 - 1.3. Group U occupancies.
 2. Where *approved* by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.
19. **Section 503.2 Specifications** is amended to read as follows:
- 503.2 Specifications.** Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D Fire Apparatus Access Roads.
20. **Section 503.2.1 Dimensions** is amended to read as follows:
- 503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).
21. **Section 503.2.4 Turning Radius** is amended to read as follows:
- 503.2.4 Turning radius.** The required turning radius of a fire apparatus access road shall be 25 feet (7.6 m) inside radius and 50 feet (15.2 m) outside radius.
22. **Section 503.2.7 Grade** is amended to read as follows:
- 503.2.7 Grade.** The grade of the fire apparatus access road shall not exceed 10 percent in grade.

Exception: Where approved by the *fire code official*, grades steeper than 10 percent due to geographic or location conditions may be permitted.

23. **Section 503.2.8 Angles of approach and departure** is amended to read as follows:

503.2.8 Angles of approach and departure. The angles of approach and departure when entering or exiting fire apparatus access roads shall not exceed a 10 percent angle of approach or departure.

24. **Section 503.6 Security gates** is amended to read as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be *approved* by the *fire code official*. Where security gates are installed, they shall have an *approved* means of emergency operation and shall comply with the requirements of Appendix D 103.5.

25. **Section 505.1 Address identification** is amended to read as follows:

Section 505.1 Address identification. New and existing buildings or facilities shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Address identification shall be maintained.

26. A new **Section 505.1.1 Address assignment and standards** is added to read as follows:

505.1.1 Address assignment and standards. Addresses shall be assigned by the governmental entity having jurisdiction (Fort Collins, Timnath, Weld County or Larimer County) and shall comply with the Larimer County Street Naming and Addressing Standards as contained in the Larimer County Urban Area Street Standards.

27. A new **Section 505.1.2 Location and size** is added to read as follows:

505.1.2 Location and size. The address numbers and letters for any commercial or industrial buildings shall be placed at a height to be clearly visible from the street. The minimum height and stroke shall be in accordance with Table 505.1.2.

A new **TABLE 505.1.2 Location and size** is added to read as follows:

TABLE 505.1.2
LOCATION AND SIZE

Distance from street curb to building	Letter/number height
1 – 100 feet	8 inches ¹
101 – 150 feet	10 inches ¹
151 – 200 feet	12 inches ¹
201 – 350 feet	14 inches ²
351 – 500 feet	16 inches ²
501 – 700 feet	20 inches ²
In excess of 700 feet	As approved by the <i>Fire Code Official</i> ³

¹ 8 in. – 12 in. numbers shall be a minimum 1 in. stroke

² 13 in.– 20 in. numbers shall be a minimum 1 ½ in. stroke

³ 21 in. and larger shall have proportional strokes to ensure visibility

28. A new **Section 505.1.3 Posting on one- and two-family dwellings** is added to read as follows:

505.1.3 Posting on one- and two-family dwellings. The address numbers and letters for one- and two-family dwellings shall be a minimum of four inches in height with a minimum ½ inch stroke and shall be posted on a contrasting background. If bronze or brass numerals are used, they shall only be posted on a black background for visibility.

29. A new **Section 505.1.4 Monument signs** is added to read as follows:

505.1.4 Monument signs. Monument signs may be used in lieu of address numbers and letters on the building as approved by the *fire code official*. The *address* numbers and letters for monument signage shall be a minimum of four (4) inches in height with a minimum ½ inch stroke unless otherwise approved by the *fire code official*. The *address* letters and numbers shall also be located at a minimum height of 22 inches above the surface or grade directly below.

30. A new **Section 505.1.5 Unit identifiers** is added to read as follows:

505.1.5 Unit identifiers. Buildings with multiple suites, apartments or units shall have the individual suites, apartments or units provided with individual identification numbers in sequential order.

1. Suite identifiers accessed from the exterior of the building shall be a minimum of four inches in height with a minimum ½ inch stroke.

2. Suite identifiers accessed from the interior of the building shall be a minimum of two inches in height with a minimum ¼ inch stroke.
 3. Suites, apartments, or units located on the first floor shall be identified by numbers within the 100 or 1000 range or series. Suites, apartments or units located on the second floor shall be identified by numbers within the 200 or 2000 range or series. Suites, apartments or units located on the third floor shall be identified by numbers within the 300 or 3000 range or series. Higher floors shall follow this same numbering sequence.
31. A new **Section 505.1.6 Multiple address postings** is added to read as follows:
- 505.1.6 Multiple address postings.** Buildings, either individually or part of a multi-building complex, that have emergency access lanes on sides other than on the addressed street side, shall have the address numbers and street name on each side that fronts a fire lane. Buildings that are addressed on one street but are accessible from another street, shall have the address numbers and street name on each side that is adjacent to another street.
32. A new **Section 505.1.7 Interior wayfinding** is added to read as follows:
- 505.1.7 Interior wayfinding.** *Approved* wayfinding signage shall be posted in conspicuous locations within buildings to provide clear direction to locate any suite, apartment, or unit within the building. Interior wayfinding signage shall be a minimum of two inches in height with a minimum ¼ inch stroke.
33. A new **Section 505.1.8 Exterior wayfinding** is added to read as follows:
- 505.1.8 Exterior wayfinding.** Multiple-building complexes must have *approved* signage as needed to direct first responders to individual buildings.
34. A new **Section 505.1.9 Campus addressing** is added to read as follows:
- 505.1.9 Campus addressing.** Multiple-building complexes that have a single street address for the entire complex shall utilize alpha or numeric characters to identify the individual buildings. Such identification shall be assigned to the buildings in a sequential order following a clockwise direction starting at the main entrance to the complex.
35. **Section 507.2 Type of water supply** is amended to read as follows:
- 507.2 Type of water supply.** A water supply shall consist of pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required sustainable fire flow.
36. **Section 507.5 Fire hydrant systems** is amended to read as follows:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.

37. **Section 507.5.1 Where required** is amended to read as follows:

507.5.1 Where required. Where the furthest portion of a facility or building or portion thereof hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.

Exceptions:

1. For Group R-3, one- and two-family dwellings, and Group U occupancies, the distance requirement shall be 400 feet (121 m).
2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).

38. **Section 605.3 Chimneys and vents** is amended to read as follows:

605.3 Chimneys and vents. Masonry chimneys shall be constructed in accordance with the *International Building Code*. Factory-built chimneys and vent systems serving solid-fuel-fired appliances or oil-fired appliances shall be installed in accordance with the *International Mechanical Code*. Metal chimneys shall be constructed and installed in accordance with the *International Mechanical Code*. Factory-built chimneys and vent systems serving gas-fired appliances shall be installed in accordance with the *International Fuel Gas Code*. Means for arresting sparks must be in compliance with the Wildland Urban Interface (WUI) Code.

39. **Section 606.3 Operations and maintenance** is amended to read as follows:

606.3 Operations and maintenance Commercial cooking systems shall be operated, inspected and maintained in accordance with Sections 606.3.1 through 606.3.4. As outlined in NFPA 96, cooking appliances shall not be moved, modified, or rearranged without prior re-evaluation of the fire extinguishing system by the system installer or qualified servicing agent, unless otherwise allowed by the design of the fire extinguishing system. Any movement, modification, or rearrangement of system components shall require an approved permit from PFA prior to the work being conducted.

40. A new **Section 606.5 Solid fuel-fired cooking appliances** is added to read as follows:

606.5 Solid fuel-fired cooking appliances. Solid fuel-fired commercial cooking appliances shall comply with applicable provisions of National Fire Protection Association (NFPA) 96.

41. **Section 901.4.7.1 Access** is amended to read as follows:

901.4.7.1 Access. Automatic sprinkler system risers, fire pumps and controllers shall be provided with *ready access*. Where located in a fire pump room or *automatic sprinkler system* riser room, the door shall be permitted to be locked provided that the key is available at all times. The clear door opening shall be 32 inches wide and 80 inches high, or a size large enough to accommodate the largest piece of equipment, whichever is larger.

42. **Section 903.2.1.1 Group A-1** is amended to read as follows:

903.2.1.1 Group A-1. An *automatic sprinkler system* shall be provided throughout stories containing Group A-1 occupancies and throughout all stories from the Group A-1 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.
4. The *fire area* contains a multiple-theater complex.

43. **Section 903.2.1.3 Group A-3** is amended to read as follows:

903.2.1.3 Group A-3. An *automatic sprinkler system* shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

44. **Section 903.2.1.4 Group A-4** is amended to read as follows:

903.2.1.4 Group A-4. An *automatic sprinkler system* shall be provided throughout stories containing Group A-4 occupancies and throughout all stories from the Group A-4 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

45. **Section 903.2.2 Group B** is amended to read as follows:

903.2.2 Group B. An *automatic sprinkler system* shall be provided for Group B occupancies where the *fire area* exceeds 5,000 square feet (464.5 m²).

46. **Section 903.2.3 Group E** is amended to read as follows:

903.2.3 Group E. An *automatic sprinkler system* shall be provided for Group E occupancies as follows:

1. Throughout all Group E *fire areas* greater than 5,000 square feet (464.5 m²) in area.
2. The Group E *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an *automatic sprinkler system* is not required in any area below the lowest *level of exit discharge* serving that area.

3. The Group E *fire area* has an *occupant load* of 300 or more.

47. **Section 903.2.4 Group F-1** is amended to read as follows:

903.2.4 Groups F-1 and F-2. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group F-1 or F-2 occupancy where one of the following conditions exists:

1. A Group F-1 or F-2 *fire area* exceeds 5,000 square feet (464.5 m²).

2. A Group F-1 or F-2 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group F-1 or F-2 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group F-1 occupancy is used to manufacture lithium-ion or lithium metal batteries.
5. A Group F-1 occupancy is used to manufacture vehicles, energy storage systems or equipment containing lithium-ion or lithium metal batteries where the batteries are installed as part of the manufacturing process.

48. **Section 903.2.6 Group I** is amended to read as follows:

903.2.6 Group I. An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

Exceptions:

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1, Condition 1 facilities.
2. An *automatic sprinkler system* is not required where Group I-4 day care facilities are at the *level of exit discharge* and where every room where care is provided has not fewer than one exterior *exit* door and the fire area does not exceed 5,000 square feet (464.5 m²).
3. In buildings where Group I-4 day care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the *level of exit discharge* and all floors below the *level of exit discharge* other than areas classified as an open parking garage.

49. **Section 903.2.7 Group M** is amended to read as follows:

903.2.7 Group M. An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group M *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

50. **Section 903.2.9 Group S-1** is amended to read as follows:

903.2.9 Group S-1. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group S-1 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 5,000 square feet (464.5 m²).
4. A Group S-1 *fire area* used for the storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464.5 m²).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m²).

51. **Section 903.2.9.1 Repair garages** is amended to read as follows:

903.2.9.1 Repair garages. An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, as shown:

1. Buildings having two or more stories above *grade plane*, including *basements*, with a *fire area* containing a repair garage exceeding 5,000 square feet (464.5 m²).
2. Buildings not more than one story above *grade plane*, with a *fire area* containing a repair garage exceeding 5,000 square feet (464.5 m²).
3. Buildings with repair garages servicing vehicles parked in *basements*.
4. A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m²).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m²).

52. **Section 903.2.10 Group S-2 parking garages** is amended to read as follows:

903.2.10 Group S-2 parking garages. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-2 occupancy where any of the following conditions exists:

1. Where the *fire area* of the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, exceeds 12,000 square feet (1115 m²). Where a Group S-2 *fire area* exceeds 5,000 square feet (464.5 m²).
2. Where the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

3. Where the *fire area* of the open parking garage, in accordance with Section 406.5 of the *International Building Code*, exceeds 48,000 square feet (4460 m²).
4. A Group S-2 *fire area* is located more than three stories above *grade plane*.

53. **Section 903.2.11.1.3 Basements** is amended to read as follows:

903.2.11.1.3 Basements. Where any portion of a *basement* is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

54. **Section 903.3.1.2.3 Attics** is amended to add subsection 5 and its Exceptions to read as follows:

. . .

5. In buildings containing dwelling or sleeping units, the automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13, regardless of the fire sprinkler installation standard allowed for other portions of the building.

Exceptions:

1. Buildings that do not contain more than 6 individual dwelling units or sleeping units and the units are separated from each other with a 1-hour fire barrier.
2. Buildings that do not contain more than 12 individual dwelling units or sleeping units and is divided into no more than 6 individual dwellings units (complying with number 1 above) by a minimum 2-hour fire wall.
3. Buildings containing only Group R-3 occupancy.

55. A new **Section 903.3.1.4 Core and shell buildings** is added to read as follows:

903.3.1.4 Core and shell buildings. Automatic fire sprinkler systems in buildings constructed to house future tenant spaces that are not assigned an occupancy shall have minimum hazard classification of Ordinary Hazard 2 in accordance with NFPA 13.

56. **Section 903.4.3 Alarms** is amended only as to the Exception to read as follows:

903.4.3 Alarms.

...

Exception: *Automatic sprinkler systems* protecting one- and two-family dwellings, unless such dwellings are arranged so that it is unclear which *automatic sprinkler system* has activated, and for these conditions an approved audible and visual sprinkler waterflow device, located on the exterior of the building in an approved location shall be provided for each fire sprinkler system installed.

57. **Section 906.1 Where required**, Exception 1 in paragraph 1 is deleted in its entirety and replaced to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

...

Exceptions:

1. In Group R-2 occupancies, portable fire extinguishers shall be required in approved common spaces that are readily accessible to the occupants of dwelling units. Portable fire extinguishers shall have a minimum rating of 2-A:10-B:C, with a maximum travel distance of 75 feet (22860 mm) as measured from the entry doors of dwelling units to the mounted portable fire extinguisher. Unless otherwise specified by a law or regulation, it shall be the responsibility of the property owner of their authorized designee to maintain portable fire extinguishers in accordance with this code and NFPA 10.

...

58. **Section 907.2.11 Single-and multiple-station smoke alarms** is amended to read as follows:

907.2.11 Single- and multiple-stations smoke alarms. *Listed* single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.7, NFPA 72 and the manufacturer's instructions. Where one or more sleeping rooms are added or created in existing Group R Occupancies, the entire building shall be provided with smoke detectors located and installed as required for new Group R Occupancies described herein.

59. **Section 907.5.2.1.3.2 Smoke alarm signal in sleeping rooms** is amended to read as follows:

907.5.2.1.3.2 Smoke alarm signal in sleeping rooms. In sleeping rooms of Group R-1, R-2 and I-1 occupancies that are required by Section 907.2.8 or 907.2.9 to have a *fire alarm system*, the audible alarm signal activated by single- or multiple-station smoke alarms in the *dwelling unit* or *sleeping unit* shall be a 520-Hz signal complying with NFPA 72 or an alternative means approved by the *fire code official*.

Where a sleeping room smoke alarm is unable to produce a 520-Hz alarm signal, the 520-Hz alarm signal shall be provided by a *listed* notification appliance.

60. A new **Section 907.8.5 Excessive false alarms** is added to read as follows:

907.8.5 Excessive false alarms. An excessive number of false alarms shall be defined as two (2) alarm activations for a fire alarm system within a sixty (60) day period, provided that any such activations are not the result of a cause reasonably beyond the control of the *owner*, tenant, or operator of the building. In the event of an excessive number of false alarms, the *fire code official* may order the building *owner*, tenant, operator of the building or party responsible for the building to take reasonable actions necessary to prevent false alarms. These actions may include repair or replacement of the faulty alarm components, addition of tamper proof devices, modification of system design and repair of other building components which affect alarm system performance. The *fire code official* also may require the building *owner*, tenant, operator of the building or party responsible for the building to obtain an *approved* maintenance contract with a qualified fire alarm maintenance technician as required by NFPA 72 to provide continuous maintenance service of the system.

61. **Section 1010.1.4 Floor elevation** is amended to read as follows:

1010.1.4 Floor elevation. There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent slope). All exterior steps, slabs, walks, decks and patios serving as exterior door landings or exterior stairs shall be adequately and permanently secured in place by *approved* methods to prevent such landings or stairs from being undermined or subject to significant displacement due to improper placement of supporting backfill or due to inadequate anchoring methods.

Exceptions:

. . .

7. Exterior doors serving individual dwelling units, other than the main entrance door to a dwelling unit, may open at one intervening exterior step that is equally spaced between the interior floor level above and exterior landing below, provided that the step has a minimum tread depth of 12 inches (30.48 cm), a maximum riser height of 7¾ inches (19.68 cm), and a minimum width equal to the door width and, provided further that the door does not swing over the step.

62. **Section 1011.11 Handrails** is amended to read as follows:

1011.11 Handrails. *Flights of stairways* of more than one riser shall have *handrails* on each side and shall comply with Section 1014. Where glass is used to provide the *handrail*, the *handrail* shall comply with Section 2407 of the *International Building Code*.

. . .

63. **Section 1015.8 Window openings** is amended to read as follows:

1015.8 Window openings. Windows in Group R-2 and R-3 buildings including *dwelling units*, where the bottom of the clear opening of an operable window is located less than 24 inches (610 mm) above the finished floor and more than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the building, shall comply with one of the following:

. . .

64. A new **Section 1015.9 Below grade openings** is added to read as follows:

1015.9 Below grade openings. All area wells, stair wells, window wells and light wells attached to any *building* that are located less than 36 inches from the nearest intended walking surface and deeper than 30 inches below the

surrounding ground level shall have guards or *approved* covers for fall protection.

65. **Section 1031.2 Where required** is amended only as to Exceptions 1 and 5 to read as follows:

...

Exceptions:

1. *Basements* with a ceiling height of less than 72 inches (1828.8 mm) and that do not contain habitable space, shall not be required to have *emergency escape and rescue openings*.

...

5. Within individual *dwelling* and *sleeping units* in Groups R-2 and R-3, where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, sleeping rooms in *basements* shall not be required to have *emergency escape and rescue openings* provided that the *basement* has one of the following:
 - 5.1. One *means of egress* and one *emergency escape and rescue opening*.
 - 5.2. Two *means of egress*.

66. **Section 1031.3 Emergency escape and rescue openings** is amended to read as follows:

1031.3 Emergency escape and rescue openings. *Emergency escape and rescue openings* shall comply with Sections 1031.3.1 through 1031.3.4.

67. A new **Section 1031.3.4 Emergency escape and rescue openings** shall be added to read as follows:

1031.3.4 Minimum height from floor. *Emergency escape and rescue window openings* that are located more than 72 inches (1829 mm) above the finished grade shall have a sill height of not less than 24 inches (609 mm) measured from the finished interior side floor.

68. **Section 1103.2 Emergency responder communications enhancement in existing buildings** is amended to read as follows:

1103.2 Emergency responder communications enhancement in existing buildings. Existing buildings other than Group R-3 that do not have *approved* in-building emergency response communications enhancement for emergency

responders in the building based on existing coverage levels of the public safety communication systems, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not *approved* in accordance with Section 510.1, Exception 1.
2. In all buildings exceeding 10,000 sq.ft. and any Type V construction exceeding 15,000 sq.ft.

Exception: Where it is determined by the *fire code official* that the in-building emergency responder communications enhancement system is not needed.

69. **Section 1205.3 Other than Group R-3 buildings** is amended to read as follows:

1205.3 Other than Group R-3 buildings. Access to systems for buildings, other than those containing Group R-3 occupancies, shall be provided in accordance with Sections 1205.3.1 through 1205.3.3.

Exception: Where it is determined by the *fire code official* that the roof configuration is similar to that of a Group R-3 occupancy, and the building does not exceed three stories and does not require aerial fire apparatus access in accordance with Appendix D, the residential access and ventilation requirements in Section 1205.2.1.1 through 1205.2.1.3 are a suitable alternative.

...

70. **Section 3102.1 Definitions** is amended to read as follows:

3102.1 Definitions. The following terms are defined in Chapter 2:

...

MAZE.

71. A new **Section 3105.9 Mazes** is added to read as follows:

3105.9 Mazes. Mazes, including but not limited to, outdoor corn stalk or hedge-mazes, or similar indoor or outdoor conditions, shall be in accordance with requirements established by the *fire code official* and the PFA's special event policies and procedures.

72. **Section 3307.1.2 Stairways required** is amended to read as follows:

3307.1.2 Stairways required. Where building construction exceeds 20 feet (6096 mm) or one-story in height above the lowest level of fire department vehicle access, a temporary or permanent *stairway* shall be provided to all floors that have secured decking or flooring. As construction progresses, such *stairway* shall be extended to within one floor of the highest point of construction having secured decking or flooring.

73. **Section 5001.1 Scope** is amended only as to Exception 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the Distilled Spirits Council of the United States ("DISCUS") "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" and NFPA 13.

...

74. **Section 5601.1.3 Fireworks** is amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608.

75. **Section 5701.2 Nonapplicability** is amended only as to numbered item 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the DISCUS "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" and NFPA 13.

...

76. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited** is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

77. **Section 5706.2.4.4 Locations where above-ground tanks are prohibited** is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

78. **Section 5806.2 Limitations** is amended to read as follows:

5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

79. **Section 6104.2 Maximum capacity within established limits** is amended to read as follows:

6104.2 Maximum capacity within established limits. For the protection of heavily populated or congested areas, storage of liquified petroleum gas shall not exceed an aggregate capacity in any one installation of 2,000 gallons (7570 L) within the limits established by law as set forth in the fire code adoption ordinance and in accordance with the City of Fort Collins Land Use Code.

Exception: In particular installations, this capacity limit shall be determined by the *fire code official*, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

80. **Section 6109.13 Protection of containers** is amended to read as follows:

6109.13 Protection of containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

81. A new **CHAPTER 68 APPENDIX ADOPTION STATUS** is added to read as follows:

APPENDIX	TITLE	STATUS
A	Board of Appeals	Adopted, with amendments

B	Fire-flow Requirements for Buildings	Adopted, with amendments
C	Fire Hydrant Locations and Distribution	Adopted, with amendments
D	Fire Apparatus Access Roads	Adopted, with amendments
E	Hazard Categories	Adopted as reference
F	Hazard Ranking	Adopted
G	Cryogenic Fluids—Weights and Volume Equivalents	Adopted as reference
H	Hazardous Materials Management Plan (HMMP)	Adopted as reference
I	Fire Protection Systems—Non-compliant Conditions	Not Adopted
J	Building Information Sign	Not Adopted
K	Construction Requirements for Existing Ambulatory Care Facilities	Not Adopted
L	Requirements for Fire Fighter Air Replenishment Systems	Adopted
M	High-rise Buildings—Retroactive Automatic Sprinkler Requirements	Not Adopted
N	Indoor Trade Shows and Exhibitions	Adopted
O	Valet Trash and Recycling Collection in Group R-2 Occupancies	Not Adopted

82. **CHAPTER 80 REFERENCED STANDARDS** is amended by adding the following additional referenced standards:

...

CHAPTER 80 REFERENCED STANDARDS

DISCUS

Distilled Spirits Council of the United States

1250 Eye Street, NW Suite 400
Washington, DC 20005

Standard Reference
Reference

Title

Code

4th Edition, February 2020
Protection Practices

Recommended Fire

For Distilled Spirits Beverage Facilities5001.1,

5701.2

...

LCUASS

Larimer County Engineering

200 W Oak Street
Fort Collins, CO 80524

Standard Reference Reference	Title	Code
Enacted August 1, 2021	Larimer County Urban Area Street Standards	
.....D105.6		

...

83. **APPENDIX A BOARD OF APPEALS** is deleted in its entirety and replaced with the following:

APPENDIX A BOARD OF APPEALS

SECTION A101 GENERAL

A101.1 Scope. Pursuant to the provisions of Section 112 of this code, upon the filing of an application for appeal of a decision of the *fire code official* as to the application and/or interpretation of this code, a board of appeals shall be established in accordance with Section A101.3. The board shall be established and operated in accordance with this Section A101 and shall be authorized to hear evidence from appellant(s) and the *fire code official* pertaining to the application and intent of this code for the purpose of issuing a decision pursuant to these provisions.

A101.2 Application for appeal. Any person or entity shall have the right to appeal a decision of the *fire code official* to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted thereunder have been incorrectly interpreted and/or applied, the provisions of

this code do not fully apply, or an equally good or better form of construction is proposed. The board has the right to dismiss an application for appeal upon receipt which on its face does not demonstrate plausible grounds that the *fire code official* made an incorrect interpretation and/or application, the provisions of this code do not fully apply, or an equivalent or better form of construction should be considered. A person wishing to submit an appeal shall request an application via email or letter to the *fire code official*. The completed application shall be filed within 90 days after the date the *fire code official's* decision was issued. The board will not consider an appeal that is not filed within 90 days of the *fire code official's* decision.

A101.2.1 Limitation of authority. The board shall not have authority to waive requirements of this code.

A101.2.2 Stays of enforcement. Appeals of notice and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the board dismisses the application for appeal pursuant to Section A101.2, or it issues a decision on the appeal.

A101.3 Membership of board. The board shall consist of the Chair of the PFA Board of Directors or their appointee, the Fort Collins City Manager or their appointee, and the City's Chief Building Official. The members of the board shall not be employees of PFA. In the event any of the officials listed is unavailable or recused, the individual who would normally stand in as that official's substitute in other matters shall take their place.

A101.3.1 Qualifications. All members of the board shall be trained on quasi-judicial proceedings. To ensure the board is competent to decide the appeal before them, the board may designate qualified experts to educate and assist the board as necessary. Qualified experts shall mean persons who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions, or *fire protection systems*, and are not employees of the City of Fort Collins or PFA.

A101.3.2 Chairperson. The Chair of the PFA Board of Directors or their appointee shall act as the chairperson of the board, unless otherwise designated by the board. The chairperson will present in writing the board's dismissal of or decision on an appeal.

A101.3.3 Secretary. The *fire code official* shall designate a qualified clerk to serve as secretary to the board. The secretary shall post required notices and prepare the agenda for all board meetings, cause the board's meetings to be recorded, and prepare minutes that provide a detailed record of all proceedings, which shall set forth the reasons for the board's decision, the vote of each member, the absence of a member, and any members abstaining from voting.

A101.3.4 Conflict of interest. A member with any personal, professional, or financial interest in a matter before the board shall declare such interest and shall recuse themselves from the board with respect to that matter.

A101.3.6 Board decision. The board's decision, containing detailed findings of fact, conclusions of law, and order, shall be promptly submitted in writing to the *fire code official* and the individual(s), entity, or entities that initiated the appeal. The board's decision is final and conclusive for purposes of exhaustion of administrative remedies.

A101.4 Rules and procedures. In carrying out its duties, the board shall follow the Fort Collins Code of Conduct policy applicable to quasi-judicial commissions, as well as applicable policies and procedures of the PFA consistent with the provisions of that policy, Fort Collins' Charter and City Code, and applicable state law. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be presented.

A101.5 Notice of meetings. The board's secretary shall provide notice to the board of the need to meet and shall schedule the meeting no less than 10 business days and no more than 35 business days after the filing of an application for appeal. Written notice of the date, time and place of the meeting shall be mailed by the secretary to the appellant no less than 10 business days prior to the date of said meeting. As required under Colorado law, public notice shall be provided in advance of any meeting of the board.

84. **APPENDIX B FIRE-FLOW REQUIREMENTS** is adopted in its entirety, with the following amendments:

Section B105.1 One-and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.1(1) being deleted in its entirety:

B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum *fire-flow* and flow duration requirements for one- and two-family *dwellings*, Group R-3 and R-4 buildings and *townhouses* shall be 1000 gpm with residual pressure of 20 psi for a duration of one (1) hour.

Exception: One- and two-family *dwellings*, Group R-3 and R-4 buildings and townhouses located outside of the City of Fort Collins Growth Management Area shall provide a minimum *fire-flow* of 500 gpm with residual pressure of 20 psi for a duration of one (1) hour.

Section B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.2 being deleted in its entirety:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum *fire-flow* and flow duration for buildings other than one- and two-family *dwellings*, Group R-3 and R-4 buildings and *townhouses* shall be as specified in Table B105.1(2).

Exception: A reduction in required fire flow of up to 75%, as *approved*, is allowed when the building is protected with an automatic fire suppression system in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting *fire-flow* shall not be less than 1,500 gpm for the prescribed duration as specified in Table B105.1(2).

85. **APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION** is deleted in its entirety and replaced with the following:

APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION

SECTION C101 GENERAL

C101.1 Scope. In addition to the requirements of Section 507.5.1, fire hydrants shall be provided along public roads and required fire apparatus access roads in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

SECTION C102 NUMBER OF FIRE HYDRANTS

C102.1 Fire hydrants available. The number of fire hydrants available to a building, complex or subdivision shall be not less than that determined by spacing requirements listed in Table C102.1 when applied to fire apparatus access roads and adjacent public streets from which fire operations could be conducted.

TABLE C102.1 – REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS.^f

APPLICATION	FIRE FLOW REQUIREMENTS (gpm)	SPACING BETWEEN HYDRANTS (feet) ^{a,b,c}	MAXIMUM DISTANCE FROM FURTHEST POINT ON A BUILDING TO A HYDRANT (feet) ^e
Commercial/ Multifamily	Value as calculated in accordance with section B105.2	600	300 ^d
One- & Two-Family Dwelling - Urban	1,000	800	400
One- & Two-Family Dwelling - Rural	500	800	400

- Reduce by 100 feet for dead-end streets or roads.
- Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or are arterial streets, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.
- Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- For buildings equipped with a standpipe, see **Section 507.5.1.1**.
- For the purposes of determining distance from a building to a hydrant, hydrants located across 2- and 4-lane arterial roads shall not be considered available unless the building is protected with an *approved* automatic fire suppression system. Hydrants located across 6 lane arterial roads shall not be considered available.
- The fire code official is authorized to modify the location, number and distribution of fire hydrants based on site-specific constraints and hazards.

SECTION C103 FIRE HYDRANT SPACING

C103.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C102.1. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C102.1.

Exception: The *fire code official* is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

SECTION C104 CONSIDERATION OF EXISTING FIRE HYDRANTS

C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available to meet the requirements of Sections C102 and C103. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

86. **APPENDIX D FIRE APPARATUS ACCESS ROADS** is deleted in its entirety and replaced with the following:

APPENDIX D FIRE APPARATUS ACCESS ROADS SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code* adopted by the City of Fort Collins, including all local amendments.

SECTION D102 REQUIRED ACCESS

D102.1 Access, construction, and loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road. All access roads must be an all-weather driving surface constructed of asphalt, concrete, or compacted road base and engineered to support the imposed load of fire apparatus weighing at least 80,000 pounds (36,287 kg).

D102.2 [Reserved].

D102.2.1 Temporary emergency access. Compacted road base or chip shall only be used for a temporary emergency access. Temporary access shall be available as long as the site is under construction. Thereafter, permanent fire lanes shall be accessible and unobstructed at all times.

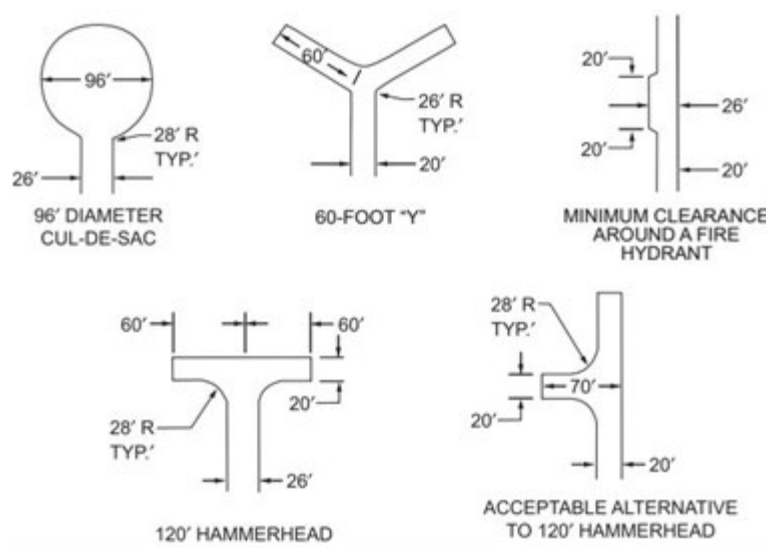
D102.2.2 Permanent emergency access. All permanent points of access shall be hard decks consisting of asphalt or concrete designed to HS 20 or to support 80,000 pounds (36,287 kg). Compacted road base or other surfaces engineered and capable of supporting the imposed loads may be *approved* by the *fire code official* for ground mounted solar installations, cell towers and similar isolated facilities and structures.

D102.2.3 Installation timing. All required access roads must be installed and serviceable before above-ground construction begins unless otherwise approved by the fire code official.

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7,925 mm), exclusive of shoulders (see Figure 103.1).

FIGURE D103.1 – DEAD END FIRE APPARATUS ACCESS ROAD TURNAROUND



D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire code official. (See section D105.5 for aerial fire apparatus access roads.)

D103.3 Turning radius. The minimum turning radius shall be 25 feet inside radius and 50 feet outside radius and 18 inches of clearance from the curb is required.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (46 m) shall be provided with width and turnaround provisions in accordance with Table D103.5.

TABLE D103.4 - REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS		
LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-660	20	100-foot hammerhead, 100-foot cul-de-sac in accordance with Figure D103.1
Over 660	Special Approval Required	

D103.4.1 Additional Points of Access Required. Additional points of access shall be required where a required access roadway exceeds 660 feet (201 m) in length.

Exception: Where the access road does not exceed 1320 feet (402 m) in length and all dwelling units beyond 660 feet (201 m) are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

D103.4.2 Remoteness. Where two or more points of access are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

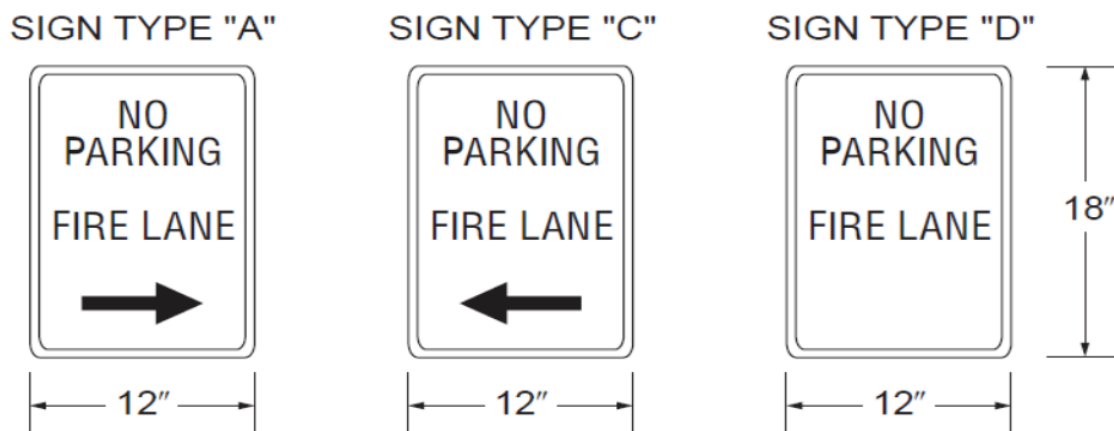
D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6,096 mm). Where a fire apparatus access road consists of a divided roadway, the gate shall be not less than 12 feet (3,658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices must be *approved* by the *fire code official*.
6. Methods of locking the gate must be *approved* by the *fire code official*.
7. Manual opening gates shall not be locked with a padlock or chain and padlock unless the padlock is *approved* by the *fire code official* and is compatible with the *approved* Key Boxes in use by the fire department.
8. Gate design and locking device specifications shall be submitted for approval by the *fire code official* prior to installation.
9. Electric gate operators, where provided, shall be listed in accordance with UL325.
10. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200.

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure D 103.6 or other *approved* sign. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Sections D103.8.1 or D103.8.2.

FIGURE D103.6 – FIRE LANE SIGNS



D103.7 Angle of Approach/Departure. Grade changes upon a fire apparatus access road or when entering or exiting from or to a fire apparatus access road shall not exceed a 10 percent angle of approach or angle of departure.

SECTION D103.8 FIRE LANE SIGNS

D103.8.1 Roads 20 to 26 feet in width. *Fire lane* signs as specified in D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6,096 to 7,925 mm).

D103.8.2 Roads more than 26 feet in width. *Fire lane* signs as specified in D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7,925 mm) and less than 32 feet wide (9,754 mm).

D103.9 Minimum Overhead Clearance. Fire access roads shall have a minimum overhead clearance for the entire width of the access road of not less than 14 feet (4,267 mm).

D103.10 Fire Apparatus Access Roads. Fire apparatus access roads shall not be located on an arterial street, as defined by the LCUASS Standards for arterial roads.

Exception: Buildings, structures, facilities and premises located on multiple arterial roads may use one arterial road defined as less than six lanes.

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

Exception: Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height that have a single *approved* fire apparatus access road where the buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520m²) that have a single *approved* fire apparatus access road

where all buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9,144 mm), *approved* aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

Exception: Where approved by the *fire code official*, building of Type IA, Type IB or Type IIA construction equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and having firefighter access through an enclosed stairway with Class I Standpipe from the lowest level of fire department vehicle access to all roof surfaces.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof if the fire apparatus access road is not a dead end. Dead end fire apparatus access roads for aerial apparatus access shall be a minimum of 30 feet (9144 mm) wide.

D105.3 Proximity to building. One or more of the required access roads meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be *approved* by the *fire code official*.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road and the building. Other obstructions may be permitted to be placed only if *approved* by the *fire code official*.

D105.5 Grade. Aerial fire apparatus access roads adjacent to the building shall not exceed 5 percent in grade.

D105.6 Road type. Aerial fire apparatus access roads shall not be located on an arterial streets as defined by the LCUASS standards for arterials.

Exception: Buildings or facilities located on multiple arterial roads can use one arterial road defined as less than six (6) lanes. Or approved by the *fire code official*.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads that comply with Section D103.5.2.

Exception: Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road not exceeding 1320 feet (402 m) in length and all dwelling units are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

D107.2 Future connection. The number of *dwelling units* on a single fire apparatus access road shall not exceed 30 *dwelling units* unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D107.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D108 REFERENCED STANDARDS

D108.1 General. See Table D108.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, standard title, and the section or sections of this appendix that reference the standard.

**TABLE D108.1
REFERENCED STANDARDS**

STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
ASTM F 2200—14	<i>Standard Specification for Automated Vehicular Gate Construction</i>	D103.5
UL 325—02	<i>Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through May 2015</i>	D103.5

SECTION D109 SCHOOL EMERGENCY IDENTIFICATION NUMBERS AND EMERGENCY RESPONSE MAP

D109.1 Scope. New and existing buildings, structures, mobile rooms, and auxiliary buildings as part of any public school, institute charter school, and junior college meeting 8 CCR 1507-30, shall be provided with approved emergency identification numbering and an approved emergency response map. Emergency identification numbers shall be placed on the exterior, top left corner of each door in an approved clockwise sequence for each building or

structure. Numbers shall be Arabic and numerically displayed as opposed to spelled out. Each number shall be a minimum of 5 inches (127 mm) high with a minimum stroke of 3/4 inch (19.05 mm). Emergency identification numbers which serve doors that do not have electronic access are permitted to be of any color scheme other than the color red, provided the numbers contrast with their background and are readily distinguishable. Emergency identification numbers which serve doors that do have electronic access shall have numbers that are green in color with a white background and shall be of a reflective quality. Emergency identification numbers shall be permanent and durable. Emergency identification numbers shall be maintained.

D109.2 Emergency Response Map. An emergency response map shall be required to be provided to the PFA and any responding law enforcement agency. The map shall display an aerial view of all buildings and structures. The boundary of each building or structure shall be clearly distinguishable with the corresponding emergency identification numbers displayed.

Exceptions:

1. Where it is impractical to post emergency identification numbers on or above a door frame, such as for glass doors, posting in the top left corner of the glass or spandrel panel within the door is permissible.
2. Where more than one door is provided as part of an assembly, only one door is required to have an emergency identification number.
3. Where multiple doors or assemblies of doors are provided, they occur along the same wall, and they serve the same common area, only one door is required to have an emergency identification number.
4. Doors which serve floors above the first floor or primary access level, shall have an emergency identification number to correspond with the number of the door in closest proximity on the first floor or primary access level.
5. Doors which do not provide access to the greater interior portion of any building or structure, such as for electrical or mechanical access, shall not require an emergency identification number but shall be identified on the emergency response map and labeled as a utility room with a designation as (UR).

6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. Section 9-3 of the Code of the City of Fort Collins is deleted in its entirety.

Section 5. The current codifier of the Code of the City of Fort Collins is directed to amend all existing cross references in the City Code in accordance with the provisions of this ordinance.

Section 6. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025

Approving Attorney: Madelene Shehan

Exhibit: Exhibit A - Notice of Public Hearing dated February 23, 2025

OPTION 3

ORDINANCE NO. 051, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF FORT COLLINS FOR THE
PURPOSE OF REPEALING THE 2021 INTERNATIONAL FIRE CODE AND
ADOPTING THE 2024 INTERNATIONAL FIRE CODE, WITH AMENDMENTS

A. As early as 1958, the City has reviewed, amended and adopted the latest nationally recognized fire protection standards available for the times.

B. The City previously adopted the 2021 *International Fire Code*, with local amendments, to minimize human suffering and property loss from fire.

C. The 2024 edition of the *International Fire Code* represents the most current version now available.

D. A Fire Code Review Committee ("Committee"), formed by the Poudre Fire Authority ("PFA") in 2024 for the purpose of reviewing the 2024 *International Fire Code*, has recommended unanimously that the jurisdictions being served by PFA adopt the 2024 *International Fire Code* with certain local amendments tailored to the circumstances in Fort Collins.

E. The Fire Prevention Bureau staff of the PFA, working in conjunction with the Committee, also has reviewed the 2024 *International Fire Code* and the local amendments proposed by the Committee and has recommended that the jurisdictions being served by the PFA adopt the 2024 *International Fire Code* with the local amendments.

F. On February 25, 2025, the PFA Board of Directors unanimously voted to recommend that the 2024 *International Fire Code* with proposed local amendments be adopted by those jurisdictions being served by PFA.

G. The City Council has determined that it is in the best interests of the health, safety, and welfare of the city and its citizens that the 2024 *International Fire Code*, in substantially the form recommended by the Fire Code Review Committee and the PFA staff, be adopted, with local amendments as set forth in this Ordinance.

H. Pursuant to City Charter Article II, Section 7, City Council may enact any ordinance which adopts a code by reference in whole or in part provided that before adoption of such ordinance the Council hold a public hearing thereon and that notice of the hearing shall be published twice in a newspaper of general circulation published in the City, with one of such publications occurring at least eight (8) days preceding the hearing and the other publication occurring at least fifteen (15) days preceding the hearing.

I. In compliance with City Charter, Article II, Section 7, the City Clerk published in the Fort Collins Coloradoan such notice of hearing concerning adoption of the 2024 *International Fire Code* on February 23, 2025, and March 2, 2025.

J. Exhibit A, attached hereto and incorporated herein by reference is the Notice of Public Hearing dated February 23, 2025, that was so published and which the Council hereby finds meets the requirements of Article II, Section 7 of the City Charter.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The City Council repeals the 2021 *International Fire Code* (“IFC”) and adopts the 2024 IFC as amended by this Ordinance.

Section 2. Section 9-1 of the Code of the City of Fort Collins is amended to read as follows:

Section 9-1. - Adoption of the International Fire Code, 2024 Edition.

Pursuant to the authority conferred by Article II, Section 7 of the Charter and by Section 31-16-201 et seq., C.R.S., there is hereby adopted by reference as the fire code of the City, for the purposes of safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, the International Fire Code, 2024 Edition, as promulgated by the International Code Council (hereafter, “this code” or “this fire code”). Except as to any portion of this fire code that is herein after added to, deleted, modified or amended in this Chapter, this fire code shall include all articles and appendices in the *International Fire Code*, 2024 Edition. Not less than three (3) copies of this fire code shall be on file in the office of the Fire Marshal and may be inspected at regular business hours and purchased from the Fire Prevention Bureau at a price not to exceed one hundred dollars (\$100.00) per copy. The provisions of this fire code shall be controlling within the limits of the City of Fort Collins.

Section 3. That Section 9-2 of the Code of the City of Fort Collins is repealed and reenacted to read as follows:

Section 9-2 - Amendments and deletions to the 2024 International Fire Code.

The 2024 International Fire Code adopted in §9-1 is amended to read as follows:

1. **Section 101.1 Title** is amended to read as follows:

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Fort Collins, hereinafter referred to as “this code.”

2. **Section 103.1 Creation of Agency** is deleted in its entirety and replaced with the following:

103.1 Creation of agency. Pursuant to Section 1.2 of the January 1, 2025, Intergovernmental Agreement establishing the Poudre Fire Authority (“PFA” or “fire department”), the City has granted PFA the power and authority to enforce this code, and PFA’s Fire Chief, directly or through delegation to the PFA Fire Marshal, shall be known as the *fire code official*. The function of PFA shall be the implementation, administration, and enforcement of the provisions of this code.

3. **Section 104.8 Liability** is amended to read as follows:

104.8 Liability. The *fire code official*, member of the board of appeals, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered personally liable, either civilly or criminally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties, unless such act or omission is determined by a court of competent jurisdiction to be willful and wanton, as provided in the Colorado Governmental Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

4. **Section 104.8.1 Legal defense** is deleted in its entirety and amended to read as follows:

104.8.1 Legal defense. Any civil suit instituted against any PFA director, officer or employee, including the *fire code official*, because of an act or omission performed by that director, officer, employee, or *fire code official*, PFA shall provide for the defense of such individual to the extent required or permitted by the Colorado Government Immunity Act, Section 24-10-101, *et seq.*, C.R.S.

5. **Sections 112.1 General** and **112.2 Limitations on authority** are amended to read as follows, and **Section 112.3 Qualifications** is deleted in its entirety:

112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals to be known as the Fire Board of Appeals. The City of Fort Collins Building Review Commission, as appointed from time to time, shall constitute the Fire Board of Appeals. The board shall adopt rules of procedure for

conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*. Application for an appeal and all process and procedures for an appeal shall be as stipulated in Section 113 of the International Building Code, as amended and adopted by the City of Fort Collins. The board shall follow the applicable policies and procedures of the City of Fort Collins in carrying out its duties consistent with the provisions of this code and applicable state law.

112.2 Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

6. **Section 202 General Definitions** is amended to read as follows:

. . .

BARREL. A charred wooden process vessel made of bent staves held together with steel hoops, with the greatest diameter being at the center of the staves, known as the “bilge.” The ends, known as “heads,” are flat, and the rim formed by staves overlapping the heads is known as the “chime.”

. . .

CASK. See “Barrel.”

. . .

DWELLING. A *building* used exclusively for residential occupancy and for permitted accessory uses, including single-family dwellings, two-family dwellings and multi-family dwellings. The term *dwelling* shall not include hotels, motels, homeless shelters, seasonal overflow shelters, tents or other structures designed or used primarily for temporary occupancy. Any dwelling shall be deemed to be a principal *building*.

DWELLING UNIT. One or more rooms and a single kitchen and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single-family, two-family or multi-family dwelling, or mixed-use *building*.

. . .

FALSE ALARM. See *Unwanted Alarm*.

...

MALICIOUS ALARM. Any unwanted activation of an alarm initiating device caused by a person acting with malice.

...

MAZE. Temporary or permanent passageways constructed within agricultural crops such as corn, or within vegetation such as hedges, or constructed such as with hay bales, or by other means and methods, and where passageways are occupied for amusement, entertainment, and are arranged in a manner to intentionally confound or bewilder identification of the means of egress, or otherwise make the means of egress path not readily available because of the nature of the attraction or mode of conveyance through passageways.

...

NUISANCE ALARM. Any unwanted activation of a signaling system or an alarm initiating device in response to a stimulus or condition that is not the result of a potentially hazardous condition. This includes such matters as mechanical failure, malfunction, improper installation or lack of proper maintenance, or an alarm for which the cause cannot be determined.

...

ROOM, SLEEPING (BEDROOM). A habitable room within a *dwelling* or other housing unit designed primarily for the purpose of sleeping. The presence of a bed, cot, mattress, convertible sofa or other similar furnishing used for sleeping purposes shall be prima facie evidence that such space or room is a sleeping room. The presence of closets or similar storage facilities shall not be considered relevant factors in determining whether or not a room is a sleeping room.

...

TOWNHOUSE. A single-family *dwelling unit* constructed as part of a group of two or more attached individual *dwelling units*, each of which is separated from the other from the foundation to the roof and is located entirely on a separately recorded and platted parcel of land (site) bounded by property lines, which parcel is deeded exclusively for such single-family dwelling.

...

UNWANTED ALARM. Any alarm that occurs that is not the result of a potentially hazardous condition. This includes *malicious alarms*, *nuisance alarms*, and *unintentional alarms* in accordance with National Fire Protection Association (NFPA) 72.

...

UNINTENTIONAL ALARM. An unwanted activation of an alarm initiating device caused by a person acting without malice.

...

7. **Section 304.1.1 Valet trash** is amended to read as follows:

304.1.1 Valet Trash. *Valet trash collection* shall be prohibited.

8. A new **Section 307.2.2 Time and Atmospheric Restrictions** is added to read as follows:

307.2.2 Time and Atmospheric Restrictions. *Open burning* shall be performed only when time and atmospheric conditions comply with the limits set forth in the Open Burning Permit.

9. **Section 307.4.1 Bonfires** is deleted in its entirety and replaced with the following:

307.4.1 Bonfires. Bonfires are prohibited unless specifically approved and permitted by the *fire code official*.

10. **Section 307.4.2 Recreational Fires** is deleted in its entirety and replaced with the following:

307.4.2 Recreational fires. *Recreational fires* are prohibited.

Exception: *Recreational fires* may be conducted at campgrounds, open camping areas, parks, open lands or similar areas in accordance with the rules and restrictions set forth by the authority having jurisdiction at such locations, provided that such fires do not have a fuel area that exceeds 2 feet in height and are not conducted within 25 feet of a structure or combustible material.

11. **Section 307.4.3 Portable outdoor fireplaces** is deleted in its entirety and replaced with the following:

307.4.3 Portable and Fixed Outdoor Fireplaces. Portable and fixed outdoor fireplaces, including fire tables, shall be used in accordance with the manufacturer's instructions. Outdoor fireplaces for public use must be listed for commercial use. Outdoor fireplaces shall not be placed closer to combustible materials than what is stated in the manufacturer's instructions. If the manufacturer's instructions are not available or do not establish a distance,

outdoor fireplaces shall not be operated within 15 feet (4572 mm) of a combustible structure or combustible material. Outdoor fireplaces shall not be operated underneath a combustible structure of any type. Outdoor fireplaces shall be gas or liquid-fueled unless otherwise approved by the *fire code official*.

Exception: Outdoor fireplaces at one and two-family dwellings may use *approved solid fuels*.

12. **Section 308.1.7 Sky lanterns** is amended to read as follows:

308.1.7 Sky lanterns. A person shall not release or cause to be released a tethered or untethered sky lantern.

13. **Section 401.3 Emergency Responder Notification** is amended to read as follows:

401.3 Emergency Responder Notification. Notification of emergency responders shall be in accordance with Sections 401.3.1 through 401.3. 4.

...

401.3.4 Reporting Emergencies. In the event a fire occurs or upon the discovery of a fire, smoke, or unauthorized release of flammable, combustible, or hazardous materials on any property, the *owner*, the *owner's* authorized representative, or the occupant shall, without delay, report such condition to the fire department.

14. **Section 401.5 Making false report** is amended to read as follows:

401.5 Making false report. False alarms shall be subject to enforcement in accordance with Section 401.9 Unwanted alarms.

15. A new **Section 401.9 Unwanted alarms** is added to read as follows:

401.9 Unwanted alarms. All *unwanted alarms* shall be subject to enforcement as per PFA's policies and procedures and adopted fee schedule.

16. **Section 402.1 Definitions** is amended to read as follows:

402.1 Definitions. The following terms are defined in Chapter 2:

EMERGENCY EVACUATION DRILL.

LOCKDOWN.

MALICIOUS ALARM.

NUISANCE ALARM.

UNINTENTIONAL ALARM.

UNWANTED ALARM.

17. **Section 503.1 Where required** is amended to read as follows:

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and Appendix D Fire Apparatus Access Roads.

18. **Section 503.1.1 Buildings and facilities** is amended to read as follows:

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) up to 300 feet (91440 mm) where any of the following conditions occur:
 - 1.1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
 - 1.3. Group U occupancies.
2. Where *approved* by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

19. **Section 503.2 Specifications** is amended to read as follows:

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8 and Appendix D Fire Apparatus Access Roads.

20. **Section 503.2.1 Dimensions** is amended to read as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 14 feet (4267 mm).

21. **Section 503.2.4 Turning Radius** is amended to read as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be 25 feet (7.6 m) inside radius and 50 feet (15.2 m) outside radius.

22. **Section 503.2.7 Grade** is amended to read as follows:

503.2.7 Grade. The grade of the fire apparatus access road shall not exceed 10 percent in grade.

Exception: Where approved by the *fire code official*, grades steeper than 10 percent due to geographic or location conditions may be permitted.

23. **Section 503.2.8 Angles of approach and departure** is amended to read as follows:

503.2.8 Angles of approach and departure. The angles of approach and departure when entering or exiting fire apparatus access roads shall not exceed a 10 percent angle of approach or departure.

24. **Section 503.6 Security gates** is amended to read as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be *approved* by the *fire code official*. Where security gates are installed, they shall have an *approved* means of emergency operation and shall comply with the requirements of Appendix D 103.5.

25. **Section 505.1 Address identification** is amended to read as follows:

Section 505.1 Address identification. New and existing buildings or facilities shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Address identification shall be maintained.

26. A new **Section 505.1.1 Address assignment and standards** is added to read as follows:

505.1.1 Address assignment and standards. Addresses shall be assigned by the governmental entity having jurisdiction (Fort Collins, Timnath, Weld County or Larimer County) and shall comply with the Larimer County Street Naming and Addressing Standards as contained in the Larimer County Urban Area Street Standards.

27. A new **Section 505.1.2 Location and size** is added to read as follows:

505.1.2 Location and size. The address numbers and letters for any commercial or industrial buildings shall be placed at a height to be clearly visible from the street. The minimum height and stroke shall be in accordance with Table 505.1.2.

A new **TABLE 505.1.2 Location and size** is added to read as follows:

TABLE 505.1.2
LOCATION AND SIZE

Distance from street curb to building	Letter/number height
1 – 100 feet	8 inches ¹
101 – 150 feet	10 inches ¹
151 – 200 feet	12 inches ¹
201 – 350 feet	14 inches ²
351 – 500 feet	16 inches ²
501 – 700 feet	20 inches ²
In excess of 700 feet	As approved by the <i>Fire Code Official</i> ³

¹ 8 in. – 12 in. numbers shall be a minimum 1 in. stroke

² 13 in. – 20 in. numbers shall be a minimum 1 ½ in. stroke

³ 21 in. and larger shall have proportional strokes to ensure visibility

28. A new **Section 505.1.3 Posting on one- and two-family dwellings** is added to read as follows:

505.1.3 Posting on one- and two-family dwellings. The address numbers and letters for one- and two-family dwellings shall be a minimum of four inches in height with a minimum ½ inch stroke and shall be posted on a contrasting background. If bronze or brass numerals are used, they shall only be posted on a black background for visibility.

29. A new **Section 505.1.4 Monument signs** is added to read as follows:

505.1.4 Monument signs. Monument signs may be used in lieu of address numbers and letters on the building as approved by the *fire code official*. The

address numbers and letters for monument signage shall be a minimum of four (4) inches in height with a minimum ½ inch stroke unless otherwise approved by the *fire code official*. The *address* letters and numbers shall also be located at a minimum height of 22 inches above the surface or grade directly below.

30. A new **Section 505.1.5 Unit identifiers** is added to read as follows:

505.1.5 Unit identifiers. Buildings with multiple suites, apartments or units shall have the individual suites, apartments or units provided with individual identification numbers in sequential order.

1. Suite identifiers accessed from the exterior of the building shall be a minimum of four inches in height with a minimum ½ inch stroke.
2. Suite identifiers accessed from the interior of the building shall be a minimum of two inches in height with a minimum ¼ inch stroke.
3. Suites, apartments, or units located on the first floor shall be identified by numbers within the 100 or 1000 range or series. Suites, apartments or units located on the second floor shall be identified by numbers within the 200 or 2000 range or series. Suites, apartments or units located on the third floor shall be identified by numbers within the 300 or 3000 range or series. Higher floors shall follow this same numbering sequence.

31. A new **Section 505.1.6 Multiple address postings** is added to read as follows:

505.1.6 Multiple address postings. Buildings, either individually or part of a multi-building complex, that have emergency access lanes on sides other than on the addressed street side, shall have the address numbers and street name on each side that fronts a fire lane. Buildings that are addressed on one street but are accessible from another street, shall have the address numbers and street name on each side that is adjacent to another street.

32. A new **Section 505.1.7 Interior wayfinding** is added to read as follows:

505.1.7 Interior wayfinding. *Approved* wayfinding signage shall be posted in conspicuous locations within buildings to provide clear direction to locate any suite, apartment, or unit within the building. Interior wayfinding signage shall be a minimum of two inches in height with a minimum ¼ inch stroke.

33. A new **Section 505.1.8 Exterior wayfinding** is added to read as follows:

505.1.8 Exterior wayfinding. Multiple-building complexes must have *approved* signage as needed to direct first responders to individual buildings.

34. A new **Section 505.1.9 Campus addressing** is added to read as follows:

- 505.1.9 Campus addressing.** Multiple-building complexes that have a single street address for the entire complex shall utilize alpha or numeric characters to identify the individual buildings. Such identification shall be assigned to the buildings in a sequential order following a clockwise direction starting at the main entrance to the complex.
35. **Section 507.2 Type of water supply** is amended to read as follows:
- 507.2 Type of water supply.** A water supply shall consist of pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required sustainable fire flow.
36. **Section 507.5 Fire hydrant systems** is amended to read as follows:
- 507.5 Fire hydrant systems.** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 and Appendix C.
37. **Section 507.5.1 Where required** is amended to read as follows:
- 507.5.1 Where required.** Where the furthest portion of a facility or building or portion thereof hereafter constructed or moved into or within the jurisdiction is more than 300 feet (91 m) from a hydrant on a fire apparatus access road, as measured by an *approved* route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the *fire code official*.
- Exceptions:**
1. For Group R-3, one- and two-family dwellings, and Group U occupancies, the distance requirement shall be 400 feet (121 m).
 2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183m).
38. **Section 605.3 Chimneys and vents** is amended to read as follows:
- 605.3 Chimneys and vents.** Masonry chimneys shall be constructed in accordance with the *International Building Code*. Factory-built chimneys and vent systems serving solid-fuel-fired appliances or oil-fired appliances shall be installed in accordance with the *International Mechanical Code*. Metal chimneys shall be constructed and installed in accordance with the *International Mechanical Code*. Factory-built chimneys and vent systems serving gas-fired appliances shall be installed in accordance with the

International Fuel Gas Code. Means for arresting sparks must be in compliance with the Wildland Urban Interface (WUI) Code.

39. **Section 606.3 Operations and maintenance** is amended to read as follows:

606.3 Operations and maintenance Commercial cooking systems shall be operated, inspected and maintained in accordance with Sections 606.3.1 through 606.3.4. As outlined in NFPA 96, cooking appliances shall not be moved, modified, or rearranged without prior re-evaluation of the fire extinguishing system by the system installer or qualified servicing agent, unless otherwise allowed by the design of the fire extinguishing system. Any movement, modification, or rearrangement of system components shall require an approved permit from PFA prior to the work being conducted.

40. A new **Section 606.5 Solid fuel-fired cooking appliances** is added to read as follows:

606.5 Solid fuel-fired cooking appliances. Solid fuel-fired commercial cooking appliances shall comply with applicable provisions of National Fire Protection Association (NFPA) 96.

41. **Section 901.4.7.1 Access** is amended to read as follows:

901.4.7.1 Access. Automatic sprinkler system risers, fire pumps and controllers shall be provided with *ready access*. Where located in a fire pump room or *automatic sprinkler system* riser room, the door shall be permitted to be locked provided that the key is available at all times. The clear door opening shall be 32 inches wide and 80 inches high, or a size large enough to accommodate the largest piece of equipment, whichever is larger.

42. **Section 903.2.1.1 Group A-1** is amended to read as follows:

903.2.1.1 Group A-1. An *automatic sprinkler system* shall be provided throughout stories containing Group A-1 occupancies and throughout all stories from the Group A-1 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

4. The *fire area* contains a multiple-theater complex.

43. **Section 903.2.1.3 Group A-3** is amended to read as follows:

903.2.1.3 Group A-3. An *automatic sprinkler system* shall be provided throughout stories containing Group A-3 occupancies and throughout all stories from the Group A-3 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

44. **Section 903.2.1.4 Group A-4** is amended to read as follows:

903.2.1.4 Group A-4. An *automatic sprinkler system* shall be provided throughout stories containing Group A-4 occupancies and throughout all stories from the Group A-4 occupancy to and including the *levels of exit discharge* serving that occupancy where one of the following conditions exists:

1. The *fire area* exceeds 5,000 square feet (464.5 m²).
2. The *fire area* has an *occupant load* of 300 or more.
3. The *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

45. **Section 903.2.2 Group B** is amended to read as follows:

903.2.2 Group B. An *automatic sprinkler system* shall be provided for Group B occupancies where the *fire area* exceeds 5,000 square feet (464.5 m²).

46. **Section 903.2.3 Group E** is amended to read as follows:

903.2.3 Group E. An *automatic sprinkler system* shall be provided for Group E occupancies as follows:

1. Throughout all Group E *fire areas* greater than 5,000 square feet (464.5 m²) in area.
2. The Group E *fire area* is located on a floor other than a *level of exit discharge* serving such occupancies.

Exception: In buildings where every classroom has not fewer than one exterior exit door at ground level, an *automatic sprinkler system* is not required in any area below the lowest *level of exit discharge* serving that area.

3. The Group E *fire area* has an *occupant load* of 300 or more.

47. **Section 903.2.4 Group F-1** is amended to read as follows:

903.2.4 Groups F-1 and F-2. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group F-1 or F-2 occupancy where one of the following conditions exists:

1. A Group F-1 or F-2 *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group F-1 or F-2 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group F-1 or F-2 *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).
4. A Group F-1 occupancy is used to manufacture lithium-ion or lithium metal batteries.
5. A Group F-1 occupancy is used to manufacture vehicles, energy storage systems or equipment containing lithium-ion or lithium metal batteries where the batteries are installed as part of the manufacturing process.

48. **Section 903.2.6 Group I** is amended to read as follows:

903.2.6 Group I. An *automatic sprinkler system* shall be provided throughout buildings with a Group I *fire area*.

Exceptions:

1. An *automatic sprinkler system* installed in accordance with Section 903.3.1.2 shall be permitted in Group I-1, Condition 1 facilities.
2. An *automatic sprinkler system* is not required where Group I-4 day care facilities are at the *level of exit discharge* and where every room where care is provided has not fewer than one exterior *exit door* and the *fire area* does not exceed 5,000 square feet (464.5 m²).
3. In buildings where Group I-4 day care is provided on levels other than the *level of exit discharge*, an *automatic sprinkler system* in accordance with Section 903.3.1.1 shall be installed on the entire floor where care is provided, all floors between the level of care and the *level of exit discharge* and all floors below the *level of exit discharge* other than areas classified as an open parking garage.

49. **Section 903.2.7 Group M** is amended to read as follows:

903.2.7 Group M. An *automatic sprinkler system* shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group M *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group M *fire areas* on all floors, including any mezzanines, exceeds 24,000 square feet (2230 m²).

50. **Section 903.2.9 Group S-1** is amended to read as follows:

903.2.9 Group S-1. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 *fire area* exceeds 5,000 square feet (464.5 m²).
2. A Group S-1 *fire area* is located more than three stories above *grade plane*.
3. The combined area of all Group S-1 *fire areas* on all floors, including any mezzanines, exceeds 5,000 square feet (464.5 m²).
4. A Group S-1 *fire area* used for the storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464.5 m²).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m²).

51. **Section 903.2.9.1 Repair garages** is amended to read as follows:

903.2.9.1 Repair garages. An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the *International Building Code*, as shown:

1. Buildings having two or more stories above *grade plane*, including *basements*, with a *fire area* containing a repair garage exceeding 5,000 square feet (464.5 m²).
2. Buildings not more than one story above *grade plane*, with a *fire area* containing a repair garage exceeding 5,000 square feet (464.5 m²).

3. Buildings with repair garages servicing vehicles parked in *basements*.
4. A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m²).
5. A Group S-1 *fire area* used for the storage of lithium-ion or lithium metal powered vehicles where the *fire area* exceeds 500 square feet (46.4 m²).

52. **Section 903.2.10 Group S-2 parking garages** is amended to read as follows:

903.2.10 Group S-2 parking garages. An *automatic sprinkler system* shall be provided throughout all buildings containing a Group S-2 occupancy where any of the following conditions exists:

1. Where the *fire area* of the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, exceeds 12,000 square feet (1115 m²). Where a Group S-2 *fire area* exceeds 5,000 square feet (464.5 m²).
2. Where the enclosed parking garage, in accordance with Section 406.6 of the *International Building Code*, is located beneath other groups.

Exception: Enclosed parking garages located beneath Group R-3 occupancies.

3. Where the *fire area* of the open parking garage, in accordance with Section 406.5 of the *International Building Code*, exceeds 48,000 square feet (4460 m²).
4. A Group S-2 *fire area* is located more than three stories above *grade plane*.

53. **Section 903.2.11.1.3 Basements** is amended to read as follows:

903.2.11.1.3 Basements. Where any portion of a *basement* is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

54. **Section 903.3.1.2.3 Attics** is amended to add subsection 5 and its Exceptions to read as follows:

...

5. In buildings containing dwelling or sleeping units, the automatic fire sprinkler system shall be designed and installed in accordance with NFPA 13, regardless of the fire sprinkler installation standard allowed for other portions of the building.

Exceptions:

1. Buildings that do not contain more than 6 individual dwelling units or sleeping units and the units are separated from each other with a 1-hour fire barrier.
 2. Buildings that do not contain more than 12 individual dwelling units or sleeping units and is divided into no more than 6 individual dwellings units (complying with number 1 above) by a minimum 2-hour fire wall.
 3. Buildings containing only Group R-3 occupancy.
55. A new **Section 903.3.1.4 Core and shell buildings** is added to read as follows:

903.3.1.4 Core and shell buildings. Automatic fire sprinkler systems in buildings constructed to house future tenant spaces that are not assigned an occupancy shall have minimum hazard classification of Ordinary Hazard 2 in accordance with NFPA 13.

56. **Section 903.4.3 Alarms** is amended only as to the Exception to read as follows:

903.4.3 Alarms.

...

Exception: *Automatic sprinkler systems* protecting one- and two-family *dwellings*, unless such *dwellings* are arranged so that it is unclear which *automatic sprinkler system* has activated, and for these conditions an approved audible and visual sprinkler waterflow device, located on the exterior of the building in an approved location shall be provided for each fire sprinkler system installed.

57. **Section 906.1 Where required**, Exception 1 in paragraph 1 is deleted in its entirety and replaced to read as follows:

906.1 Where required. Portable fire extinguishers shall be installed in all of the following locations:

...

Exceptions:

1. In Group R-2 occupancies, portable fire extinguishers shall be required in approved common spaces that are readily accessible to the occupants of dwelling units. Portable fire extinguishers shall have

a minimum rating of 2-A:10-B:C, with a maximum travel distance of 75 feet (22860 mm) as measured from the entry doors of dwelling units to the mounted portable fire extinguisher. Unless otherwise specified by a law or regulation, it shall be the responsibility of the property *owner* of their authorized designee to maintain portable fire extinguishers in accordance with this code and NFPA 10.

. . .

58. **Section 907.2.11 Single-and multiple-station smoke alarms** is amended to read as follows:

907.2.11 Single- and multiple-stations smoke alarms. *Listed* single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with Sections 907.2.11.1 through 907.2.11.7, NFPA 72 and the manufacturer's instructions. Where one or more sleeping rooms are added or created in existing Group R Occupancies, the entire building shall be provided with smoke detectors located and installed as required for new Group R Occupancies described herein.

59. **Section 907.5.2.1.3.2 Smoke alarm signal in sleeping rooms** is amended to read as follows:

907.5.2.1.3.2 Smoke alarm signal in sleeping rooms. In sleeping rooms of Group R-1, R-2 and I-1 occupancies that are required by Section 907.2.8 or 907.2.9 to have a *fire alarm system*, the audible alarm signal activated by single- or multiple-station smoke alarms in the *dwelling unit* or *sleeping unit* shall be a 520-Hz signal complying with NFPA 72 or an alternative means approved by the *fire code official*.

Where a sleeping room smoke alarm is unable to produce a 520-Hz alarm signal, the 520-Hz alarm signal shall be provided by a *listed* notification appliance.

60. A new **Section 907.8.5 Excessive false alarms** is added to read as follows:

907.8.5 Excessive false alarms. An excessive number of false alarms shall be defined as two (2) alarm activations for a fire alarm system within a sixty (60) day period, provided that any such activations are not the result of a cause reasonably beyond the control of the *owner*, tenant, or operator of the building. In the event of an excessive number of false alarms, the *fire code official* may order the building *owner*, tenant, operator of the building or party responsible for the building to take reasonable actions necessary to prevent false alarms. These actions may include repair or replacement of the faulty alarm components, addition of tamper proof devices, modification of system design and repair of other building components which affect alarm system

performance. The *fire code official* also may require the building owner, tenant, operator of the building or party responsible for the building to obtain an *approved* maintenance contract with a qualified fire alarm maintenance technician as required by NFPA 72 to provide continuous maintenance service of the system.

61. **Section 1010.1.4 Floor elevation** is amended to read as follows:

1010.1.4 Floor elevation. There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent slope). All exterior steps, slabs, walks, decks and patios serving as exterior door landings or exterior stairs shall be adequately and permanently secured in place by *approved* methods to prevent such landings or stairs from being undermined or subject to significant displacement due to improper placement of supporting backfill or due to inadequate anchoring methods.

Exceptions:

. . .

7. Exterior doors serving individual dwelling units, other than the main entrance door to a dwelling unit, may open at one intervening exterior step that is equally spaced between the interior floor level above and exterior landing below, provided that the step has a minimum tread depth of 12 inches (30.48 cm), a maximum riser height of 7¾ inches (19.68 cm), and a minimum width equal to the door width and, provided further that the door does not swing over the step.

62. **Section 1011.11 Handrails** is amended to read as follows:

1011.11 Handrails. *Flights of stairways* of more than one riser shall have *handrails* on each side and shall comply with Section 1014. Where glass is used to provide the *handrail*, the *handrail* shall comply with Section 2407 of the *International Building Code*.

. . .

63. **Section 1015.8 Window openings** is amended to read as follows:

1015.8 Window openings. Windows in Group R-2 and R-3 buildings including *dwelling units*, where the bottom of the clear opening of an operable window is located less than 24 inches (610 mm) above the finished floor and more than 72 inches (1829 mm) above the finished grade or other surface below on the exterior of the building, shall comply with one of the following:

...

64. A new **Section 1015.9 Below grade openings** is added to read as follows:

1015.9 Below grade openings. All area wells, stair wells, window wells and light wells attached to any *building* that are located less than 36 inches from the nearest intended walking surface and deeper than 30 inches below the surrounding ground level shall have guards or *approved* covers for fall protection.

65. **Section 1031.2 Where required** is amended only as to Exceptions 1 and 5 to read as follows:

...

Exceptions:

1. *Basements* with a ceiling height of less than 72 inches (1828.8 mm) and that do not contain habitable space, shall not be required to have *emergency escape and rescue openings*.

...

5. Within individual *dwelling* and *sleeping units* in Groups R-2 and R-3, where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, sleeping rooms in *basements* shall not be required to have *emergency escape and rescue openings* provided that the *basement* has one of the following:
 - 5.1. One *means of egress* and one *emergency escape and rescue opening*.
 - 5.2. Two *means of egress*.

66. **Section 1031.3 Emergency escape and rescue openings** is amended to read as follows:

1031.3 Emergency escape and rescue openings. *Emergency escape and rescue openings* shall comply with Sections 1031.3.1 through 1031.3.4.

67. A new **Section 1031.3.4 Emergency escape and rescue openings** shall be added to read as follows:

1031.3.4 Minimum height from floor. *Emergency escape and rescue window openings* that are located more than 72 inches (1829 mm) above the finished grade shall have a sill height of not less than 24 inches (609 mm) measured from the finished interior side floor.

68. **Section 1103.2 Emergency responder communications enhancement in existing buildings** is amended to read as follows:

1103.2 Emergency responder communications enhancement in existing buildings. Existing buildings other than Group R-3 that do not have *approved* in-building emergency response communications enhancement for emergency responders in the building based on existing coverage levels of the public safety communication systems, shall be equipped with such coverage according to one of the following:

1. Where an existing wired communication system cannot be repaired or is being replaced, or where not *approved* in accordance with Section 510.1, Exception 1.
2. In all buildings exceeding 10,000 sq.ft. and any Type V construction exceeding 15,000 sq.ft.

Exception: Where it is determined by the *fire code official* that the in-building emergency responder communications enhancement system is not needed.

69. **Section 1205.3 Other than Group R-3 buildings** is amended to read as follows:

1205.3 Other than Group R-3 buildings. Access to systems for buildings, other than those containing Group R-3 occupancies, shall be provided in accordance with Sections 1205.3.1 through 1205.3.3.

Exception: Where it is determined by the *fire code official* that the roof configuration is similar to that of a Group R-3 occupancy, and the building does not exceed three stories and does not require aerial fire apparatus access in accordance with Appendix D, the residential access and ventilation requirements in Section 1205.2.1.1 through 1205.2.1.3 are a suitable alternative.

...

70. **Section 3102.1 Definitions** is amended to read as follows:

3102.1 Definitions. The following terms are defined in Chapter 2:

...

MAZE.

71. A new **Section 3105.9 Mazes** is added to read as follows:

3105.9 Mazes. Mazes, including but not limited to, outdoor corn stalk or hedge-mazes, or similar indoor or outdoor conditions, shall be in accordance with requirements established by the *fire code official* and the PFA's special event policies and procedures.

72. **Section 3307.1.2 Stairways required** is amended to read as follows:

3307.1.2 Stairways required. Where building construction exceeds 20 feet (6096 mm) or one-story in height above the lowest level of fire department vehicle access, a temporary or permanent *stairway* shall be provided to all floors that have secured decking or flooring. As construction progresses, such *stairway* shall be extended to within one floor of the highest point of construction having secured decking or flooring.

73. **Section 5001.1 Scope** is amended only as to Exception 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the Distilled Spirits Council of the United States ("DISCUS") "Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities" and NFPA 13.

...

74. **Section 5601.1.3 Fireworks** is amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. The use of fireworks for fireworks displays as allowed in Section 5608.

75. **Section 5701.2 Nonapplicability** is amended only as to numbered item 10 to read as follows:

...

10. The production, processing and storage of beer, distilled spirits and wines in barrels and casks when the facility is in conformance with the

DISCUS “Recommended Fire Protection Practices for Distilled Spirits Beverage Facilities” and NFPA 13.

. . .

76. **Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited** is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

77. **Section 5706.2.4.4 Locations where above-ground tanks are prohibited** is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

78. **Section 5806.2 Limitations** is amended to read as follows:

5806.2 Limitations. Storage of flammable *cryogenic fluids* in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited in accordance with the City of Fort Collins Land Use Code.

79. **Section 6104.2 Maximum capacity within established limits** is amended to read as follows:

6104.2 Maximum capacity within established limits. For the protection of heavily populated or congested areas, storage of liquified petroleum gas shall not exceed an aggregate capacity in any one installation of 2,000 gallons (7570 L) within the limits established by law as set forth in the fire code adoption ordinance and in accordance with the City of Fort Collins Land Use Code.

Exception: In particular installations, this capacity limit shall be determined by the *fire code official*, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

80. **Section 6109.13 Protection of containers** is amended to read as follows:

6109.13 Protection of containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

81. A new **CHAPTER 68 APPENDIX ADOPTION STATUS** is added to read as follows:

APPENDIX	TITLE	STATUS
A	Board of Appeals	Adopted, with amendments
B	Fire-flow Requirements for Buildings	Adopted, with amendments
C	Fire Hydrant Locations and Distribution	Adopted, with amendments
D	Fire Apparatus Access Roads	Adopted, with amendments
E	Hazard Categories	Adopted as reference
F	Hazard Ranking	Adopted
G	Cryogenic Fluids—Weights and Volume Equivalents	Adopted as reference
H	Hazardous Materials Management Plan (HMMP)	Adopted as reference
I	Fire Protection Systems—Non-compliant Conditions	Not Adopted
J	Building Information Sign	Not Adopted
K	Construction Requirements for Existing Ambulatory Care Facilities	Not Adopted
L	Requirements for Fire Fighter Air Replenishment Systems	Adopted
M	High-rise Buildings—Retroactive Automatic Sprinkler Requirements	Not Adopted
N	Indoor Trade Shows and Exhibitions	Adopted
O	Valet Trash and Recycling Collection in Group R-2 Occupancies	Not Adopted

82. **CHAPTER 80 REFERENCED STANDARDS** is amended by adding the following additional referenced standards:

...

CHAPTER 80 REFERENCED STANDARDS

DISCUS

Distilled Spirits Council of the United States
1250 Eye Street, NW Suite 400

Washington, DC 20005

Standard Reference Reference	Title	Code
4 th Edition, February 2020 Protection Practices 5701.2	Recommended Fire For Distilled Spirits Beverage Facilities	5001.1,

...

LCUASS

Larimer County Engineering
200 W Oak Street
Fort Collins, CO 80524

Standard Reference Reference	Title	Code
Enacted August 1, 2021 D105.6	Larimer County Urban Area Street Standards	

...

84. **APPENDIX B FIRE-FLOW REQUIREMENTS** is adopted in its entirety, with the following amendments:

Section B105.1 One-and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.1(1) being deleted in its entirety:

B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum *fire-flow* and flow duration requirements for one- and two-family *dwellings*, Group R-3 and R-4 buildings and *townhouses* shall be 1000 gpm with residual pressure of 20 psi for a duration of one (1) hour.

Exception: One- and two-family *dwellings*, Group R-3 and R-4 buildings and townhouses located outside of the City of Fort Collins Growth Management Area shall provide a minimum *fire-flow* of 500 gpm with residual pressure of 20 psi for a duration of one (1) hour.

Section B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses is amended to read as follows, with Table B105.2 being deleted in its entirety:

B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses. The minimum *fire-flow* and flow duration for buildings other than one- and two-family *dwellings*, Group R-3 and R-4 buildings and *townhouses* shall be as specified in Table B105.1(2).

Exception: A reduction in required fire flow of up to 75%, as *approved*, is allowed when the building is protected with an automatic fire suppression system in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting *fire-flow* shall not be less than 1,500 gpm for the prescribed duration as specified in Table B105.1(2).

85. **APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION** is deleted in its entirety and replaced with the following:

APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION

SECTION C101 GENERAL

C101.1 Scope. In addition to the requirements of Section 507.5.1, fire hydrants shall be provided along public roads and required fire apparatus access roads in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed or moved into the jurisdiction.

SECTION C102 NUMBER OF FIRE HYDRANTS

C102.1 Fire hydrants available. The number of fire hydrants available to a building, complex or subdivision shall be not less than that determined by spacing requirements listed in Table C102.1 when applied to fire apparatus access roads and adjacent public streets from which fire operations could be conducted.

TABLE C102.1 – REQUIRED NUMBER AND SPACING OF FIRE HYDRANTS.^f

APPLICATION	FIRE FLOW REQUIREMENTS (gpm)	SPACING BETWEEN HYDRANTS (feet) ^{a,b,c}	MAXIMUM DISTANCE FROM FURTHEST POINT ON A BUILDING TO A HYDRANT (feet) ^e
Commercial/ Multifamily	Value as calculated in accordance with section B105.2	600	300 ^d
One- & Two-Family Dwelling - Urban	1,000	800	400
One- & Two-Family Dwelling - Rural	500	800	400

- Reduce by 100 feet for dead-end streets or roads.
- Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or are arterial streets, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.
- Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.
- For buildings equipped with a standpipe, see **Section 507.5.1.1**.
- For the purposes of determining distance from a building to a hydrant, hydrants located across 2- and 4-lane arterial roads shall not be considered available unless the building is protected with an *approved* automatic fire suppression system. Hydrants located across 6 lane arterial roads shall not be considered available.
- The fire code official is authorized to modify the location, number and distribution of fire hydrants based on site-specific constraints and hazards.

SECTION C103 FIRE HYDRANT SPACING

C103.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C102.1. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C102.1.

Exception: The *fire code official* is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

SECTION C104 CONSIDERATION OF EXISTING FIRE HYDRANTS

C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available to meet the requirements of Sections C102 and C103. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

86. **APPENDIX D FIRE APPARATUS ACCESS ROADS** is deleted in its entirety and replaced with the following:

APPENDIX D FIRE APPARATUS ACCESS ROADS SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code* adopted by the City of Fort Collins, including all local amendments.

SECTION D102 REQUIRED ACCESS

D102.1 Access, construction, and loading. Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road. All access roads must be an all-weather driving surface constructed of asphalt, concrete, or compacted road base and engineered to support the imposed load of fire apparatus weighing at least 80,000 pounds (36,287 kg).

D102.2 [Reserved].

D102.2.1 Temporary emergency access. Compacted road base or chip shall only be used for a temporary emergency access. Temporary access shall be available as long as the site is under construction. Thereafter, permanent fire lanes shall be accessible and unobstructed at all times.

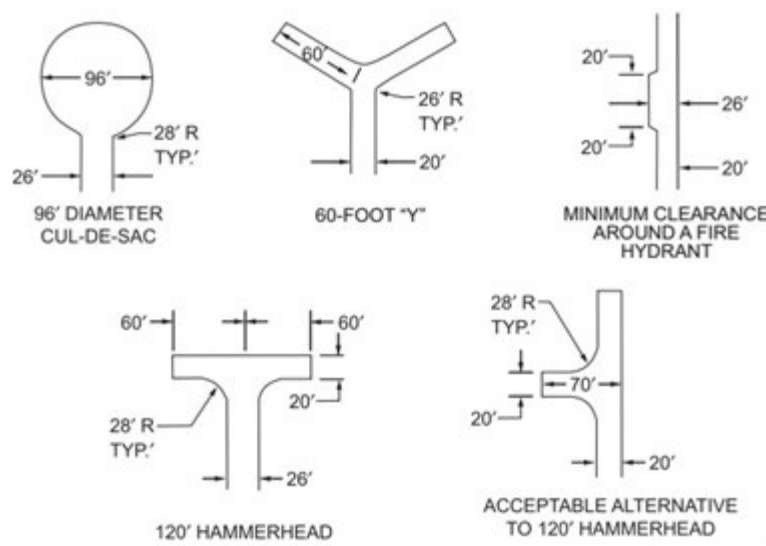
D102.2.2 Permanent emergency access. All permanent points of access shall be hard decks consisting of asphalt or concrete designed to HS 20 or to support 80,000 pounds (36,287 kg). Compacted road base or other surfaces engineered and capable of supporting the imposed loads may be *approved* by the *fire code official* for ground mounted solar installations, cell towers and similar isolated facilities and structures.

D102.2.3 Installation timing. All required access roads must be installed and serviceable before above-ground construction begins unless otherwise approved by the fire code official.

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7,925 mm), exclusive of shoulders (see Figure 103.1).

FIGURE D103.1 – DEAD END FIRE APPARATUS ACCESS ROAD TURNAROUND



D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire code official. (See section D105.5 for aerial fire apparatus access roads.)

D103.3 Turning radius. The minimum turning radius shall be 25 feet inside radius and 50 feet outside radius and 18 inches of clearance from the curb is required.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (46 m) shall be provided with width and turnaround provisions in accordance with Table D103.5.

TABLE D103.4 - REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS		
LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-660	20	100-foot hammerhead, 100-foot cul-de-sac in accordance with Figure D103.1
Over 660	Special Approval Required	

D103.4.1 Additional Points of Access Required. Additional points of access shall be required where a required access roadway exceeds 660 feet (201 m) in length.

Exception: Where the access road does not exceed 1320 feet (402 m) in length and all dwelling units beyond 660 feet (201 m) are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

D103.4.2 Remoteness. Where two or more points of access are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

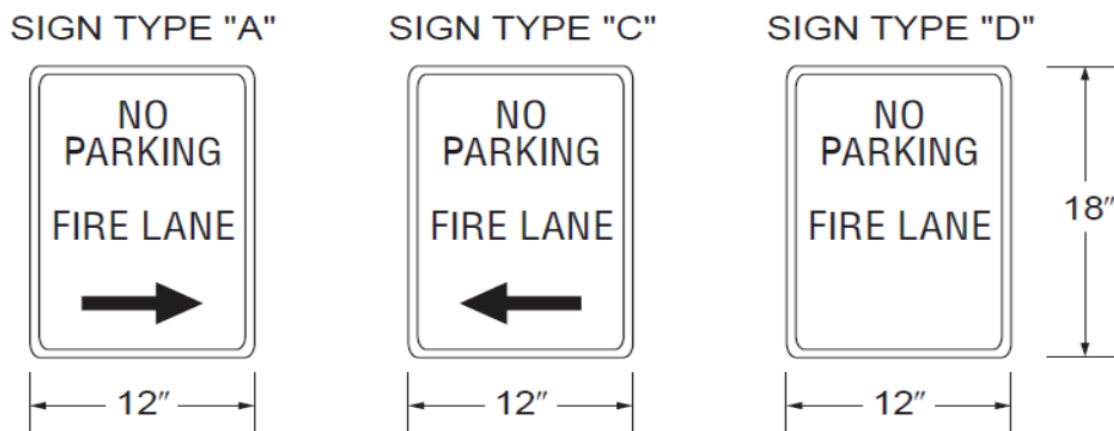
D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. Where a single gate is provided, the gate width shall be not less than 20 feet (6,096 mm). Where a fire apparatus access road consists of a divided roadway, the gate shall be not less than 12 feet (3,658 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.

5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices must be *approved* by the *fire code official*.
6. Methods of locking the gate must be *approved* by the *fire code official*.
7. Manual opening gates shall not be locked with a padlock or chain and padlock unless the padlock is *approved* by the *fire code official* and is compatible with the *approved* Key Boxes in use by the fire department.
8. Gate design and locking device specifications shall be submitted for approval by the *fire code official* prior to installation.
9. Electric gate operators, where provided, shall be listed in accordance with UL325.
10. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F 2200.

D103.6 Signs. Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure D 103.6 or other *approved* sign. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Sections D103.8.1 or D103.8.2.

FIGURE D103.6 – FIRE LANE SIGNS



D103.7 Angle of Approach/Departure. Grade changes upon a fire apparatus access road or when entering or exiting from or to a fire apparatus access road shall not exceed a 10 percent angle of approach or angle of departure.

SECTION D103.8 FIRE LANE SIGNS

D103.8.1 Roads 20 to 26 feet in width. *Fire lane* signs as specified in D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6,096 to 7,925 mm).

D103.8.2 Roads more than 26 feet in width. *Fire lane* signs as specified in D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7,925 mm) and less than 32 feet wide (9,754 mm).

D103.9 Minimum Overhead Clearance. Fire access roads shall have a minimum overhead clearance for the entire width of the access road of not less than 14 feet (4,267 mm).

D103.10 Fire Apparatus Access Roads. Fire apparatus access roads shall not be located on an arterial street, as defined by the LCUASS Standards for arterial roads.

Exception: Buildings, structures, facilities and premises located on multiple arterial roads may use one arterial road defined as less than six lanes.

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

Exception: Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height that have a single *approved* fire apparatus access road where the buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and *approved* fire apparatus access roads.

Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520m²) that have a single *approved* fire apparatus access road

where all buildings are equipped throughout with *approved automatic sprinkler systems*.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9,144 mm), *approved* aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

Exception: Where approved by the *fire code official*, building of Type IA, Type IB or Type IIA construction equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and having firefighter access through an enclosed stairway with Class I Standpipe from the lowest level of fire department vehicle access to all roof surfaces.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof if the fire apparatus access road is not a dead end. Dead end fire apparatus access roads for aerial apparatus access shall be a minimum of 30 feet (9144 mm) wide.

D105.3 Proximity to building. One or more of the required access roads meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be *approved* by the *fire code official*.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus access road and the building. Other obstructions may be permitted to be placed only if *approved* by the *fire code official*.

D105.5 Grade. Aerial fire apparatus access roads adjacent to the building shall not exceed 5 percent in grade.

D105.6 Road type. Aerial fire apparatus access roads shall not be located on an arterial streets as defined by the LCUASS standards for arterials.

Exception: Buildings or facilities located on multiple arterial roads can use one arterial road defined as less than six (6) lanes. Or approved by the *fire code official*.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

D106.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D107 ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads that comply with Section D103.5.2.

Exception: Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road not exceeding 1320 feet (402 m) in length and all dwelling units are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 access from two directions shall not be required.

D107.2 Future connection. The number of *dwelling units* on a single fire apparatus access road shall not exceed 30 *dwelling units* unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D107.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

SECTION D108 REFERENCED STANDARDS

D108.1 General. See Table D108.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, standard title, and the section or sections of this appendix that reference the standard.

**TABLE D108.1
REFERENCED STANDARDS**

STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
ASTM F 2200—14	<i>Standard Specification for Automated Vehicular Gate Construction</i>	D103.5
UL 325—02	<i>Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through May 2015</i>	D103.5

SECTION D109 SCHOOL EMERGENCY IDENTIFICATION NUMBERS AND EMERGENCY RESPONSE MAP

D109.1 Scope. New and existing buildings, structures, mobile rooms, and auxiliary buildings as part of any public school, institute charter school, and junior college meeting 8 CCR 1507-30, shall be provided with approved emergency identification numbering and an approved emergency response map. Emergency identification numbers shall be placed on the exterior, top left corner of each door in an approved clockwise sequence for each building or

structure. Numbers shall be Arabic and numerically displayed as opposed to spelled out. Each number shall be a minimum of 5 inches (127 mm) high with a minimum stroke of 3/4 inch (19.05 mm). Emergency identification numbers which serve doors that do not have electronic access are permitted to be of any color scheme other than the color red, provided the numbers contrast with their background and are readily distinguishable. Emergency identification numbers which serve doors that do have electronic access shall have numbers that are green in color with a white background and shall be of a reflective quality. Emergency identification numbers shall be permanent and durable. Emergency identification numbers shall be maintained.

D109.2 Emergency Response Map. An emergency response map shall be required to be provided to the PFA and any responding law enforcement agency. The map shall display an aerial view of all buildings and structures. The boundary of each building or structure shall be clearly distinguishable with the corresponding emergency identification numbers displayed.

Exceptions:

1. Where it is impractical to post emergency identification numbers on or above a door frame, such as for glass doors, posting in the top left corner of the glass or spandrel panel within the door is permissible.
2. Where more than one door is provided as part of an assembly, only one door is required to have an emergency identification number.
3. Where multiple doors or assemblies of doors are provided, they occur along the same wall, and they serve the same common area, only one door is required to have an emergency identification number.
4. Doors which serve floors above the first floor or primary access level, shall have an emergency identification number to correspond with the number of the door in closest proximity on the first floor or primary access level.
5. Doors which do not provide access to the greater interior portion of any building or structure, such as for electrical or mechanical access, shall not require an emergency identification number but shall be identified on the emergency response map and labeled as a utility room with a designation as (UR).

6. Elevators shall not require an emergency identification number but shall be identified on the emergency response map and labeled as an elevator with a designation as (ELV).

Section 4. Section 9-3 of the Code of the City of Fort Collins is deleted in its entirety.

Section 5. The current codifier of the Code of the City of Fort Collins is directed to amend all existing cross references in the City Code in accordance with the provisions of this ordinance.

Section 6. The City Attorney and the City Clerk are authorized to modify the formatting and to make such other amendments to this Ordinance as necessary to facilitate publication in the Fort Collins Municipal Code; provided, however, that such modifications and amendments shall not change the substance of the Code provisions.

Introduced, considered favorably on first reading on March 18, 2025, and approved on second reading for final passage on June 17, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 27, 2025

Approving Attorney: Madelene Shehan

Exhibit: Exhibit A - Notice of Public Hearing dated February 23, 2025

NOTICE OF PUBLIC HEARING

NOTICE is hereby given of a public hearing to be held before the City Council of the City of Fort Collins, Colorado, on the 18th day of March, 2025, at 6:00 p.m., or as soon thereafter as the matter may come on for hearing, in the Council Chambers at the City Hall, 300 Laporte Avenue, Fort Collins, Colorado for the purpose of considering the adoption of ordinances adopting by reference the *2024 International Fire Code*, together with local amendments, promulgated by the International Code Council.

Not less than one (1) copy of said Codes has been, and now is on file in the Office of the City Clerk of the City of Fort Collins and is available for public inspection.

The purpose of the International Fire Code adopted by said ordinance is to provide for protection of public health and safety and general welfare regarding fire prevention and suppression.

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.

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 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48-hour advance notice when possible.

A petición, 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 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.

This notice is given and published by order of the City of Fort Collins, Colorado.

Dated at Fort Collins, Colorado this 23rd day of February, 2025




Delynn Coldiron
City Clerk

File Attachments for Item:

19. Items Relating to Short Term Rentals.

A. First Reading of Ordinance No. 106, 2025, Amending the Land Use Code to Remove Non-Primary Short Term Rentals from the Community Commercial - North College District.

B. First Reading of Ordinance No. 107, 2025, Amending the Code of the City of Fort Collins to Clarify the Conditions of Renewal of Existing Non-Primary Short Term Rental Licenses.

The purpose of this item is to amend the Land Use Code to remove Non-Primary Short Term Rentals from the list of licensed uses in the Community Commercial-North College (CCN) zone district and amend the City Code to allow existing licenses to be renewed.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Noah Beals, Development Review Manager
Ginny Sawyer, Project and Policy Manager

SUBJECT

Items Relating to Short Term Rentals.

EXECUTIVE SUMMARY

A. First Reading of Ordinance No. 106, 2025, Amending the Land Use Code to Remove Non-Primary Short Term Rentals from the Community Commercial - North College District.

B. First Reading of Ordinance No. 107, 2025, Amending the Code of the City of Fort Collins to Clarify the Conditions of Renewal of Existing Non-Primary Short Term Rental Licenses.

The purpose of this item is to amend the Land Use Code to remove Non-Primary Short Term Rentals from the list of licensed uses in the Community Commercial-North College (CCN) zone district and amend the City Code to allow existing licenses to be renewed.

STAFF RECOMMENDATION

Staff recommends adoption of both Ordinances on First Reading.

BACKGROUND / DISCUSSION

In March 2017, the City adopted regulations requiring a license and prohibiting short-term rentals dependent on the zone district in which the home is located. The multi-year process of establishing these standards underwent several public meetings and refinements, including four work sessions with Council. The initial Ordinance that adopted these regulations stated the following purposes:

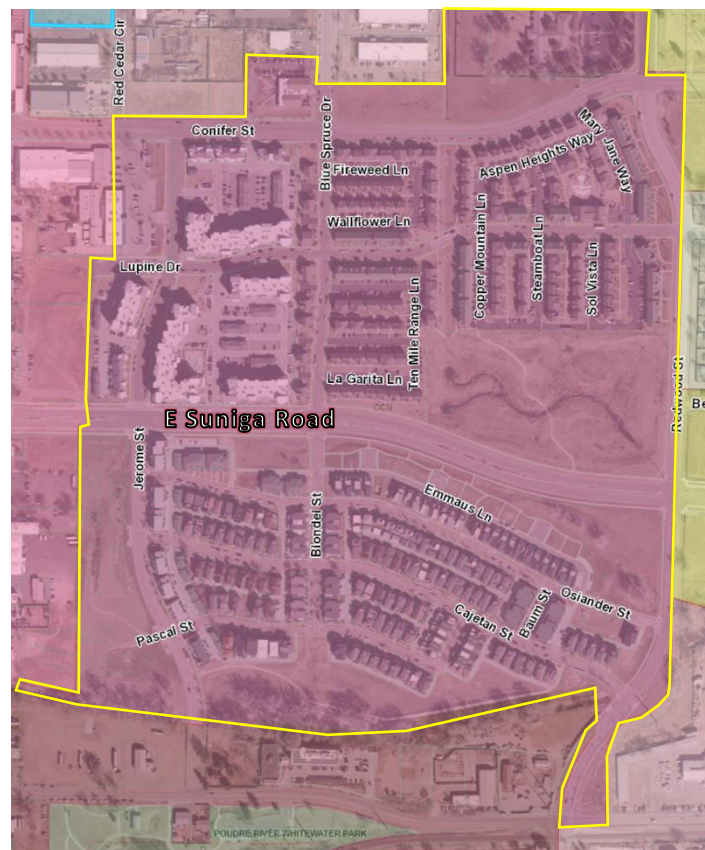
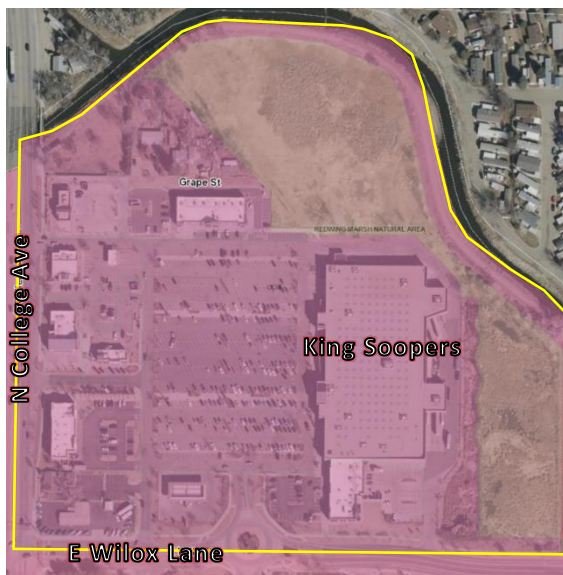
- The City wishes to protect neighborhoods while accommodating an existing and desired activity; and
- Utilizing existing zoning code provisions and applying additional requirements on short-term rental activities, neighbors, renters, and traditional lodging establishments can all be protected from unregulated activity; and
- Limiting Short-Term Rental activity by zone, inspecting properties, requiring minimum parking, and requiring tax remittance will address concerns and provide a framework for Short-Term Rental activity without jeopardizing neighborhood quality.

To achieve these objectives, the City established two types of Short-Term Rentals (STR): the primary STR and the non-primary STR. The primary STR requires an STR license holder to reside on the lot on which

the license has been issued at least nine months of the year. The non-primary STR license holder is not required to reside on the lot. Both are required to provide contact information for a person who could respond within four hours to any issues raised by the renter or the City.

In determining where to allow each type of STR, the City reviewed the existing use list of each zoning district. It was determined that primary STRs were similar to bed and breakfast use, as a bed and breakfast requires an on-site manager who resides on the property. Non-primary STRs are like lodging establishments that do not need an on-site manager to reside on the property. This prevents STRs from being established in zones that are strictly residential and allows STRs in zone districts with a greater mix of uses.

The Community Commercial-North College (CCN) Zone district was designed for fringes of retail/commercial core areas and corridors. This district is intended for moderate intensity uses that support the commercial core or corridor and help create a transition and link between the commercial areas and surrounding residential areas. This designation is only for areas identified for its application in the North College Corridor Plan. There are two areas of the City zoned CCN; both are shown in the following images.



In 2017 when the STR regulations were established these areas of CCN zone were less developed. There was still potential for the Old Town North neighborhood shown in the image on the right to develop with a greater mix of commercial uses. This neighborhood has instead developed a mix of residential uses, including single-unit, multi-unit, and attached single units. However, the mix of commercial uses is limited to one building on the SE corner of Jerome Street and East Suniga Road. This neighborhood, over half of which is zoned CCN, is a residential area that still supports the retail core areas of North College Avenue and creates a transition and link between surrounding neighborhoods.

As the City has issued STR licenses, there has been a high concentration of licenses in the Old Town North Neighborhood (OTN). The City averages 375-400 total STR licenses every year. At least a third of the total has been issued in OTN. Among these licenses, there are now three primary STRs and seventy-

three non-primary STRs. There are approximately 300 dwellings built in this neighborhood and more have been approved for construction. Approximately 25% of the dwellings in OTN are licensed for STR.

Comparing OTN to other parts of the City, we found that the number of licenses in OTN is high. We looked at a neighborhood close to downtown comprised of 500 single-unit dwellings. In this neighborhood, there are 19 total STR licenses. This part of town does not allow non-primary. However, three of the 19 licenses are non-primary and considered non-conforming. Additionally, the City has a total of 49 non-primary licenses that are non-conforming.

Since 2017, the City has received complaints about STRs in the OTN. Complaints have included nuisances and the overall lack of community and ability to build community. Over the years, different City departments have investigated and responded to nuisance related issues. These interactions have often frustrated the complaining party as the City could not produce enough evidence to revoke any license. This lack of evidence was usually related to the time of day the offense occurred, after normal business hours, and the overall City value of voluntary compliance. Police may have responded, but no report or correction action was required or documented.

Earlier this year, the City conducted an open neighborhood house where the OTN residents and owners were invited to speak with staff about STRs. Over 50 people came, and 47 signed in. A summary of the feedback received that night and additional emails sent after the meeting have been attached to this report. There are mixed opinions on the issues and approaches to address concerns.

Staff is presenting an option to remove non-primary STRs as a use in the CCN zone district. This change only prevents new licenses from being issued and does not prohibit the seventy-three non-primary STR licenses currently issued from continuing to operate. The proposed change would also allow the existing licenses to be renewed upon sale. If Council approves this option, staff will continue to work with the neighborhood to explore other mitigation options that OTN residents and owners have shared.

In addition to the proposed change in the Land Use Code, staff is presenting a corresponding update to the City Code. These changes clarify that the existing non-primary STR licenses issued can continue to operate per the license and be renewed by both current license holder and by a new property owner up to 30 days after the sale of the property. This is consistent with other non-conforming STR licenses.

CITY FINANCIAL IMPACTS

The proposed code changes would limit the number of non-primary short term rental licenses that could be issued in this zone district. All STR licenses generate sales tax within the City and make up .3% of the total sales tax revenue.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Planning and Zoning Commission (P&Z) recommends adopting the proposed changes. In the [May 15, 2025 hearing](#), P&Z heard approximately 3 hours of public testimony and then deliberated for 45 minutes. This led to a split vote when Commission Member Shepard made the following motion:

Moved that the Planning and Zoning Commission recommend to Council to adopt the proposed Land Use Code Change to remove non-primary short term rentals as a use in the Community Commercial North College Zone District based on the materials and the staff report presented at the work session and this commission discussion and the testimony tonight indicating that impacts that this one particular neighborhood are significant and at a scale not seen anywhere else in our City and that calls for the negative externalities on non-primary short term rentals to be addressed.

This motion was seconded by Commission Member Bruxvoort. Commission Chair Sass voted in favor of the motion. There were only five members present, and the motion carried with three yes votes. Commission Member Connelly opposed the motion being sympathetic to the negative impacts but found

the changes unfair to those who invested in properties and are following the existing rules. Commission Member York also opposed the motion believing there are other options that could be explored to mitigate impacts. Commission Members Stackhouse and Peel were absent.

It was noted by one Commission Member that the \$150 initial application fee and \$100 renewal fee is shocking for dealing with some of the problems that are created in the neighborhoods.

Comments from community members were consistent with the emails and feedback Council has received.

- Divided opinion on the proposed Land Use Code changes
 - Community members supportive of the changes noted:
 - The negative impacts of short term rentals on Old Town North including loud parties, erosion of community feel, parking, trash, and safety.
 - Although the full time residents are a cohesive group, it's almost impossible to create a resilient neighborhood with transitory neighbors (i.e. check on packages, borrow from, or look for one another.)
 - Non-primary short term rental operators could still have financially viable uses of the property if the proposed Land Use Code changes pass.
 - Neighbors feeling like they have to police the activity of short term rentals.
 - Community members opposed to the Land Use Code changes noted:
 - The various measures Non-Primary Short Term Rental license holders have implemented to address impacts of short term rentals on Old Town North including Good neighbor agreements, evictions, blacklisting disrespectful guests, parking/trash management.
 - Concerns that regulations single out Old Town North and is not equitable.
 - The City has ways to address negative impacts of short term rentals without banning new Non-primary Short Rental licenses.

PUBLIC OUTREACH

Prior to January 2017, staff met with individual stakeholder groups, the Visit Fort Collins Board, the Fort Collins Board of Realtors, and hosted three community open houses in 2016.

Non-statistically valid online surveys were also conducted, including one targeted to neighbors of licensed STRs. The topic of STRs has been very polarized throughout the community. Since the first outreach STR hosts have wanted some level of regulation and neighbors have expressed a high level of concern about neighborhood quality.

The focus of neighbor concerns includes the following:

- A desire to classify STR operation as a commercial use not a residential use.
- General neighborhood impacts such as parking, noise, and lack of understanding of neighborhood norms.
- A loss of “neighborhood fabric” by not having permanent neighbors who are part of the community.

The existing regulations were designed to create a balance between protecting neighborhood quality and allowing this unique opportunity within our community.

Although not all complaints come through the City's Access Fort Collins report system, since 2017 the City has received 183 complaints through that system for the Old Town North neighborhood. Out of these 63 specifically included in the description wording Short Term Rentals. It is unclear if the other reports submitted are connected to a Short-Term Rental. These complaints were investigated by the appropriate departments.

As mentioned earlier, an open house meeting was conducted for the Old Town North neighborhood on February 3, 2025, at the Old Town Library. Since then, several emails have been sent to CityLeaders@fcgov.com providing feedback consistent with what we heard at the open house.

ATTACHMENTS

1. Public Feedback Report
2. Email Communications
3. Presentation
4. Ordinance No. 106, 2025
5. Ordinance No. 107, 2025

Public Feedback Report

Public Feedback Channels

Neighborhood Open House

On February 3, 2025, the City Manager’s Office and Planning and Zoning staff hosted a neighborhood open house to discuss the topic of Short-Term Rentals (STRs) in the Old Town North Neighborhood, located East of College Avenue between Vine Drive and Suniga Road. The City presented information about STRs in Old Town North on boards:

- The neighborhood is zoned Community Commercial North College and allows both primary and non-primary STRs.
- Almost 20 percent (75) of Fort Collins STRs are in the Old Town North neighborhood. Seven are primary and 68 are non-primary.
- Almost 30 percent (48) of complaints about STRs from 2019 to present have been in the Old Town North neighborhood. The two main complaints topics are noise/parties and parking/vehicles.

Forty-seven people signed in at the Open House. Participants were asked to submit their feedback either by placing a sticky note on the feedback board or filling out a comment card. Those who could not make it were encouraged to send email comments to Development Review Manager Noah Beals and Neighborhood Development Liaison Em Myler.

- Sticky note comments – 62
- Comment Cards – 9

Emailed Public Comment

As of June 4, 2025, City staff had received 96 emails with comments regarding STRs in Old Town North.

Public Feedback Analysis

All the comments received by City staff have been analyzed for main themes within two categories: Ways in which STRs impact the Old Town North neighborhood, and ideas on how to mitigate negative impacts while promoting positive ones.

Themes are presented in order of the number of times they were mentioned in comments to help decision makers get a full picture of what the public has told staff. This report acknowledges that not all stakeholders are represented. Comments and other feedback are not intended to be viewed as “votes” either in support or against STRs

Impacts

- STRs decrease the “neighborhood feel” of the Old Town North neighborhood, such as the ability to build relationships with neighbors and feel at home there.
- STRs increase parking and traffic congestion by bringing more vehicles into the neighborhood.

- STRs increase the financial security of owners, who invest in them to secure retirement and family wealth.
- STRs increase trash in the neighborhood, which is often ending up loose or in the wrong bins.
- STRs increase the noise in the neighborhood.
- STRs increasing tourism and benefit the Fort Collins economy.
- STRs increase the vitality of the neighborhood by bringing in new people and energy.
- STRs decrease the safety of the neighborhood by preventing residents from building relationships with neighbors they can rely on.
- STRs decrease the aesthetics of the neighborhood as the units are poorly kept up.
- STRs increase the instances of human and dog waste in the neighborhood.
- STRs decrease the property values of the neighboring homes as potential long-term homebuyers may be dissuaded by the number of them in the neighborhood.
- STRs decrease safety because sidewalks are left un-shoveled in snowy and icy weather.
- STRs decrease the availability of affordable housing by taking stock away from long-term residents.
- STRs increase the instances of strangers invading private property when STR renters try to enter the wrong home or walk across private yards.
- STRs increase the flexibility of residents' lifestyles by providing them with a place to live when needed and rent when not needed.
- STRs increase jobs available in Fort Collins by hiring staff.
- STRs increase the aesthetics of the neighborhood as the units are better kept up.
- STRs increase neighborhood property values as zoning makes property more desirable for prospective STR owners and brings vitality that long-term homebuyers want.
- STRs increase access to cultural engagement and recreation
- STRs increase walkability for visitors by providing a place to stay close to downtown

Ideas

- Change the zoning in Old Town North to not allow non-primary STRs.
- Work with the HOA to solve the individual problems brought up by some STRs.

- Limit the total number of STRs in Old Town North in some way, such as a density limit.
- Placing an immediate moratorium on new STR licenses.
- Improve owner and City response to complaints.
- Implement consequences for STR owners who have complaints against them such as fines or revoking their license.
- No change.
- Implement financial disincentives to owning an STR, such as a tax.
- Increase non-primary STRs across the City so that they are not so concentrated in Old Town North.
- Prevent out-of-state investors from owning STRs.
- Conduct more community engagement before making a decision.
- Place limits on how many renters can occupy one STR at a time.
- Provide more support for STR owners so they can better avoid complaints.
- Conduct inspections on STRs.
- Restrict STR parking.
- Increase policing of STRs.
- Prevent STR license transfers when a property is sold.

Reactions to proposed zoning changes

After a memo to City Council indicated that the City was considering changing zoning in the Old Town North neighborhood, residents sent in comments reacting to the idea. Some comments thanked the City for taking action. Others criticized the proposed solution. These commenters felt that widespread zoning changes were disproportionate to the problem, which seem to stem from only a handful of properties. They expressed disappointment at the City for breaking a promise that they could operate an STR in the area. They also pointed out that the Old Town North HOA has put together a group to mitigate the negative impacts of STRs and asked the City to work with the HOA to target specific problems so that STR owners who are in compliance with the law and have no complaints are not punished. Finally, some neighbors expressed support for zoning change but also concern that it wouldn't solve every problem brought forward, pointing out loopholes such as mid-term rentals and license transfers.

Reactions to the May 15 Planning and Zoning Commission Hearing

After the Planning and Zoning Commission heard a proposal from staff to remove non-primary STRs from the list of allowed uses in the OTN neighborhood, several members of the public emailed staff with reactions. First, they felt that the City's process to make complaints about

STRs was not working, as the number of complaints reported by City staff seemed lower than they had submitted. Second, that the City seemed to be prioritizing economics over neighborhood vitality, and that full-time residents felt misled about the nature of their neighborhood when they chose to purchase a home there. Finally, that the Commission's assessment of the financial barriers to owning an STR were too low, as they only took into account the City's license fee, and ignored the high taxes on STRs.

From: [randigraham30](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Pro Responsible STR- Please Consider All Benefits
Date: Wednesday, May 14, 2025 9:09:51 PM

Dear Fort Collins City Officials,

I have been an employee at a Fort Collins vacation property management company since June of 2023. I am also an undergraduate student of Elementary Education at the University of Northern Colorado.

My position as a housekeeper with the aforementioned property management company has made it possible for me to work flexible hours with reasonable pay while continuing to attend UNC. Additionally, this local company has provided the means for my husband and I to buy our first home last December.

Pursuit of higher education and home ownership would not have been possible without my employment at this company. The benefits of working for this local business have surpassed my expectations personally and professionally.

I am proud to work for a company that takes pride in investing in local businesses while also prioritizing the wellbeing and success of its employees.

I urge you to consider all aspects of the benefits STR provide to the residents of Fort Collins and the community.

Thank you for your time and careful deliberation.

Randi Sladek

Sent from my T-Mobile 5G Device

Preserve Non-Primary Short-Term Rental Zoning in Old Town North

To the Planning & Zoning Commission:

This letter serves as a direct and data-backed request to reject the proposed zoning change that would eliminate Non-Primary Short-Term Rentals (short-term rentals) in Old Town North. This change is unnecessary, inconsistent with City goals, legally questionable under the Land Use Code, and contrary to the majority of community input.

1. Violates the 2024 City of Fort Collins Strategic Plan

- Neighborhood Livability Goal 1: Short-term rentals increase housing type, choice, and affordability.
- Neighborhood Livability Goal 4: Short-term rentals activate neighborhoods and support walkability.
- Economic Health Goal 1: Short-term rentals support small businesses and local economic growth.
- Culture and Recreation Goal 1: Short-term rentals enhance cultural and recreational access.
- High Performing Government Goal 2: This rushed change erodes public trust and transparency.

Eliminating short-term rentals does not support affordability or neighborhood vibrancy—it removes flexibility and housing variety.

2. Bypasses Proper Land Use Code Process

- This is not a minor text amendment; it is a zoning change with broad policy impact.
- No formal area or subarea plan update has been conducted.
- A single postcard meeting does not meet Land Use Code requirements for stakeholder engagement.
- There has been no robust data analysis or legal justification for removing these rights.

3. Old Town North is Still Developing – Do Not Change the Rules Midstream

Old Town North is an active, mixed-use neighborhood still under construction. Homes were purchased with the clear understanding that short-term rentals were permitted. Altering this entitlement undermines fairness and predictability.

4. Majority of Public Feedback Opposes the Change

- Email records and community feedback favor keeping current zoning.
- Residents value short-term rentals for flexibility, income, and responsible use.
- Claims about unkempt yards and noise are often unrelated to short-term rentals—photos and data show most problem yards belong to owner-occupied or long-term rental properties.

5. Additional Concerns – Based on Feelings, Not Facts

- The City tallied responses supporting the change but failed to account for the full volume of opposition emails. This selective reporting undermines the integrity of the process.
- There is no data showing that short-term rentals are creating noise, parking, or safety problems. No citations, code violations, or police records have been presented.
- Where concerns exist, they often reflect general enforcement issues—not zoning failures. STRs are already licensed, inspected, and taxed.
- This proposed change contradicts adopted planning documents that promote housing flexibility, small-scale infill, and economic diversity.
- The City already has multiple departments and systems in place to address these concerns, including the Neighborhood Resources department, Fort Collins Police Services, Code Enforcement, and Homeowners Association (HOA) guidelines. These existing mechanisms are designed to respond to the very types of complaints discussed at the informal City meeting.

Recommendation

Uphold the current zoning in Old Town North. Reject the proposed removal of Non-Primary Short-Term Rentals.

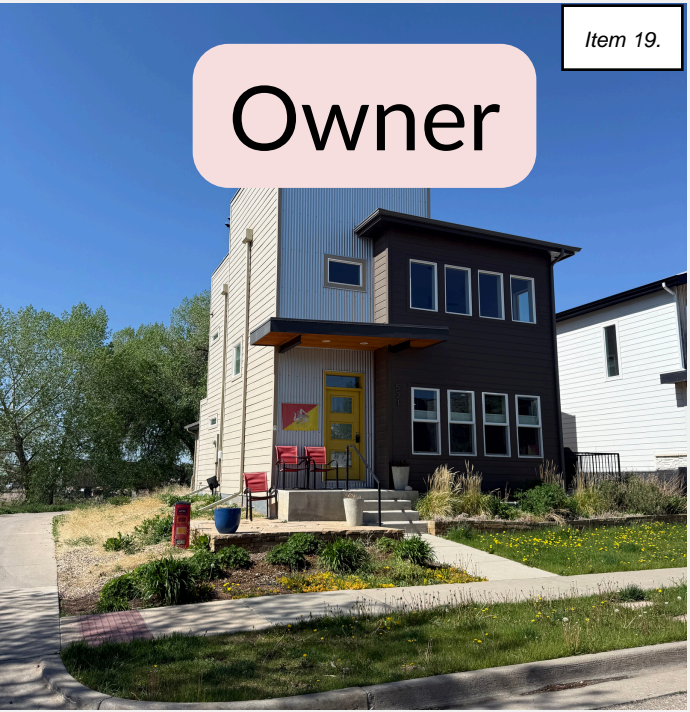
Any changes to short-term rental policy should follow a citywide or subarea planning process and align with the Strategic Plan and Land Use Code—not be based on anecdotal complaints or informal discussions.

Respectfully submitted,

Jennifer Kelly, Realtor & Owner in OTN



Investor



Item 19.

Owner



STR



Owner



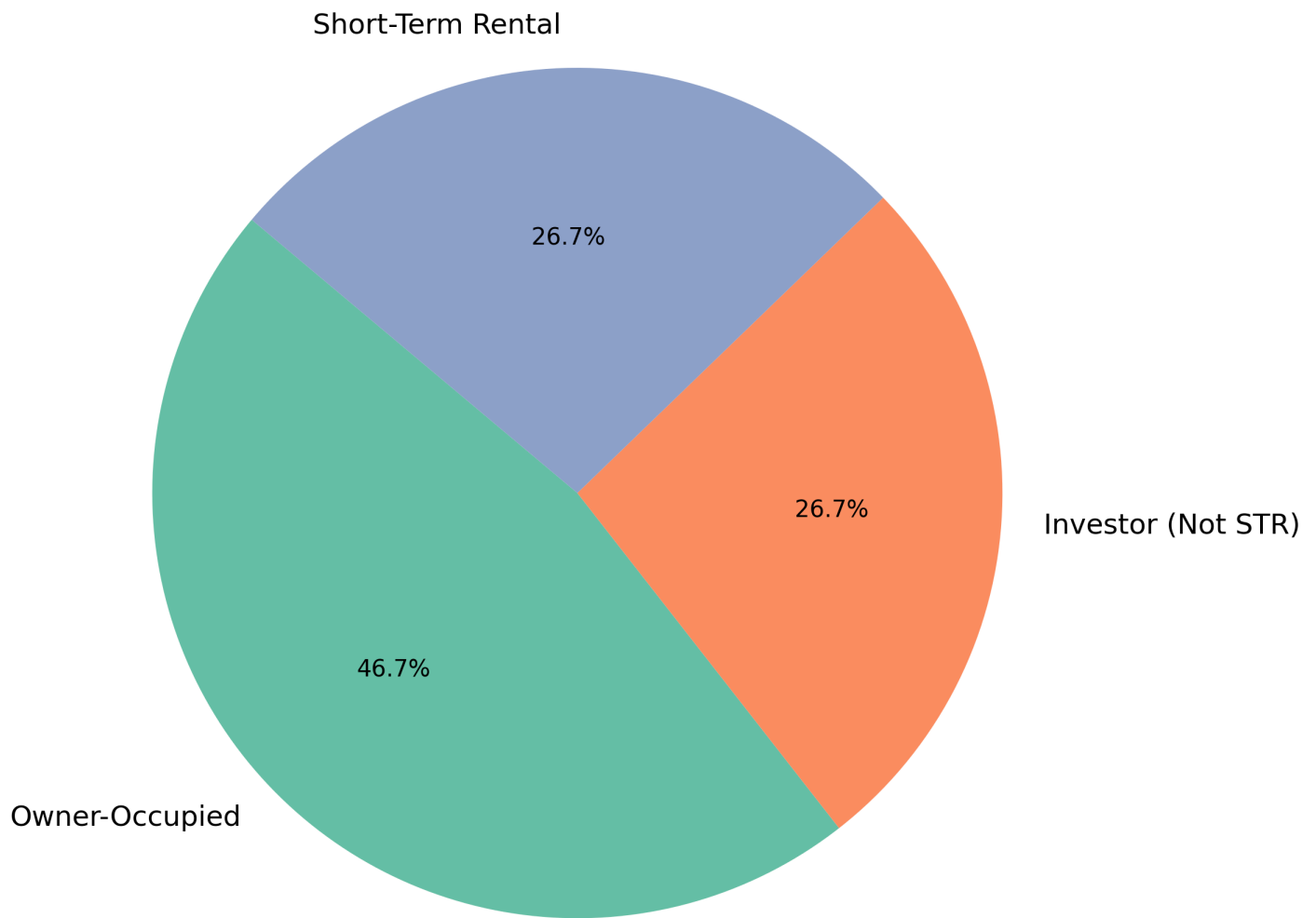
Owner



Investor

Who owns the Unkept Yards in OTN:

Item 19.



17 Yards identified by driving around on 5/12/2025

1. Most unkept properties are *not* STRs.

Of the 15 properties noted for unkept yards in Old Town North:

- 7 are owner-occupied
- 4 are owned by non-STR investors
- Only 4 are STRs

👉 This means **over 73%** of the unkept properties are **not** short-term rentals.

2. STRs are being unfairly scapegoated.

The data clearly shows that STRs are **not the primary contributors** to property neglect. In fact, STRs often require higher standards for curb appeal and upkeep to remain competitive on rental platforms like Airbnb or VRBO.

Item 19.

3. The issue is not zoning — it's code enforcement.

Yard maintenance is a matter of Code Enforcement or an HOA violation, **not land use**. Targeting STR zoning will do **nothing** to solve maintenance concerns if the root cause is a lack of enforcement for all property types.

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Re: STR
Date: Friday, May 23, 2025 10:01:54 AM

From: Sue McFaddin <sue@7genllc.com>
Sent: Wednesday, May 21, 2025 7:56 PM
To: Sylvia Tatman-Burruss <statman-burruss@fcgov.com>
Cc: Emily Francis <efrancis@fcgov.com>; Rupa Venkatesh <rvenkatesh@fcgov.com>; Ginny Sawyer <GSawyer@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Re: STR

Hi All

I think the reason Revive and Old Town North are incompatible with STR is the New Urbanism Design. No parking, dense housing and are designed to create community with front porches and a neighborhood feel. Not a Motel 6 commercial zone. It's not compatible with bikes and children.

I'd be surprised that we only have 6 STR's (10%) given the number of critical incidents we have had. Our HOA President has been run over by a STR. We have had SWAT Teams on a STR. Parking is crazy. People are entering other peoples homes thinking they are a STR. STR dogs using other peoples lawns. People packing into studio units. **At what point is it considered a critical situation where we convert it to primary owners only? 20%? 30?**

Since you are doing this for Old Town North, it seems like it would be most efficient to include Revive into this ordinance. We have used Access Fort Collins and what ever the previous system was. No responses other than call animal control. It's the major topic of conversation in the neighborhood but our covenants are written with too high of a percentage of participation to change the covenants. I've asked our state reps for relief by taxing STR as commercial properties.

Please consider including us in the change so that we don't have to keep having critical incidents and our residents can live in a new urbanism neighborhood and have good neighbors.

Sue McFaddin
sue@7genllc.com
970.420.0000

On May 19, 2025, at 4:29 PM, Sylvia Tatman-Burruss <statman-burruss@fcgov.com> wrote:

Apologies for my delayed response –

Sue, it sounds like you may have already checked in with Noah on this, so this may be information you already have, and please stay in communication on current and future issues with existing STRs in your neighborhood. In talking with Planning, Revive was considered for inclusion in the Short Term Rental (STR) primary consideration. When staff looked into it, there were only 6 STR licenses in the Revive neighborhood, less of a saturation than in the Old Town North neighborhood. In addition, the Revive area is zoned “Service Commercial,” which is also present in other areas of town. In that case, a code change would be more complex than in Old Town North. I know this does not solve the issue for your neighborhood – for specific code and safety violations, please utilize Access Fort Collins. Also, please stay in contact with us on existing and future issues and we can work with different departments to try to resolve them.

Thank you,

Sylvia

Sylvia Tatman-Burruss, AICP | Senior Policy & Project Manager

City Manager's Office, City of Fort Collins
(970) 416.2354 | statman-burruss@fcgov.com

From: Sylvia Tatman-Burruss

Sent: Tuesday, May 6, 2025 1:35 PM

To: Emily Francis <efrancis@fcgov.com>; Susan McFaddin <sue@7genllc.com>

Cc: Rupa Venkatesh <rvenkatesh@fcgov.com>

Subject: RE: [EXTERNAL] STR

Hi Sue – and thank you, Emily –

I will connect with staff working on this and get back to you with more information!

Sylvia

Sylvia Tatman-Burruss, AICP | Senior Policy & Project Manager

City Manager's Office, City of Fort Collins
(970) 416.2354 | statman-burruss@fcgov.com

From: Emily Francis <efrancis@fcgov.com>

Sent: Tuesday, May 6, 2025 1:06 PM

To: Susan McFaddin <sue@7genllc.com>; Sylvia Tatman-Burruss <statman-burruss@fcgov.com>

burruss@fcgov.com>

Cc: Rupa Venkatesh <rvenkatesh@fcgov.com>

Subject: Re: [EXTERNAL] STR

Forwarding to Sylvia as it looks like Ginny is out of office.

Emily Francis

District 6 Councilmember/Mayor Pro Tem

970-556-4748

—

With limited exceptions, emails and any files transmitted with them are subject to public disclosure under the Colorado Open Records Act (CORA).

To promote transparency, emails will be visible in an online archive, unless the sender puts #PRIVATE in the subject line of the email. However, the City of Fort Collins can't guarantee that any email to or from Council will remain private.

—

From: Emily Francis <efrancis@fcgov.com>

Sent: Tuesday, May 6, 2025 1:05 PM

To: Susan McFaddin <sue@7genllc.com>; Ginny Sawyer <GSawyer@fcgov.com>

Subject: Re: [EXTERNAL] STR

Hi Sue,

Thanks for reaching out. I'm copying Ginny Sawyer who has been the lead on the STR updates.

Ginny- can you provide any additional information?

Thank you,

Emily Francis

District 6 Councilmember/Mayor Pro Tem

970-556-4748

—

With limited exceptions, emails and any files transmitted with them are subject to public disclosure under the Colorado Open Records Act (CORA).

To promote transparency, emails will be visible in an online archive, unless

the sender puts #PRIVATE in the subject line of the email. However, the City of Fort Collins can't guarantee that any email to or from Council will remain private.

—

From: Sue McFaddin <sue@7genllc.com>

Sent: Tuesday, May 6, 2025 12:56:17 PM

To: Emily Francis <efrancis@fcgov.com>

Subject: [EXTERNAL] STR

Emily

There is a proposal to limit STR to only primary use in North College. It is only for Old Town North. Can you expand this to include Revive? We have so many problems with STR. Our board President has been run over by a STR occupant. We have had a tough time getting owners to vote and meet our high % to change the rules to primary. We would really appreciate the city including us in this resolution.

Sue McFaddin
970.420.0000

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Re: June 17 Meeting_NP-STR comments
Date: Tuesday, May 27, 2025 8:48:27 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Tuesday, May 27, 2025 8:16 AM
To: Noreen Linke <noreenlinke@gmail.com>; City Leaders <CityLeaders@fcgov.com>; City Clerk Office <cityclerk@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] Re: June 17 Meeting_NP-STR comments

Hi Noreen,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Noreen Linke <noreenlinke@gmail.com>
Sent: Monday, May 26, 2025 10:48 PM
To: City Leaders <CityLeaders@fcgov.com>; City Clerk Office <cityclerk@fcgov.com>
Subject: [EXTERNAL] Re: June 17 Meeting_NP-STR comments

To the members of Fort Collins City Council:

This is a follow-up to an email I sent on Thursday, May 22 which you will find at the bottom of this email for your reference.

My husband and I were unable to attend the Planning and Zoning meeting that took place on May 15, and we are unable to attend your upcoming meeting. I listened yesterday to a large portion of the video from the Planning and Zoning meeting and it has generated a few more comments that I would like to make on behalf of myself and my husband.

1) It was stated several times that to change the Land Use Code now would be "manifestly unfair" to those owners (i.e. changing the rules on them) who have heavily invested financially in our OTN neighborhood for the purpose of their NP-STR enterprises generating their income/profit, and that the rest of us, the residential owners, need to just accept the disproportionate number of NP-STR's as being part of the package of living here. I would like to point out that in this lengthy video it was brought to my attention that the use of our OTN neighborhood was CHANGED in 2017 to ALLOW NP-STR licenses. **We purchased our home in 2013** with the expectation that we were purchasing our retirement home in a neighborhood where we could have a community of people, of true neighbors. We were unaware of that change that took place in 2017. No one asked us how we felt about it, or how it would impact us. WE did not sign up to live in a commercial zone with a huge number of NP-STR's and all the problems that creates, and we certainly did not sign up to live in a neighborhood with absolutely no limits on how many can exist here. The change that took place in 2017 was patently unfair to those of us who invested in this neighborhood early on with the expectation of it being a residential neighborhood community. No one cared about changing the rules on us at that time, but we (and our large financial investment here in our retirement residence) certainly have to suffer the consequences that the 2017 CHANGE created for us. We never would have chosen to purchase our retirement home in this neighborhood had we known what was going to take place here. We are not here to try to generate income or profits from our investment. We are here for what started out as a high quality of life in a great neighborhood. This was taken away from us by the changes made by the city in 2017, and I do not think that it is unreasonable for the City Council to now take all these factors into consideration and acknowledge the huge negative impact that 2017 decision has resulted in our small OTN neighborhood and dial back the trajectory in favor of residential owners. NP-STR renters are not neighbors. We would like to see some consideration given to have our neighborhood back so that we can truly have a community and know our neighbors. We want our neighborhood to be family friendly again.

2) We want the same controls and density of STR's that other residential neighborhoods in Fort Collins are afforded. The tight spaces, narrow streets, close together houses and density of our neighborhood make the impact of STR's even greater for us in OTN than other Fort Collins neighborhoods. So not only are we the only ones with NO controls, our quarter-section is far too small for this explosion of commercial ventures and the influx of such great numbers of transient people.

3) From the video it became abundantly apparent that the city has few true mechanisms for tracking complaints and addressing problems created by NP-STR's. This only adds to the burden carried by the residential owner who is forced to deal with that negative environment.

Thank you for your attention to our additional concerns.

Sincerely,
Noreen & Scott Linke
251 Cajetan St.
Fort Collins

On Thu, May 22, 2025 at 4:38 PM Noreen Linke <noreenlinke@gmail.com> wrote:

To the members of Fort Collins City Council:

We have been informed that there will be a first hearing on the Old Town North (OTN) Non-Primary Short-Term Rentals (NP-STR) topic held at the City Council meeting on June 17. Unfortunately, we will be unable to attend this meeting, and hope that this email will serve as our public comments. We have sent several emails in the past to various city contacts covering the basic aspects of this topic as it impacts us personally.

We appreciate that the city is considering limiting NP-STR's in our OTN neighborhood. Thank you for listening to our concerns. We hope that these changes will be expedited to prevent further uncontrolled growth of NP-STR's in OTN, and that steps will be taken soon to reduce the existing ones to the same level as other residential neighborhoods in the city. Our small residential neighborhood is currently burdened with 20% of all the STR's in the city, **a majority of those being Non-Primary**, which cause the biggest impact. It has come to our attention that the reason the number of NP-STR's has grown so much in our neighborhood is mainly due to the restrictions the city placed on them in other residential parts of the city, but not in ours. The larger presence of these non-owner occupied "AirBnb's", has **negatively impacted our quality of life** with excessive noise, trespassing, crowded and improper parking on our narrow streets, trash, property damage, etc. It has also definitely taken away the feeling of community for us having such a large and growing transient presence. **It is patently unfair to our small neighborhood to not use the same NP-STR restrictions/limits here at OTN that apply to the rest of Fort Collins.**

To recap our personal concerns:

We are not against NP-STR wholesale, but against a lack of limits, creating a situation that what was intended to be a residential neighborhood instead becomes a commercial zone. We purchased our home here in 2013 when the subdivision was still burdened by the original developer's bankruptcy. The neighborhood consisted of some townhomes and a dozen or so single-family residences. Once

the bankruptcy was worked through, vacant lots were sold and development took off with the majority of these vacant lots having single family residences built on them. We were excited to have an end to vacant lots / home construction, and we were looking forward to the start of living in a community of single-family residences, one where you could have a reasonable expectation of getting to know your neighbors and having a true community. But the economics of Fort Collins real estate quickly converted the neighborhood to a region of multiple-family long term rentals (many unrelated people living in the same house) and non-owner occupied short-term rental properties. Getting acquainted with neighbors became virtually impossible.

The home behind ours is a persistent (permanent) short-term rental property and is not owner occupied. The distance between our parking pad and their driveway is a very narrow single lane alley. Short-term renters are seeking convenience and comfort and can be indifferent to private property. We have experienced short term renters using our parking pad for recreational sports (and our garage as a backstop for basketball, baseball, cycling, etc.), and also using the narrow alleyway for the same, obstructing the way in / out. Our driveway is often considered an extension of the rental property and used for turn-about maneuvers instead of keeping vehicles on the alley roadbed. Short-term renters have relocated our trash bins on trash collection day away from the alley and up against our home where our trash will not be collected for that week. Although on our own property, the bins were apparently “in the way” for “easier access” to the rental’s limited parking. The STR tenants also do not care about trash dates or trash cans being left out, tipped over, or overflowing. **The ultimate infringement involved our vehicle being struck by a renter** who crossed the narrow alley and drove well onto our parking pad. In this case, the renter was forthcoming and notified us and provided insurance information. Alternatively, we could have been subject to a hit-run by an unknown tenant in a random rental vehicle. Landlords can avoid liability for their renter’s behavior which **places owner-occupied properties in an adversarial role of property surveillance and protection.** **This STR directly behind us is a frequent cause of worry**, especially after this incident where our vehicle was backed into. We especially worry every time we see a large vehicle parked there directly across from ours, wondering if they will negotiate backing up without spilling onto our property and into our vehicle. **Very recently one of the renters would have hit our vehicle again if I had not insisted on moving it before they backed up. They didn’t even try to stay in the alley and used a generous part of our parking pad to back out and still almost hit our vehicle, even with me sitting in it!** Along with that, many of us have no idea who owns the NP-STR property that affects us or how to contact them when we experience these issues. We have no one at the city to report these issues and have them tracked to monitor bad actors. This further erodes the original zoning contract with single-family owner-occupied residents.

At some point, NP-STR’s gain their profit at the expense of residential owners by devaluing our properties. Residential owners don’t usually want to live in a saturated, transient, commercial community. This is coupled with the fact that there is already an effort by an owner adjacent to us to build a non-conforming structure

whose only purpose is NP-STR. It lacks the features required of a home that would be permanently occupied. It does not conform to the requirements that every other house around it had to comply with, and yet it obtained a building permit by the City of Fort Collins. Quite perplexing. An independent broker analysis has concluded that this will definitely devalue all the homes in the near vicinity of this "new build."

NP-STR gains, owner-occupied house loses. Our homes are investments also, deserving protection. It is poor policy to breach the explicit use of an area zoned as single family residential and allow it to become a commercial zone without any of the regulations pursuant to a commercial zone. Despite the auspices of increasing housing density and championing affordable housing, the practices of short-term rentals have turned neighborhoods into commercial zones. Unlimited (U+any) renter density is equally commercial. Property that is used for commercial purposes is valued according to the revenue (rents) that can be acquired. The goal of affordable housing will remain a myth as long as investors can achieve long or short-term rental revenue in excess of mortgage+tax+insurance costs. Multiple family rental and short-term rentals invariably draw from higher income demographics who can afford increasing rents. **City policy should not encourage commercialization that turns once affordable residential owner-occupied properties into commercial properties with ever increasing valuations. Invariably, affordable property values will rise and become unaffordable.** Every neighborhood is prone to the trend and **once initiated, the commercial interests of rental use will compete if not oppose and overcome the interests of owner-occupied properties within the intended residential zone.** The end result is unaffordable housing and **a breach of intent against single family residential use** in favor of commercial use by commercial investors. **This devalues the quality of life for us owners who live here and erodes our own investments in our homes.**

Our neighborhood is dense, with residences close to each other and streets narrower than other residential neighborhoods. Most garages are in the back along very narrow alleyways. Too many cars in areas too small creates issues. As a result, the impact of this high number of NP-STR's is much larger and a much greater nuisance to many of us who live here full time. Primary STR's have not tended to be an issue because the owner is present and the number of people is much less. Commercial endeavors are always seeking higher returns and short-term rental practices are a means of even greater revenue. Whereas long-term rentals afford less stability than owner-occupied, short-term rentals afford no stability. **A continuous rotation of tenants creates a churn of people and vehicles in the neighborhood.** Our proximity to a NP-STR has caused us to have personally sustained property damage (mentioned in an above paragraph) which caused a good amount of resources and time to repair. Again, we have experienced lack of respect, parking issues, trash issues, and trespassing on our property by short-term renters.

We would like to see an immediate moratorium on NEW NP-STR licenses.

We would like to see the city prevent existing licenses from being moved/sold to

other addresses.

We would like a fair process to reduce the existing number of NP-STR's to a level that is consistent with other residential neighborhoods in the city. OTN is the only neighborhood in all of Fort Collins to have a NP-STR free-for-all. This is very disheartening and frankly encourages us to want to move away as it definitely impacts the quality of our life.

NP-STR licenses should be reviewed at least annually. There should be a place where a residential owner, or neighbors in general, can register complaints against bad actors and that should be considered before the renewal of any annual license. There should be a public registry and contact information available of who owns or manages the NP-STR so they can be contacted by an affected neighbor to try to resolve issues in a friendly manner. Commercial businesses have to publicize contact information, so should the NP-STR owner / manager.

Once again, we would like to thank you for your attention and consideration of our concerns.

Sincerely,

Scott & Noreen Linke

251 Cajetan St.

Fort Collins, CO 80524

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Will you help save our neighborhood?
Date: Wednesday, May 28, 2025 3:39:23 PM

From: Walter Abercrombie <walt.abercrombie@gmail.com>
Sent: Wednesday, May 28, 2025 3:08 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>; Ginny Sawyer <GSawyer@fcgov.com>
Cc: Linda Abercrombie <abercrombie.lindakay@gmail.com>
Subject: [EXTERNAL] Will you help save our neighborhood?

I honestly never would have thought that we would have had to write this letter four years after moving to Fort Collins. We were looking for a City that valued neighborhoods and the vitality that comes with them. We loved the dream of living close to the wonderful downtown, and many of the other amenities we like to go to on foot, or on our bicycles. Fort Collins and the Old Town North neighborhood ticked off those boxes for us. We spent a good amount of our retirement funds to move here and build our dream home in OTN.

Three years have passed, and there has been a big change in our neighborhood. Real Estate investors have since swept in, and converted many family homes into these non-primary Short-term rentals. It was not something we were aware could happen in a town like Fort Collins, especially reading about the changes that were made in 2017 to protect neighborhoods from this. It seems that the investors found a weak point in the regulations and took full advantage of that given the restrictions that were put in place in other areas.

Now, the local newspaper (The Coloradoan) has made this issue more public and the nuisances that residents face living in such an environment. We are at the point where the uncertain fate of these "AirBnb's" is causing big doubts on those considering this neighborhood as a residence. Homes are being put up "For Sale" by those no longer willing to live in such a transient environment. These homes have been bought up by more investors wanting to "cash in" on the STR market. It is everything that we thought would never happen..

My wife and I participated in the recent Planning & Zoning session to review the proposed recommendation of City staff to amend the Land Use code for our neighborhood. We were very pleased to hear that the city was bringing this proposal

forward. However, it did disheartened us to hear discussion by some P&Z board members on the economic importance of these STR's to the city, and less importance on community. It seemed that the importance of having vibrant residential neighborhoods suddenly vanished. Luckily some of the board members fought hard against that notion, and the measure narrowly passed. It still was a "wake up call" to us, and our decision to pick Fort Collins as a place to "plant roots". Is there a shift away from neighborhoods to economics by the city?

What is missed in this discussion is that all of us full-time residents have made big financial investments buying our properties, as well as choosing to buy and live full-time in Fort Collins. No, we don't generate income from this, but we are seeking returns in the form of quality of life, and being part of a community. We spend our money locally year round, especially in this northern part of the city that needs that badly. Many contribute further in public service roles, or acting as volunteers to make the broader community better. Please don't have the economic "bean counters" negate that contribution.

Thank you, and we hope that you accept your staff's recommendation to prevent our neighborhood from drowning even further by these non-primary STR's.

Kind regards,

Walter & Linda Abercrombie
239 Pascal St
Fort Collins, CO

From: [Mark Lobodzinski](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Re: Making a Public Comment at Planning and Zoning Commission
Date: Wednesday, May 14, 2025 5:09:20 PM

Hello! This is in response to the call for comments about the future of non-primary short-term rentals in the Old Town North neighborhood.

I have owned a home in OTN since 2015 and our family has lived there full-time. We have lived on Osiander St and Pascal St, and have seen the increase in the number of NPSTRs. We have made many friends among our homeowner neighbors as well as many long-term renters, and have also experienced many, if not all of the disadvantages of living among so many STRs.

We fervently hope that our lovely neighborhood can enjoy the same consideration and treatment as the vast majority of other, equally lovely Fort Collins neighborhoods, by restricting the number of future and/or current STR licenses.

Thank you for this opportunity to comment and for all of your patience and hard work!

Mark Lobodzinski
 238 Pascal St

On Mon, May 12, 2025, 11:51 AM Development Review Comments
 <devreviewcomments@fcgov.com> wrote:

Hello,

You are receiving this email because you have previously reached out to the City regarding the topic of Short Term Rentals in the Old Town North neighborhood.

Hopefully you have heard that we will be bringing this topic to the Planning and Zoning Commission on May 15. The hearing begins at 6 pm and this is the first item on the discussion agenda so it will begin shortly after 6. We invite anyone interested to join us either in person at City Hall - [300 Laporte Ave.](#), or on Zoom at <https://fcgov.zoom.us/j/97548330954>. If you do not plan to make a comment, you can also tune into the live broadcast by [Watching the live stream](#) or tuning into cable channels 14 and 881 or Channel 14 on Connexion .

The agenda item will begin with City staff presenting the proposal. Then the Commission will have some time to ask any clarifying questions they have. After that, public comment will open and stay open until everyone who wants to speak has done so. Commenters can begin lining up at the podium, or raise their hand on Zoom to get in the queue. After public comment closes, the Commission will deliberate and vote.

The decision they are making is whether or not they want to recommend a change in the zoning of Old Town North to not allow non-primary Short Term Rentals to City Council.

I've had some questions about public comment, so I wanted to proactively reach out with some answers:

1. You do NOT have to sign up ahead of time to comment at P&Z. If you are in the room there will be a sign in sheet at the podium, and we ask that you start your comment by stating your name and address for the record whether you are online or in person.
2. Comment time is limited to 3 minutes per person. The Commission also has the ability to shorten that time if they want to. There is a handy timer on the podium which you can use to keep time.
3. You can donate your time to someone else. One person may use up to 9 donations to comment for up to 30 minutes. **If you plan to do this you must contact me before the hearing as I will need a list of donors so I can make sure they are all in the room. You cannot donate time to someone and then not attend the hearing. The Commission will not accept time donations unless we receive a list of donors ahead of time and check each one off as they arrive at the hearing.**
4. Anyone who wants to comment has the right to do so. The Commission will be considering the content of each comment as testimony to aid in their decision making. They are not going to be counting how many commenters are in support or against the proposal.

Also, please note that we do expect this hearing to go late into the evening. Public comment will stay open until everyone who wants to has the chance to speak, and based on the number of written comments we have already received we are expecting many commenters. I understand that many people are unable to spend all night at a public hearing. I want to encourage people to join on Zoom or to send a written comment to me if you are unable to join us in person. All comments will be weighted the same, regardless of how we receive them.

To send a written comment, feel free to just respond to this email. At 6 pm on May 14 I will compile all the comments we get and send them to the Commission to read before the hearing. We will not accept written comments after that time.

Next steps: Regardless of the Commission's recommendation, this proposal will go next to City Council. It is tentatively scheduled for June 17. I will make sure that all written and spoken comments from the P&Z hearing are provided to Council, but you are also welcome to comment again. The hearing will be very similar to the P&Z hearing, except that you DO need to sign up to make a spoken comment. You learn more by visiting <https://www.fcgov.com/council/councilcomments>.

I apologize for the long email. Hopefully it is helpful. Please let me know if you have any questions!

Respectfully,

Em Myler

Neighborhood Development Liaison

From: [Suzanne Lobodzinski](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Re: Making a Public Comment at Planning and Zoning Commission
Date: Wednesday, May 14, 2025 4:08:24 PM

Comment for Thursday, May 15, 2025, P&Z Mtg re NP-STRs on Old Town North

Below is a list of issues with NP-STRs we've encountered over the past ten years living in Old Town North.

-Noise: Parties -- bachelor & bachelorette parties, corporate housed renters having weekend parties, wedding guests coming back and partying, Dungeons & Dragons parties, corporate retreat parties, graduation parties, Tour de Fat parties, college football parties, etc. Loud music, party or not. Yelling across the street from house to car while unpacking (so many do this). Walking around the alley loudly, drunkenly arguing and swearing while on the phone. Drunken groups walking home being loud and obnoxious -- one of our neighbors noted he woke up to vomit on his front walk. Dogs left in the yards while the renters go out for the day or evening, which then bark the whole day or evening because they're in an unfamiliar place.

-Parking: Parking in the garage entrance so the car extends into the alley (the alleys, like our streets, are very narrow) which then blocks the alley, parking in the alley while unpacking, or just literally parked in the alley leaving the car unattended. Pascal is a narrow street with parking allowed on only one side and we've several no parking signs on the no parking side, yet they still park right in front of the signs on the wrong side, which then blocks us from driving down the street. Overcrowded parking: Too many cars for one unit/house. We've limited parking if we have guests over as we don't have driveways to park in, and if the STRs have several groups then our guests or we can't park near our own home. We have only one car and 99.8% of the time it's parked in the garage, but on weekends when you'd like to clean out or rearrange the garage, or you need to make a quick stop at the house, or our daughter visits from Denver, there's no parking available on our street because of cars with out-of-state or rental plates. Also, a college sports team's large chartered bus was parked on the street in front of the NP-STR while the team was staying here. The bus driver sat in the bus with the engine on for hours on the last day of their stay.

-Disrespect for Property: Both the homeowners and the renters. Weeds grow tall. Snow isn't not shoveled from sidewalks. Trashcans are overflowing or left out all week against HOA rules. Five rental scooters we're left parked in the front yard of a home after the renters left. Frequently, rental bikes are left blocking the sidewalk in front of the rentals or in the yards after the renters have left.

-Rudeness: When we ask them to please repark their cars or ask them to turn down the music they're so rude. We no longer try to address noise or parking ourselves and call the non-emergency line, which is a waste of city resources.

-Property Damage: Our neighbors have had over \$2000 in property damage caused by a NP-STR renter backing into their car and house.

-Loss of Good Neighbors: We know of several people who have moved out of Old Town North because of the issues with NP-STRs.

-Loss of Property Value: If NP-STRs continue to increase in our neighborhood, no one will want to purchase a home to live here, which will drive down our property values.

-Invasion of Privacy: We've had people come up onto our porch thinking they're at their STR. A few times it's been a drunken group walking home. We've video of people in the street yelling at the person on our porch at 2am that they're at the wrong house.

-Renter Trying To Enter Our Home: On Feb 04 this year, during the night, a man came up onto our porch with his roller bag (car parked directly in front of the no parking sign, on the wrong side of the street) and was looking for the access code on his phone when my husband, Mark, noticed him. Mark opened the door and the man indignantly said, "But this is my rental!" Nope! We actually live here -- this is our home. He was then very apologetic. Nonetheless.

My husband is out of town about once a week, and if I'm home alone at night and get a notification that an unknown male is trying to enter my house in the middle of the night -- considering the issues Old Town North has with the transient population -- I'm calling 911 and possibly unlocking the handgun. Not allowing absentee-owner STRs in our neighborhood should solve this issue, along the majority of those listed above.

We appreciate owners of STRs posting rules on noise, trash, and parking, but their renters don't abide by them.

We would sincerely appreciate the City changing the land use code to no longer allow NP-STRs in our neighborhood.

NP-STRs are a burden on those of us who actually live here and want to create a cohesive, positive, and safe environment for our families and our neighbors.

Many thanks,
Suzanne Lobodzinski
238 Pascal St

On Mon, May 12, 2025, 11:51 AM Development Review Comments
<devreviewcomments@fcgov.com> wrote:

Hello,

You are receiving this email because you have previously reached out to the City regarding the topic of Short Term Rentals in the Old Town North neighborhood.

Hopefully you have heard that we will be bringing this topic to the Planning and Zoning Commission on May 15. The hearing begins at 6 pm and this is the first item on the discussion agenda so it will begin shortly after 6. We invite anyone interested to join us either in person at City Hall - [300 Laporte Ave.](#), or on Zoom at <https://fcgov.zoom.us/j/97548330954>. If you do not plan to make a comment, you can also tune into the live broadcast by [Watching the live stream](#) or tuning into cable

channels 14 and 881 or Channel 14 on Connexion .

The agenda item will begin with City staff presenting the proposal. Then the Commission will have some time to ask any clarifying questions they have. After that, public comment will open and stay open until everyone who wants to speak has done so. Commenters can begin lining up at the podium, or raise their hand on Zoom to get in the queue. After public comment closes, the Commission will deliberate and vote.

The decision they are making is whether or not they want to recommend a change in the zoning of Old Town North to not allow non-primary Short Term Rentals to City Council.

I've had some questions about public comment, so I wanted to proactively reach out with some answers:

1. You do NOT have to sign up ahead of time to comment at P&Z. If you are in the room there will be a sign in sheet at the podium, and we ask that you start your comment by stating your name and address for the record whether you are online or in person.
2. Comment time is limited to 3 minutes per person. The Commission also has the ability to shorten that time if they want to. There is a handy timer on the podium which you can use to keep time.
3. You can donate your time to someone else. One person may use up to 9 donations to comment for up to 30 minutes. **If you plan to do this you must contact me before the hearing as I will need a list of donors so I can make sure they are all in the room. You cannot donate time to someone and then not attend the hearing. The Commission will not accept time donations unless we receive a list of donors ahead of time and check each one off as they arrive at the hearing.**
4. Anyone who wants to comment has the right to do so. The Commission will be considering the content of each comment as testimony to aid in their decision making. They are not going to be counting how many commenters are in support or against the proposal.

Also, please note that we do expect this hearing to go late into the evening. Public comment will stay open until everyone who wants to has the chance to speak, and based on the number of written comments we have already received we are expecting many commenters. I understand that many people are unable to spend all night at a public hearing. I want to encourage people to join on Zoom or to send a written comment to me if you are unable to join us in person. All comments will be weighted the same, regardless of how we receive them.

To send a written comment, feel free to just respond to this email. At 6 pm on May 14 I will compile all the comments we get and send them to the Commission to read before the hearing. We will not accept written comments after that time.

Next steps: Regardless of the Commission's recommendation, this proposal will go next to City Council. It is tentatively scheduled for June 17. I will make sure that all written and spoken comments from the P&Z hearing are provided to Council, but you are also welcome to comment again. The hearing will be very similar to the P&Z hearing, except that you DO need to sign up to make a spoken comment. You learn more by visiting <https://www.fcgov.com/council/councilcomments>.

I apologize for the long email. Hopefully it is helpful. Please let me know if you have any questions!

Respectfully,

Em Myler
Neighborhood Development Liaison

From: [Matt V](#)
To: [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Krista Kidwell](#); [Em Myler](#)
Subject: [EXTERNAL] Re: Making a Public Comment at Planning and Zoning Commission
Date: Wednesday, May 14, 2025 4:45:55 PM

Hello Em Myler and Fort Collins Planning Committee,

I appreciate the communication and opportunity to speak to you all tomorrow evening. I'll keep it short as the city has received lots of comments since posting.

- 1) I've owned 503 Cajetan since 2017 initially as a STR and most recently lived in it as a primary residence for the last 5 years.
- 2) When I purchased the home, I read every section of the HOA and city ordinance to ensure compliance. It's difficult to understand how thoughtful planning could be overridden by new regulations that disregard responsible ownership.
- 3) I recently invested \$30,000 in furniture to support the goal below. No STRs in OTN will cripple my financial future.
- 4) Short term rental is key to my future in Fort Collins. I want to stay connected to this community and short term rentals allow me the flexibility to support my partner's upcoming career in Denver by keeping a residence to return for weekend visits to friends and keep the possibility of fully returning in the future to raise a family in Fort Collins.

I respectfully urge the Commission to vote **no** on this proposal. This is an extreme solution to a small problem.

Best,

Matt Veghte
 503 Cajetan St
 Fort Collins CO

On Mon, May 12, 2025 at 11:51 AM Development Review Comments
 <devreviewcomments@fcgov.com> wrote:

Hello,

You are receiving this email because you have previously reached out to the City regarding the topic of Short Term Rentals in the Old Town North neighborhood. Hopefully you have heard that we will be bringing this topic to the Planning and Zoning Commission on May 15. The hearing begins at 6 pm and this is the first item on the discussion agenda so it will begin shortly after 6. We invite anyone interested to join us either in person at City Hall - 300 Laporte Ave., or on Zoom at <https://fcgov.zoom.us/j/97548330954>. If you do not plan to make a comment, you can also tune into the live broadcast by [Watching the live stream](#) or tuning into cable channels 14 and 881 or Channel 14 on Connexion .

The agenda item will begin with City staff presenting the proposal. Then the Commission will have some time to ask any clarifying questions they have. After that, public comment will open and stay open until everyone who wants to speak has done

so. Commenters can begin lining up at the podium, or raise their hand on Zoom to get in the queue. After public comment closes, the Commission will deliberate and vote.

The decision they are making is whether or not they want to recommend a change in the zoning of Old Town North to not allow non-primary Short Term Rentals to City Council.

I've had some questions about public comment, so I wanted to proactively reach out with some answers:

1. You do NOT have to sign up ahead of time to comment at P&Z. If you are in the room there will be a sign in sheet at the podium, and we ask that you start your comment by stating your name and address for the record whether you are online or in person.
2. Comment time is limited to 3 minutes per person. The Commission also has the ability to shorten that time if they want to. There is a handy timer on the podium which you can use to keep time.
3. You can donate your time to someone else. One person may use up to 9 donations to comment for up to 30 minutes. **If you plan to do this you must contact me before the hearing as I will need a list of donors so I can make sure they are all in the room. You cannot donate time to someone and then not attend the hearing. The Commission will not accept time donations unless we receive a list of donors ahead of time and check each one off as they arrive at the hearing.**
4. Anyone who wants to comment has the right to do so. The Commission will be considering the content of each comment as testimony to aid in their decision making. They are not going to be counting how many commenters are in support or against the proposal.

Also, please note that we do expect this hearing to go late into the evening. Public comment will stay open until everyone who wants to has the chance to speak, and based on the number of written comments we have already received we are expecting many commenters. I understand that many people are unable to spend all night at a public hearing. I want to encourage people to join on Zoom or to send a written comment to me if you are unable to join us in person. All comments will be weighted the same, regardless of how we receive them.

To send a written comment, feel free to just respond to this email. At 6 pm on May 14 I will compile all the comments we get and send them to the Commission to read before the hearing. We will not accept written comments after that time.

Next steps: Regardless of the Commission's recommendation, this proposal will go

next to City Council. It is tentatively scheduled for June 17. I will make sure that all written and spoken comments from the P&Z hearing are provided to Council, but you are also welcome to comment again. The hearing will be very similar to the P&Z hearing, except that you DO need to sign up to make a spoken comment. You learn more by visiting <https://www.fcgov.com/council/councilcomments>.

I apologize for the long email. Hopefully it is helpful. Please let me know if you have any questions!

Respectfully,

Em Myler
Neighborhood Development Liaison

Planning and Zoning Commission,

Thank you for your continued service to the community and striving to make Fort Collins a great place for everyone to live.

My name is Kyle Keeler, and I have been a resident of Fort Collins for over 20 years. In 2015, I designed and, with the help of my brother and sister in-law, built the home my wife and I lived in up until a few weeks ago in Old Town North. I'm also the vice president and longest-serving director of the Old Town North HOA. I write to you both as a long-time and involved community member and on behalf of my parents, Jack and Gail Keeler, who are hopefully future residents of the neighborhood and at a critical point in their housing journey and retirement planning.

When my wife and I purchased our property in Old Town North a decade ago, we did so with the clear intention of operating a short-term rental (STR). At that time, STRs were largely unregulated, and Old Town North, with its Community Commercial North (CCN) zoning, appeared uniquely suited for this kind of use. We designed and built our home specifically intending for it to be a full-time STR. We operated our property responsibly for years, living in the 500 sqft rear unit while hosting guests in the front. We would also rent the rear unit when we ourselves went on vacation.

We've seen both the benefits and the challenges STRs bring to a neighborhood. While we've always prioritized being good neighbors and thoughtful hosts, we've also witnessed the rise of absentee STR owners and commercial management companies that have negatively affected the neighborhood dynamic. In response to these changes, and in fear that if we don't use our property as a non-primary STR we will lose the right to do so, we recently made the difficult decision to move out of our home and convert our rear unit into a second full-time STR. Thus converting two primary STR units to two non-primary STR units.

We loved living in Old Town North but could only afford it because we used the majority of our property as an STR. If we stayed and continued to use our property as two primary STR's this proposal would essentially trap us into living there as we could not afford to move, if we could not use the property as two non-primary STR's when we moved out. This is a great example of how housing flexibility and less zoning use restrictions have a significant and direct impact on

housing affordability. Which is in direct alignment with the suggestion to relax restrictions in the Land Use Code in the City of Fort Collins Housing Strategic Plan which aims to increase affordable housing.

Ironically, this proposal's attempt to create more affordable housing in Fort Collins would make our housing options less affordable and is contributing to displacing us from the home we love and built with our own hands. We would like to eventually move back into the neighborhood but will not be able to do so with a ban on new non-primary STRs.

Now, my parents find themselves in a similarly complex situation. They purchased a lot at 232 Pascal Street with the dream of building a small two-unit home: one to live in, and the other to operate as a short-term rental to help support themselves during retirement. They also hoped to retain the flexibility to use both units as non-primary STRs in the future if they ever needed assisted living or faced unexpected expenses in old age.

However, under this proposed text amendment to the zoning use restrictions, they may not be eligible for a non-primary STR license simply because construction has not yet been completed. This timing technicality creates an unnecessary and deeply concerning financial gap at a time when stability is most important for them.

Their case is indeed unique, and likely not representative of most property owners in Old Town North. But it illustrates the kind of personal impact that broad policy changes can have on real people, especially older residents with limited options. They understand and respect the concerns of full-time residents and are themselves planning to be part of the neighborhood. They hope to contribute positively, not only through their presence but through their thoughtful, modest housing project.

What's particularly troubling is that these proposed changes would create a two-tiered system: current STR owners would be grandfathered in, while new owners, like my parents, would be excluded based solely on timing. This would grant permanent privileges to some while denying the same opportunity to others, based on little more than whether a project was completed by an arbitrary deadline. That's fundamentally unfair, and it contradicts the City of Fort Collins commitment to equity.

I see three potential directions the City of Fort Collins could go:

1. **No further regulation** – This could be a viable option. STR growth in Old Town North has slowed, and the neighborhood may already be reaching its natural cap based on financial feasibility for investors. Furthermore a change now could be financially devastating for some as illustrated by my parents' case.
2. **Grandfather existing non-primary STRs and ban new ones** – This is, in my view, the most problematic. It would entrench inequalities, inflate existing STR property values, and devalue others, like my parents', before they've even had the chance to participate.
3. **Ban all non-primary STRs city wide with no grandfathering** – This would be the most equitable approach, and because of that, while I don't like it because it negatively affects me and my parents financially, I would support it. If the Planning and Zoning Commission determines that non-primary STRs are a problem, this should be addressed across Fort Collins, not just in Old Town North.

What must be avoided is a patchwork policy that singles out specific neighborhoods like ours simply because they have visible concentrations of STRs or because a few voices have been louder than others. Fort Collins needs consistent, equitable policies, not special text amendment carve-outs or reactive rule-making.

If the Planning and Zoning Commission endorses the proposed use restriction to non-primary STRs in Old Town North with the Grandfathering exception, I respectfully urge you to include a provision allowing property owners a grace period after receiving a certificate of occupancy to apply for a non-primary STR license. This would offer a fair and reasonable path forward for families like mine, who are not seeking to exploit the system but to live and age in our community with dignity and support while aligning with Fort Collins' goal for everyone to have healthy, stable housing they can afford.

Sincerely,
Kyle Keeler

From: [Matt V](#)
To: [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Krista Kidwell](#); [Em Myler](#)
Subject: [EXTERNAL] Re: Making a Public Comment at Planning and Zoning Commission
Date: Wednesday, May 14, 2025 4:45:55 PM

Hello Em Myler and Fort Collins Planning Committee,

I appreciate the communication and opportunity to speak to you all tomorrow evening. I'll keep it short as the city has received lots of comments since posting.

- 1) I've owned 503 Cajetan since 2017 initially as a STR and most recently lived in it as a primary residence for the last 5 years.
- 2) When I purchased the home, I read every section of the HOA and city ordinance to ensure compliance. It's difficult to understand how thoughtful planning could be overridden by new regulations that disregard responsible ownership.
- 3) I recently invested \$30,000 in furniture to support the goal below. No STRs in OTN will cripple my financial future.
- 4) Short term rental is key to my future in Fort Collins. I want to stay connected to this community and short term rentals allow me the flexibility to support my partner's upcoming career in Denver by keeping a residence to return for weekend visits to friends and keep the possibility of fully returning in the future to raise a family in Fort Collins.

I respectfully urge the Commission to vote **no** on this proposal. This is an extreme solution to a small problem.

Best,

Matt Veghte
 503 Cajetan St
 Fort Collins CO

On Mon, May 12, 2025 at 11:51 AM Development Review Comments
 <devreviewcomments@fcgov.com> wrote:

Hello,

You are receiving this email because you have previously reached out to the City regarding the topic of Short Term Rentals in the Old Town North neighborhood. Hopefully you have heard that we will be bringing this topic to the Planning and Zoning Commission on May 15. The hearing begins at 6 pm and this is the first item on the discussion agenda so it will begin shortly after 6. We invite anyone interested to join us either in person at City Hall - 300 Laporte Ave., or on Zoom at <https://fcgov.zoom.us/j/97548330954>. If you do not plan to make a comment, you can also tune into the live broadcast by [Watching the live stream](#) or tuning into cable channels 14 and 881 or Channel 14 on Connexion .

The agenda item will begin with City staff presenting the proposal. Then the Commission will have some time to ask any clarifying questions they have. After that, public comment will open and stay open until everyone who wants to speak has done

so. Commenters can begin lining up at the podium, or raise their hand on Zoom to get in the queue. After public comment closes, the Commission will deliberate and vote.

The decision they are making is whether or not they want to recommend a change in the zoning of Old Town North to not allow non-primary Short Term Rentals to City Council.

I've had some questions about public comment, so I wanted to proactively reach out with some answers:

1. You do NOT have to sign up ahead of time to comment at P&Z. If you are in the room there will be a sign in sheet at the podium, and we ask that you start your comment by stating your name and address for the record whether you are online or in person.
2. Comment time is limited to 3 minutes per person. The Commission also has the ability to shorten that time if they want to. There is a handy timer on the podium which you can use to keep time.
3. You can donate your time to someone else. One person may use up to 9 donations to comment for up to 30 minutes. **If you plan to do this you must contact me before the hearing as I will need a list of donors so I can make sure they are all in the room. You cannot donate time to someone and then not attend the hearing. The Commission will not accept time donations unless we receive a list of donors ahead of time and check each one off as they arrive at the hearing.**
4. Anyone who wants to comment has the right to do so. The Commission will be considering the content of each comment as testimony to aid in their decision making. They are not going to be counting how many commenters are in support or against the proposal.

Also, please note that we do expect this hearing to go late into the evening. Public comment will stay open until everyone who wants to has the chance to speak, and based on the number of written comments we have already received we are expecting many commenters. I understand that many people are unable to spend all night at a public hearing. I want to encourage people to join on Zoom or to send a written comment to me if you are unable to join us in person. All comments will be weighted the same, regardless of how we receive them.

To send a written comment, feel free to just respond to this email. At 6 pm on May 14 I will compile all the comments we get and send them to the Commission to read before the hearing. We will not accept written comments after that time.

Next steps: Regardless of the Commission's recommendation, this proposal will go

next to City Council. It is tentatively scheduled for June 17. I will make sure that all written and spoken comments from the P&Z hearing are provided to Council, but you are also welcome to comment again. The hearing will be very similar to the P&Z hearing, except that you DO need to sign up to make a spoken comment. You learn more by visiting <https://www.fcgov.com/council/councilcomments>.

I apologize for the long email. Hopefully it is helpful. Please let me know if you have any questions!

Respectfully,

Em Myler
Neighborhood Development Liaison

Planning and Zoning Commission,

Thank You for your service to Fort Collins!

I am writing regarding our property at 232 Pascal Street in the Old Town North neighborhood. My wife, Gail, and I purchased this lot in 2016 with the intent of building a two-unit home: one unit for our primary residence and the other as a short-term rental (STR) to supplement our retirement income. Now in our mid-70s, we rely on Social Security and have planned this project as a means of securing financial stability in our retirement years.

After the purchase, we began designing the home, gathering bids, and compiling documents to apply for a building permit. However, the COVID-19 pandemic in early 2020 caused construction costs to surge, forcing us to pause and redesign the project to make it more affordable.

In 2022, we resumed work, but serious health challenges delayed us again. In April 2023, we were struck by a drunk driver and sustained significant injuries. I spent 18 months in rehabilitation due to a broken neck and concussion. Gail also suffered multiple broken bones and was unable to work on the project for over a year.

Given these unforeseen setbacks and our current physical limitations, we redesigned the home again—this time smaller and single-story, to avoid stairs. Our plan remains to live in one unit and use the other as an STR to generate necessary income. To date, we've invested more than \$70,000 in architectural and engineering services, over \$40,000 in property taxes, and \$10,000 in contractor services and permitting fees.

We are also aware that, as we age, we may eventually need to relocate to an assisted living facility. In that case, we had hoped to rent out both units of the home as non-primary STRs to help cover those future expenses.

Unfortunately, we've been informed that the City may only "grandfather in" existing non-primary STRs under new regulations. Since our home is not yet built, we are currently ineligible to apply for a non-primary STR license. This puts our retirement plan at serious risk.

We understand that our situation is unusual and may not have been considered in the broader policy discussions around STRs in Old Town North. We empathize with both sides of the debate—as future residents and responsible STR owners—and we believe our project offers a respectful balance of both perspectives.

We respectfully request that the City consider including a provision allowing newly constructed homes a reasonable period following the issuance of a Certificate of Occupancy to apply for a

non-primary STR license. We have invested heavily in this project, both financially and emotionally, and we are simply seeking the chance to complete what we started with some assurance that our retirement plan can move forward.

Thank you for your time and thoughtful consideration. I can be reached at 303-710-9900 or jackleekeeler@gmail.com.

Sincerely,
Jack Keeler

From: [Nancy Derderian](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Comments for Planning & Zoning Commission May 15
Date: Tuesday, May 13, 2025 12:59:14 PM

Hi Ms. Myler,

I live at 508 Osiander St, in Old Town North (OTN). I am in favor of the Planning and Zoning Commission recommending to City Council a zoning change disallowing non-primary Short Term Rentals (NP-STR) in OTN. I've summarized here some of my previously written comments to City Councilmembers.

My husband and I moved to our single-family home in OTN 3 years ago. We were attracted to its location - proximity both to Downtown and North College businesses and entertainment, the Foothills view, and walkability. We were enticed by its unique contemporary architecture, the blend of single and multi-family homes, a small neighborhood with small yards and generational diversity. We have found community here - neighbors who watch out for each other and help each other.

Along with the availability of licenses, these attributes make our neighborhood attractive to investors seeking NP-STR's. Already burdened with over 20% of all STR's in the city, we suffer an unfair concentration of problems associated with NP-STR's, including noise, late parties, trash, extra traffic on narrow streets and alleys, illegal parking. When these problems arise, the damage is done and repeated complaints seemingly have to work their way through a system.

OTN may have been initially developed as part of a commercial-residential transition area, but it has emerged as predominantly residential, struggling to maintain its distinct character and sense of community as more NP-STR's move in.

Best regards,
Nancy Derderian

Nancy Derderian
508 Osiander St.
Fort Collins, CO 80524
ph 970-692-3700
nancy.derderian@gmail.com

From: [Jim Brown](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Concerns About Zoning Change Process in Old Town North
Date: Sunday, May 11, 2025 8:12:11 PM

Dear City Council and Planning & Zoning Commissioners,

I'm writing as a concerned resident regarding the proposed zoning change in Old Town North. From what I've gathered, this major shift began with an informal meeting back in February, followed by an internal memo — and now it's already on the Planning & Zoning agenda.

What I haven't seen is meaningful neighborhood outreach, clear notice to affected residents, or the kind of data analysis and public input the Land Use Code requires.

No matter where someone stands on short-term rentals, this process feels rushed and far from transparent. Fort Collins deserves thoughtful, inclusive policymaking — not major decisions that seem to stem from backroom discussions and quick memos.

I urge you to pause this proposal and make sure the proper process is followed, giving residents a real chance to be heard.

Sincerely,
Jim Brown

From: [Matt Olson](#)
To: [Krista Kidwell](#); [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Em Myler](#)
Subject: [EXTERNAL] Equal and Fair rights
Date: Monday, May 5, 2025 5:26:13 PM

Dear Members of City Council and the Planning & Zoning Commission,

I am writing to respectfully request a more thoughtful and transparent approach to the proposed zoning changes concerning Non-Primary Short-Term Rentals in Old Town North.

This is not a minor issue—it affects homeowners, property values, tourism, and the overall vitality of our neighborhood. While I understand there have been concerns raised about parking, noise, trash, and property maintenance, these matters can and should be addressed through existing ordinances and effective enforcement, rather than through sweeping zoning changes.

Equally concerning is the lack of a robust and democratic public process. A zoning change of this scale warrants comprehensive community engagement, clear public notice, and decisions grounded in data and open discussion. As it stands, the process appears to be a rushed response to limited feedback, which is troubling. We all deserve a voice in this debate.

I urge you to allow more time for residents, local business owners, and other stakeholders to participate meaningfully in this conversation. A well-balanced solution is possible—but only through a fair, inclusive, and deliberate process.

Sincerely,

Matt Olson
Boxwood Photos
Owner
(818)357-0726

Check the schedule, or book your next shoot with the "Book Now" Tab on our website: www.BoxwoodPhotos.com

From: [Linda Nichols](#)
To: [Krista Kidwell](#); [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Em Myler](#)
Subject: [EXTERNAL] Let's Slow Down and Reevaluate the STR Zoning Change in OTN
Date: Thursday, May 8, 2025 1:18:42 PM

Dear Members of City Council and Planning & Zoning,

I'm writing to urge you to take a more thoughtful & transparent approach to the proposed zoning change affecting Old Town North's Non-Primary Short Term Rentals.

This issue involves more than just a few complaints — it impacts homeowners, property values, tourism, and neighborhood vitality. I've reviewed the concerns, and most of them (parking, noise, trash, maintenance) can and should be addressed by the Old Town North Home Owner Association via existing city ordinances & enforcement already in place, not through a zoning change.

In addition to Old Town North HOA management, Police Services, Code Enforcement, and the Neighborhood Services Department agencies are fully equipped to respond to complaints & ensure neighborhood standards are upheld, whether the property in question is a short-term rental, a long-term rental, or owner-occupied.

I'm also troubled by the lack of democratic public process. A zoning change of this magnitude deserves full community engagement, proper notification, and data-driven discussion. Right now, it feels like a hasty reaction to limited feedback and it is very concerning.

Please allow more time for Old Town North residents to manage OTN challenges through the OTN HOA. Please also allow more time for business owners & stakeholders to weigh in. A balanced solution is possible — but not without the proper process.

Thank you for your time & leadership,
Linda Nichols
Fort Collins Resident

From: [Deanna Robertson](#)
To: [Krista Kidwell](#); [Development Review Comments](#)
Subject: [EXTERNAL] May 15 Zoning and Planning Agenda item STR
Date: Friday, May 2, 2025 2:22:16 PM

Hello,

As a concerned citizen of these United States and a local resident, I am VERY aware that partisanship is dangerous to the democratic process. I have recently become aware of a **proposed change in the zoning district of OTN**. I must be clear, I do not own property in this subdivision yet, but I am interested and have been interested in purchasing a property for use as a STR in Fort Collins for some time now. Every time I find a property that seems like it would work for me, I find out that Zoning has changed and STRs are no longer available in that neighborhood. As I understand it, in 2017-2018, Fort Collins, like many cities and towns along the Front Range, began restricting STRs in primary and non-primary homes due to factors such as noise, trash, and a vagrant population.

I am copying from your agenda for the upcoming meeting as I am disabled and attending will not be possible. STRs are one of the ONLY ways that a person like me might be able to earn an income in this hostile-takeover Trump administration, and I implore you to NOT limit zoning more than you already have.

From your agenda:

As the City has issued STR licenses, there has been a high concentration of licenses in the Old Town North Neighborhood (OTN). This is because you have limited STRs in other areas of the City with a promise that OTN would be able to have a mix. The City averages 375-400 total STR licenses every year. I would like to see this data. At least a third of the total has been issued in OTN. One third equals 124-132, the following sentences indicate that there are a TOTAL of 75 STRs in OTN (7 primary and 68 non-primary) - your math does not "math" correctly, to put it mildly. Among these licenses, there are seven primary STRs and sixty-eight non-primary STRs. (That's 75 total) There are approximately 300 dwellings (there are 255 with another 20 or so coming from what I can tell from public records - I sincerely hope that the Zoning and Planning board does not make decisions based on inaccurate numbers) built in this neighborhood and more have been approved for construction. Approximately 25% (if you are correct on the number of licenses [75] and the public records is correct regarding the number of current dwellings, then this number is 29% currently, not including the homes that are still under construction or proposed) of the dwellings in OTN are licensed for STR.

Comparing OTN to other parts of the city, we found that the number of licenses in OTN is high. Your data is skewed. OF COURSE, the number of STRs in OTN is high because YOU previously limited where STRs could be located and DESIGNATED OTN as a STR area in previous Zoning meetings. This is an illogical argument. If you build two ponds and one of them is going to hold bass and the other trout, you can't THEN say, "Hey! Look at all the bass in THAT pond, that's not fair!" When you set it up that way in previous zoning meetings, did you think we weren't paying attention? We looked at a neighborhood close to downtown, comprised of 500 single-unit dwellings. In this neighborhood, there are 19 total STR licenses. Because YOU limited the number of licenses. This part of town does not allow non-primary. However, three of the 19 licenses are non-primary and considered non-conforming. Perhaps you should focus on regulating that neighborhood instead of going after the neighborhood that you designated for STRs. Additionally, the City has a total of 49 non-

primary licenses that are non-conforming. Again, enforcement seems to be an issue here.

Since 2017, the City has received complaints about STRs in the OTN. It would be good to see if the police reports on these complaints involved the City's vagrant population rather than owners of or guests of the STRs. Due to the proximity of shelters in that area, I suspect that there has been high vagrant traffic and "camping" due to OTN being under construction since 2017. Having worked with this population over these years, 2017-2020, I can tell you that new construction zones are high target areas for unhoused people. Data matters. You cannot just claim a fact based on a couple of complaints from curmudgeonly neighbors. There has to be a democratic process based on facts. Over the years, different city departments have investigated and responded. These interactions have often frustrated the complaining party as the City

could not produce enough evidence to revoke any license. I feel like this is **HIGHLY** important, without facts, we only have CLAIMS, and this is exactly the reason why our Nation is in the trouble it is in with the Trump Administration making unsubstantiated claims. This lack of evidence was usually related to the time of day the offense occurred, after normal business hours. Police may have responded, but no report or correction action was documented. Could it be because it wasn't the guests of the STRs causing the trouble??

Earlier this year, the City conducted an open neighborhood house where the OTN residents and owners were invited to speak with City staff about STRs. Over 50 people came, and 47 signed in. This seems a small number given the number of homes in that area that are said to be of concern. 50 people are only 20% of the current number of households, and did you also include an invitation to the builders who are currently building in that area? A summary of the feedback

received that night and additional emails sent after the meeting have been attached to this report. There are mixed opinions on the issues and approaches to address concerns.

The City is presenting an option to remove non-primary STRs from the CCN zone district. THIS is the part that bothers me the most as a concerned citizen. Why would the City present an option to remove non-primary STRs or change zoning in ANY way based on the MIXED feedback from about 20% of any population?? Are we a democratic city or not? Because 20% seems more like an Oligarchy to me and we already have that problem at the National level, I don't want it in my town. This change does not prohibit the sixty-eight non-primary STR licenses from continuing to operate and renew their licenses. This change will prohibit any new licenses from being issued. If the Council does vote to approve this option, City staff will continue to work with the neighborhood to explore other mitigation options that OTN residents and owners have shared.

Frankly, I am disappointed in how this is being handled. There is not much we can do when billionaires get involved in controlling our federal government, but I had really hoped that Fort Collins was a different place; a place that listened to concerns of the MAJORITY, not the minority.

As I stated, I do not have a stake in this, yet, but someday I hope to be able to afford a home in Fort Collins Old Town North and when I do, I would like to have it be a STR for the sake of my own income and retirement. In this economy, people have to do whatever they can to survive and you folks coming in and just pulling the rug out from under people this way is very undemocratic.

I will be watching to see how you vote on this issue.

Sincerely,
Deanna Robertson

From: [Aundrelyn Knott](#)
To: [Krista Kidwell](#); [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Em Myler](#)
Subject: [EXTERNAL] North Fort Collins STR Zoning Changes
Date: Monday, May 5, 2025 2:28:07 PM

Dear Members of the Planning and Zoning Commission,

I am writing to express my strong opposition to the proposed zoning amendment that would restrict short-term rentals (STRs) in our area to owner-occupied properties only. As a responsible owner of a non-owner-occupied STR in Fort Collins, I am deeply concerned about the potential negative impacts this change would have on property owners, the local economy, and the broader community.

Community Cohesion and Neighborhood Dynamics

It has been suggested that non-owner-occupied STRs disrupt neighborhood cohesion due to the transient nature of guests. However, in my experience, short-term guests often have minimal impact on the neighborhood. They are typically respectful, spend most of their time exploring the city, and contribute to the local economy by patronizing nearby businesses. Moreover, as a property owner, I ensure that my rental is well-maintained and that guests adhere to community standards.

Conversely, long-term rentals can sometimes lead to challenges in property upkeep and neighborhood relations. Long-term tenants may not have the same incentive to maintain the property or adhere to community guidelines, potentially leading to issues that affect neighborhood harmony.

Economic Contributions

Short-term rentals play a significant role in supporting Fort Collins' economy. They provide accommodations for tourists and visitors, which in turn boosts revenue for local businesses such as restaurants, shops, and entertainment venues. Restricting STRs to owner-occupied properties could reduce the availability of lodging options, potentially deterring visitors and impacting local commerce.

Property Rights and Fairness

Implementing a zoning change that effectively prohibits non-owner-occupied STRs raises concerns about property rights. Many owners have invested in properties with the understanding that they could operate them as STRs under existing regulations. Changing the rules now would not only affect current operations but also devalue these investments.

Recommendations

Rather than imposing an outright ban on non-owner-occupied STRs, I urge the commission to consider alternative measures that address community concerns while preserving the benefits of STRs. These could include:

- Implementing a system for monitoring all STRs to ensure compliance with safety and community standards.

- Establishing clear guidelines and penalties for noise, parking, and occupancy violations to STR owners who do not operate their business appropriately.
- Encouraging open communication between STR owners and neighborhood associations to foster mutual understanding and cooperation.

By adopting a balanced approach, Fort Collins can continue to enjoy the economic and cultural benefits of STRs while maintaining the integrity and cohesion of its neighborhoods.

Unfortunately I will not be in town on the date of the 15th meeting, so it was important for me to have my voice heard here. Thank you for considering my perspective on this important issue.

Sincerely,



Aundrelyn Knott

Founder, Peterson & Plum

970.460.6514 | petersonandplum.com

aundrelyn@petersonandplum.com | [517 N. Link Lane Suite C](#)



IMPORTANT: The contents of this email and any attachments are confidential. They are intended for the named recipient(s) only. If you have received this email by mistake, please notify the sender immediately and do not disclose the contents to anyone or make copies thereof.



From: [Rhondda Wells](#)
To: [Krista Kidwell](#); [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Em Myler](#)
Cc: [Stan Wells](#)
Subject: [EXTERNAL] Old Town North STR"s
Date: Monday, May 12, 2025 7:07:44 PM

Hello City of Fort Collins Staff,

We are very distressed that you might revoke our right to offer our home in Old Town North as a non-primary STR. We have followed all the city rules and regulations, have invested a lot of our hard earned retirement monies, and have operated our STR in a thoughtful manner that respects our neighbors.

It would be financially devastating to us to have our license revoked. **Please consider "grandfathering in"** those owners who have, in good faith, followed all the rules and regulations. Also, owners who inherit the properties and new owners should be grandfathered in if they wish continue using the property as an STR.

I am not sure what the recommendations will be but, if it is to revoke everyone's licenses immediately then the market would be flooded with houses for sale which would distort the real estate market and would be very unfair to those owners. We should have at least five to ten years notice of license revocation, in order to spread out the pain and not cause current STR owners to lose a huge amount of money.

Thank you for taking the time to read this email, and we hope you will be considerate of our concerns.

Stan and Rhondda Wells
399 Osiander
303-740-7441

From: [James Cech](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] opposition to changes in the STR zoning for Old Town North
Date: Tuesday, May 13, 2025 7:31:49 PM

Hello

James Cech here. I am the owner and resident of 262 Cajetan Street, in Old Town North, Fort Collins. I also have an STR license for the home we live in, as we travel some 6 months a year and rent out our property to offset the costs of ownership.

I am unable to attend the 15 may meeting as I will be traveling

I want to state my opposition to any changes to the zoning for old town north. I understand that there has been a vocal segment of the community arguing for change, but I do not believe that represents a majority of the owners in OTN. In any event, even if there was a majority (which I do not believe to be the case) I would argue that any change such as this could have a very large financial impact on owners such as us should be addressed in a more logical, thoughtful, and less hasty manner.

I would argue that it is inherently unfair to change these rules mid stream, after people like us have invested in the community, to satisfy a small number of vocal residents who I guess regret having moved into a neighborhood that—when they moved in—was already zoned and approved for STRs.

Again. I strongly oppose this zoning change. I also strongly oppose the mechanism by which this got to council. How did an ‘informative’ community meeting earlier this year somehow become a recommendation to make such a dramatic change which will have very serious implications to (speaking for ourselves) our largest single retirement asset. This is a big deal to us. I would think the least city staff could do would be to hold a legit referendum of some kind in OTN to obtain a more realistic assessment of what the community actually wants on this important issue before placing this on an agenda for an up or down vote

Sincerely

James Cech
262 Cajetan st
Fort Collins CO 80524

From: [Brent Nations](#)
To: [Krista Kidwell](#); [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Em Myler](#)
Subject: [EXTERNAL] Opposition to Proposed Ban on Short-Term Rentals in Old Town North
Date: Monday, May 5, 2025 3:21:25 PM

Dear Members of the Planning & Zoning Commission et al.,

I am writing to express my strong opposition to the proposed changes that would eliminate short-term rentals in our neighborhood. This measure is not only unnecessary but would also have far-reaching negative consequences for our community.

First and foremost, the governing covenants of our Homeowners Association *explicitly permit* short-term rentals. Any attempt to override these provisions would represent a direct infringement on property owners' rights and an overreach of municipal authority. Our HOA documents were carefully crafted and agreed upon by residents, and they should not be undermined by a reactionary policy shift.

Second, our HOA documents also include a clearly defined mechanism for amending this right through a community vote. The group pushing for this change simply does not have the support or the necessary votes to revoke this right through the proper channel, and are now attempting to circumvent the legitimate, democratic process by appealing to the Planning & Zoning Commission.

Moreover, enacting a ban on short-term rentals would deal a significant blow to property values in our area. Investors and potential homeowners alike value flexibility, and the ability to rent on a short-term basis increases the desirability—and therefore the worth—of our homes.

In addition, visitors using short-term rentals contribute meaningfully to our local economy. Restaurants, shops, entertainment venues, and service providers all benefit from the increased foot traffic and spending. Tourism is a critical economic engine, and this city benefits directly from the taxes and revenue generated by these guests—revenue that would disappear if this misguided ban goes into effect.

I urge you to reconsider this proposal. It is short-sighted, not representative of our community's majority, and will harm both individual property owners and the city as a whole.

Sincerely,

Brent Nations
538 Cajetan

From: [Josh Tinker](#)
To: [Krista Kidwell](#); [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Em Myler](#)
Subject: [EXTERNAL] Opposition to Revising STR Land Use in Old Town North / CCN
Date: Wednesday, May 14, 2025 12:36:07 PM
Attachments: [SnailMail Announcement Planning and Zoning Commission, STR, 2025may01.pdf](#)

Hello city staff, the Planning and Zoning Commission, and City Council,

Please do not change the land use for short-term-rentals (STRs) in Old Town North (OTN).

The current proposal is an extreme response to a localized problem.

The majority of STRs in OTN are well run; guests are good neighbors. The majority complaints come from a few poorly-run properties.

The proposal ignores the broader economic impact of the 70+ STRs in the OTN neighborhood.

- Downtown hotels are not a viable option for the visitors served by these STRs.
- Reducing or eliminating STRs within walkable distance to Old Town will push guests to accommodations away from downtown.
- Non-primary STRs have many more nights available for visitors than Primary STRs
- Guests may drive to downtown for a single visit, but limiting or reducing STRs will move their spending away from the city.

The proposal punishes *all* owners in OTN.

- Properties in Old Town North command upwards of a ten percent (10%) premium compared to similar properties nearby.
- Even if not intending to use a property as an STR, many buyers pay this so they can have the option to do so in the future.
- Many owners want the future option to use their property as a NP STR. This proposal removes that option.
- Over the long term, this proposed land use change (LUC) will decrease property values by upwards of 10%, a significant hardship for people who purchased properties in the last few years.

The proposal severely punishes non-primary STR (NP STR) owners who operate STRs as good neighbors, in good faith.

- The CCN uses unique zoning. Today's owners purchased their properties knowing that Old Town North is a mixed-use residential and commercial community.
- My wife and I are **not** nameless out of state investors. After graduating from CSU, we chose to stay. We put all four of our children through PSD. Even though we reside in SE Fort Collins, I volunteer with the OTN HOA.
- In 2020, we bought a townhome in OTN and converted it to a NP STR.

We redirected a significant portion of our retirement funds here because my wife and I believe our city is a wonderful place and we wanted to share it with respectful visitors.

- We chose Old Town North as it was the only viable option at the time to offer walkable accommodations to downtown visitors.
- In good faith, I followed all rules and regulations required by the city.
- I hired Northern Colorado's market-leading management company who runs the property as good neighbor, without complaints from the community.
- Changing the LUC feels like a betrayal.
- Any city regulation that stops my wife and I from running our property as an STR will severely punish us. If I can't sell it with the ability to run as a NP STR, I will lose 10% of my property value. Converting it to any other use won't cover our costs.

There's been zero dialogue about how this proposal solves the majority of community feedback.

- In the short term, this proposal allows all the existing STRs to operate.
- There's nothing about shifting a poorly run STR to be a good neighbor.
- There's nothing discussed about enforcing existing rules and regulations.
- During February's open house feedback gathering session, more than one resident complained about a specific property on Pascal St. At the time, this owner was not allowing guests to use the garage, in violation of the city's STR regulations for off-street parking. If the city enforced the off-street-parking requirement, guests at this property would be much less of a nuisance to neighbors.
- Why does this proposal ignore enforcing existing regulations, or ways to improve enforcement?

This proposal was hurried. We ALL need more time to develop real solutions to real problems.

- May 1st's version of the city's proposal was to simply stop new NP STRs in OTN, not change the LUC!
 - See the attached, that was mailed to me on May 1st
- Not allowing new STR is one thing, but forever blocking existing NP STR status is a completely different thing!
- If the city is serious about not allowing new NP STRs in OTN, there are many other viable solutions. City staff need to explore solutions that minimize the negative impacts to existing owners and minimize the negative economic impacts

This proposal is an extreme solution to a small problem.

For tomorrow's meeting, please:

1. **Recommend Denial** of proposed LUC change and support a Council decision to **retain** the ability to issue new licenses for Non-Primary STRs in the CCN zone district.
2. Ask the city staff to engage with the Old Town North community. Start with the HOA Board, who can facilitate collaborative sessions by all parties.

Thank you,

Josh Tinker
827 Heschel St, Unit B, Old Town North

From: [Taylor Scott](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Planning and Zoning Commission May 15th Hearing - OTN STR Written Comments
Date: Monday, May 12, 2025 8:52:05 AM

Hello,

My name is Taylor Scott and I live at 368 Cajetan St. in the Old Town North neighborhood. I have lived in this home for over 6 years and love the location, feel, and people in the neighborhood. When my partner and I moved in, we had wonderful neighbors, including a family next door that we became quite close with. A couple years ago, they sold their home and it unfortunately was purchased by an investor who owns many STRs in the neighborhood. Over the past couple years, we have seen the home two doors down, the home behind us, and the home 4 doors down transition to non primary STRs.

The community remains strong in the neighborhood, but holes are showing with so many of these STRs taking over. We miss having a community of people that actually live in their homes. We have watched dozens of random people check into the STRs on Thursday and check out on Sunday, leaving it vacant for weeks at times. We have had guests of the STRs try to enter our home numerous times (FC Police visited once for this) because they cannot find the correct house, we have had fireworks go off in the alley behind our house from guests, we have had many parking and other nuisance issues. Those items bother me, but the worst part is the dying community feel in our neighborhood and the feeling that we live inside a large commercial hotel.

Over 30% of the Old Town North neighborhood is now effectively hotels as non primary STRs. We are the only neighborhood in Fort Collins zoned to allow this many non primary STRs and we are feeling the burden of dealing with this zoning choice. I support the proposal to restrict any future non-primary STRs and I feel that they should not be transferable when someone new buys a home that was registered. I also urge the Planning and Zoning Commission to consider reducing the amount of non primary STRs in Old Town North by removing existing licenses down to a smaller percentage of the neighborhood. This will help bring the community feel back to the neighborhood and support the top City Council priority of having more housing availability.

Thank you for your consideration and looking into the big problem.
Taylor Scott

From: [Mikayla Molitor](#)
To: [Krista Kidwell](#); [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Em Myler](#)
Subject: [EXTERNAL] Please Support Fair and Balanced STR Policies
Date: Wednesday, May 7, 2025 1:05:30 PM

Dear Planning & Zoning Commission,

I'm writing as a local resident who works closely with short-term rental homeowners and guests here in Fort Collins. The proposed restrictions on STRs would not only violate property owner rights, but also put local jobs and livelihoods at risk. Many families rely on STR income to pay their mortgage and support their households while they navigate life transitions.

I fully support smart, proactive regulation that ensures STRs are safe, respectful, and beneficial to our community. But sweeping limitations would have serious unintended consequences for residents and small businesses alike.

Please consider a balanced path forward that protects neighborhoods and the people who live and work in them.

Mikayla Molitor

From: [harry derderian](#)
To: [Development Review Comments](#)
Cc: [nancy.derderian@gmail.com](#); [harry derderian](#)
Subject: [EXTERNAL] Re: Making a Public Comment at Planning and Zoning Commission
Date: Tuesday, May 13, 2025 8:22:34 PM

Development Review Comments, May 15, 2025,

Please, Planning and Zoning Commission, read this before the May 15 hearing.

My wife, Nancy Derderian, and I, own and live in our Old Town North home, on 508 Osiander Street.

We respectfully ask that you, the Planning and Zoning Commission, RECOMMEND to the city council A CHANGE IN THE ZONING OF OLD TOWN NORTH TO NOT ALLOW NON-PRIMARTY SHORT Term Rentals.

We already are literally surrounded by non-primary short term rentals.

This is clearly unfair and I suspect, unintended; hence, this meeting, and the wise initiative for change by our Planning and Zoning Commission. Without urgent action by our City Council, the percentage of Non-Primary Short Term Rentals in Old Town North could become even more inequitable relative to other neighborhoods in Fort Collins.

This non alignment of Old Town North with the rest of the City of Fort Collins, negatively impacts the quality of life in our progressive city. We recognize the importance of neighborhood community building in any one singular neighborhood as being inseparable with the health and well being of Fort Collins as a whole.

With many houses on Osiander Street near completion, and more lots surrounding us on Emmaus and Osiander to be built out, we are at risk of being even further inundated by Short Term Rentals. This in turn undermines the City of Fort Collins efforts to build our fledgling neighborhood directly adjacent to our crown jewel, Old Town. The current landscape of Old Town North is already strapped with a disproportionate number of “tourists” occupying residences that should be homes.

My wife and I and our kind neighbors are repeatedly subjected to loud noise, sometimes in the middle of the night, illegal parking, excessive trash, littering, police calls, and irresponsible pet owners, all emanating from nearby houses rented to strangers by strangers, short term. It has unfortunately become routine for ten “guests” pulling up in, at times, five or more large vehicles, to occupy houses a stone's throw from our home, usually on weekends.

Short term renters and their hosts, for the most part, are very nice, responsible, people, not unlike you and me. The problem is inherent in their roles as non-primary hosts and guests. In my experience, there is very little overlap with those roles in comparison with what we all recognize as a good neighbor. The role of a good neighbor is integral to thriving neighborhoods, and thriving neighborhoods are integral to a safe, friendly, fun, Fort Collins. The Choice City deserves the moniker because of those of us who choose to be good neighbors, not because of an overly high concentration of non-primary short term rental properties available in Old Town North.

In the event of a disaster, neighbors help neighbors. Are you going to count on anonymous remotely located hosts to lend a helping hand? How about unknown out of towners short term rental guests?

It's no secret that non-primary short term rentals increase the frequency of problems including crime. Current Fort Collins policy puts our Old Town North at exceptional risk. Why? Because our neighborhood is a collection of new and relatively new dwellings, sometimes filled with short term renters or vacant short term rental units, not neighbors watching out for other neighbors.

Speaking of safety, the street behind my home, Emmaus, is extremely narrow, potentially limiting access to emergency vehicles. I fear, without urgent action by our City Council, many of the homes nearing completion or to be built on this street may become Short Term Rentals. The ensuing vehicular congestion caused by an excess of weekend short term renters might prevent our first responders from doing their critical work in a timely manner.

I'm asking you and our City Council to put the interests of those of us, your neighbors and friends, who live in one of Fort Collins newest and most vulnerable neighborhoods, Old Town North, the "next door neighbor" of Old Town, ahead of those who seek to further commodify our neighborhood for their own maximum monetary self gain.

Harry Derderian, M.D.

From: [Erik Haagenson](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Re: Making a Public Comment at Planning and Zoning Commission
Date: Tuesday, May 13, 2025 4:37:50 PM

Hey Em!

Thanks for your email. My official comment opposing the proposal to limit non-primary short-term rentals in Old Town North is below:

Dear Planning & Zoning Commissioners,

I strongly oppose the proposed changes to the Non-Primary Short Term Rental overlay in Old Town North.

I moved to this neighborhood 16 years ago with the intention of building in a community that embraced thoughtful, well-managed STRs. The ability to operate a non-primary STR was a key factor in my decision to invest in Old Town North and was the driving factor in my decision to move to and build in the neighborhood.

Moreover, I currently have an active building permit for my lot at 556 Cajetan St. Over the past several years, I've worked closely with the City to secure a Major Amendment and bring this project into compliance with all zoning and development requirements — investing about \$100k in the process. If this proposed zoning change is approved, I would be unable to apply for a non-primary STR license in time to be grandfathered in. That would mean a total loss of the value I've built into this property, despite having followed every step of the City's process in good faith.

The impact of this decision would go far beyond policy. It would erase years of planning, significant financial investment, and trust in the City's stated vision for Old Town North. I'm deeply concerned about how the City is handling the proposed zoning change in Old Town North. From what I understand, this major policy shift began with an informal meeting back in February, then moved forward through an internal memo, and now it's suddenly on the Planning & Zoning agenda. We need a thoughtful approach that uses data and input from more than one group and one agenda.

Please don't let this rushed proposal undo years of thoughtful development and personal investment. When managed responsibly, STRs bring vitality, tourism, and tax revenue to the city. If there are concerns, let's address them with better enforcement, not by stripping away options that homeowners and developers have relied on in good faith.

Thanks for taking the time to make a thoughtful decision that best supports all the different interests of this vibrant community and not just a vocal minority.

Sincerely,

Erik Haagenson

On Mon, May 12, 2025 at 11:51 AM Development Review Comments

<devreviewcomments@fcgov.com> wrote:

Hello,

You are receiving this email because you have previously reached out to the City regarding the topic of Short Term Rentals in the Old Town North neighborhood. Hopefully you have heard that we will be bringing this topic to the Planning and Zoning Commission on May 15. The hearing begins at 6 pm and this is the first item on the discussion agenda so it will begin shortly after 6. We invite anyone interested to join us either in person at City Hall - 300 Laporte Ave., or on Zoom at <https://fcgov.zoom.us/j/97548330954>. If you do not plan to make a comment, you can also tune into the live broadcast by [Watching the live stream](#) or tuning into cable channels 14 and 881 or Channel 14 on Connexion .

The agenda item will begin with City staff presenting the proposal. Then the Commission will have some time to ask any clarifying questions they have. After that, public comment will open and stay open until everyone who wants to speak has done so. Commenters can begin lining up at the podium, or raise their hand on Zoom to get in the queue. After public comment closes, the Commission will deliberate and vote.

The decision they are making is whether or not they want to recommend a change in the zoning of Old Town North to not allow non-primary Short Term Rentals to City Council.

I've had some questions about public comment, so I wanted to proactively reach out with some answers:

1. You do NOT have to sign up ahead of time to comment at P&Z. If you are in the room there will be a sign in sheet at the podium, and we ask that you start your comment by stating your name and address for the record whether you are online or in person.
2. Comment time is limited to 3 minutes per person. The Commission also has the ability to shorten that time if they want to. There is a handy timer on the podium which you can use to keep time.
3. You can donate your time to someone else. One person may use up to 9 donations to comment for up to 30 minutes. **If you plan to do this you must contact me before the hearing as I will need a list of donors so I can make sure they are all in the room. You cannot donate time to someone and then not attend the hearing. The Commission will not accept time donations unless we receive a list of donors ahead of time and check each one off as they arrive at the hearing.**
4. Anyone who wants to comment has the right to do so. The Commission will be considering the content of each comment as testimony to aid in their decision

making. They are not going to be counting how many commenters are in support or against the proposal.

Also, please note that we do expect this hearing to go late into the evening. Public comment will stay open until everyone who wants to has the chance to speak, and based on the number of written comments we have already received we are expecting many commenters. I understand that many people are unable to spend all night at a public hearing. I want to encourage people to join on Zoom or to send a written comment to me if you are unable to join us in person. All comments will be weighted the same, regardless of how we receive them.

To send a written comment, feel free to just respond to this email. At 6 pm on May 14 I will compile all the comments we get and send them to the Commission to read before the hearing. We will not accept written comments after that time.

Next steps: Regardless of the Commission's recommendation, this proposal will go next to City Council. It is tentatively scheduled for June 17. I will make sure that all written and spoken comments from the P&Z hearing are provided to Council, but you are also welcome to comment again. The hearing will be very similar to the P&Z hearing, except that you DO need to sign up to make a spoken comment. You learn more by visiting <https://www.fcgov.com/council/councilcomments>.

I apologize for the long email. Hopefully it is helpful. Please let me know if you have any questions!

Respectfully,

Em Myler
Neighborhood Development Liaison

--

Erik Haagenson
303.532.6634

From: [Gail Wheat](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Re: Making a Public Comment at Planning and Zoning Commission
Date: Tuesday, May 13, 2025 4:43:49 PM

Hello.

Thank you for the updated information on the public hearing. I am a resident in the noted area and wanted to respond to the email with written comments as I won't be able to attend the meeting. I am opposed to having short term rentals in the noted area (in which I reside). I feel that the additional traffic and use of public services (e.g. trash, recycling, water) will significantly affect the quality of the neighborhood. Similarly, while not all short term renters will be invasion, the insertion of large parties using homes in the noted area also causes noise concerns as well. This is a residential neighborhood and is not a mixed use neighborhood, nor is it intended to have commercial uses, and the allowance of short term rentals of residences is in opposition to the concept of a neighborhood of personal and family residences. Accordingly I support regulations that would prohibit such uses of the homes in the noted area.

Thank you for your consideration,

Gail S. Wheat
 826 Blondel St. #103, Fort Collins, CO 80524
 Phone: 469-939-4361
 Email: minnwgwen@yahoo.com

On Monday, May 12, 2025 at 11:51:43 AM MDT, Development Review Comments
 <devreviewcomments@fcgov.com> wrote:

Hello,

You are receiving this email because you have previously reached out to the City regarding the topic of Short Term Rentals in the Old Town North neighborhood. Hopefully you have heard that we will be bringing this topic to the Planning and Zoning Commission on May 15. The hearing begins at 6 pm and this is the first item on the discussion agenda so it will begin shortly after 6. We invite anyone interested to join us either in person at City Hall - 300 Laporte Ave., or on Zoom at <https://fcgov.zoom.us/j/97548330954>. If you do not plan to make a comment, you can also tune into the live broadcast by [Watching the live stream](#) or tuning into cable channels 14 and 881 or Channel 14 on Connexion .

The agenda item will begin with City staff presenting the proposal. Then the Commission will have some time to ask any clarifying questions they have. After that, public comment will open and stay open until everyone who wants to speak has done so. Commenters can begin lining up at the podium, or raise their hand on Zoom to get in the queue. After public comment closes, the Commission will deliberate and vote. **The decision they are making is whether or not they want to recommend a change in the zoning of Old Town North to not allow non-primary Short Term Rentals to City**

Council.

I've had some questions about public comment, so I wanted to proactively reach out with some answers:

1. You do NOT have to sign up ahead of time to comment at P&Z. If you are in the room there will be a sign in sheet at the podium, and we ask that you start your comment by stating your name and address for the record whether you are online or in person.
2. Comment time is limited to 3 minutes per person. The Commission also has the ability to shorten that time if they want to. There is a handy timer on the podium which you can use to keep time.
3. You can donate your time to someone else. One person may use up to 9 donations to comment for up to 30 minutes. If you plan to do this you **must** contact me before the hearing as I will need a list of donors so I can make sure they are all in the room. You cannot donate time to someone and then not attend the hearing. The Commission will not accept time donations unless we receive a list of donors ahead of time and check each one off as they arrive at the hearing.
4. Anyone who wants to comment has the right to do so. The Commission will be considering the content of each comment as testimony to aid in their decision making. They are not going to be counting how many commenters are in support or against the proposal.

Also, please note that we do expect this hearing to go late into the evening. Public comment will stay open until everyone who wants to has the chance to speak, and based on the number of written comments we have already received we are expecting many commenters. I understand that many people are unable to spend all night at a public hearing. I want to encourage people to join on Zoom or to send a written comment to me if you are unable to join us in person. All comments will be weighted the same, regardless of how we receive them.

To send a written comment, feel free to just respond to this email. At 6 pm on May 14 I will compile all the comments we get and send them to the Commission to read before the hearing. We will not accept written comments after that time.

Next steps: Regardless of the Commission's recommendation, this proposal will go next to City Council. It is tentatively scheduled for June 17. I will make sure that all written and spoken comments from the P&Z hearing are provided to Council, but you are also welcome to comment again. The hearing will be very similar to the P&Z hearing, except that you DO need to sign up to make a spoken comment. You learn more by visiting

<https://www.fcgov.com/council/councilcomments>.

I apologize for the long email. Hopefully it is helpful. Please let me know if you have any questions!

Respectfully,

Em Myler
Neighborhood Development Liaison

From: bangle4@comcast.net
To: [Rupa Venkatesh](#)
Cc: [Krista Kidwell](#); [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Em Myler](#)
Subject: [EXTERNAL] RE: OTN Homeowner: I Support STRs in Our Community
Date: Wednesday, May 7, 2025 4:28:10 PM
Attachments: [image001.png](#)

Hello Rupa,

Yes, “staff” recently hosted an open house at the library where some OTN citizens put a bunch of posted notes on a board which lead to the city council making a snap decision to change the Land Use Code with no further community interaction/feedback. Where was the comprehensive neighborhood outreach? The proper notice? The data analysis and public comment opportunities required by the Land Use Code? Regardless of one’s opinion of STRs, this process seems rushed and lacking transparency. Fort Collins deserves better governance than policy changes initiated by sticky notes.

Please pause this proposal until the appropriate procedures are followed and all residents have a chance to participate in the conversation. I will be attending the May 15th meeting.

Sincerely,
 Frances Bangle

From: Rupa Venkatesh <rvenkatesh@fcgov.com>
Sent: Wednesday, May 7, 2025 1:42 PM
To: bangle4@comcast.net
Cc: [Krista Kidwell <kkidwell@fcgov.com>](mailto:kkidwell@fcgov.com); [Development Review Comments <devreviewcomments@fcgov.com>](#); [Noah Beals <nbeals@fcgov.com>](mailto:nbeals@fcgov.com); [City Leaders <CityLeaders@fcgov.com>](#); [Ginny Sawyer <GSawyer@fcgov.com>](mailto:GSawyer@fcgov.com); [Em Myler <emyler@fcgov.com>](mailto:emyler@fcgov.com)
Subject: FW: OTN Homeowner: I Support STRs in Our Community

Good afternoon, Frances:

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

As you may know, staff recently hosted an open house to hear directly from residents in Old Town North. We are taking that information and sharing with Council as we work to develop possible options to help address these issues and your perspective is very important to us. As soon as we have a time frame and options developed, we will share with the neighborhood.

The [Planning and Zoning Commission](#) will have a hearing on this topic at their May 15th meeting. You are welcome to join us at the hearing, either in person at 300 Laporte Ave., or virtually on Zoom

by using this link: <https://fcgov.zoom.us/j/97548330954>. The hearing starts at 6 p.m. You can make an additional comment by speaking either in-person or virtually at the hearing.

Thanks in advance,

Rupa

Rupa Venkatesh

Assistant City Manager
City of Fort Collins, CO
970.221.6684 office
561.289.6176 cell



From: bangle4@comcast.net <bangle4@comcast.net>

Sent: Wednesday, May 7, 2025 7:38 AM

To: Krista Kidwell <kkidwell@fcgov.com>; Development Review Comments <devreviewcomments@fcgov.com>; Noah Beals <nbeals@fcgov.com>; City Leaders <CityLeaders@fcgov.com>; Ginny Sawyer <GSawyer@fcgov.com>; Em Myler <emyler@fcgov.com>

Subject: [EXTERNAL] OTN Homeowner: I Support STRs in Our Community

Dear Members of City Council and Planning & Zoning,

As a homeowner of a primary STR in Old Town North (OTN), I am reaching out today to express my support for the continued allowance of Non-Primary Short Term Rentals (STR) in our neighborhood.

For me personally, I left corporate America in January 2024. Being without the security of a paycheck, it is up to me to generate income. One of the ways I accomplish this is thru my STR. I'm sure the situation is quite similar for the other owners of primary and non-primary STRs in OTN. STRs are a revenue stream, not only for owners, but for local businesses as well.

The city's intention of banning non-primary STRs came to my attention when I was accidentally sent a letter from the group "Homes not Hotels" (letter and charter attached). As a result of one meeting in January, where these folks stuck posted notes on a board, it appears the city is ready to change the Land Use Code. Where was the comprehensive neighborhood outreach? The proper notice? The data analysis and public comment opportunities required by the Land Use Code? Regardless of one's opinion of STRs, this process seems rushed and lacking transparency. Fort Collins deserves better governance than policy changes initiated by sticky notes.

Please pause this proposal until the appropriate procedures are followed and all residents have a

chance to participate in the conversation.

Sincerely,
Frances Bangle
Fort Collins Resident

From: [david.cordova](#)
To: [Ginny Sawyer](#)
Cc: [City Leaders](#); [Noah Beals](#); [Michelle Coe](#); [Krista Kidwell](#); [Development Review Comments](#); [Em Myler](#)
Subject: [EXTERNAL] Re:
Date: Tuesday, May 6, 2025 3:43:10 PM

Hello Ginny, I wanted to reach out as I see on the agenda for the May 15 meeting that the first item of business is "to remove non-primary short-term rental from the Community Commercial-North College (CCN) Zone District". This is very different than your email reply that reference "NEW" non-primary STRs.

This seems like a pretty dramatic move on an issue that doesn't seem like has received much honest vetting. As I indicated in my previous email, we think there is a very valid time and place for STRs. Deciding to make a change so quickly in these uncertain economic times, particularly based on presumably complaints from a limited number of people, seems like at a minimum more study is needed. Is this really an enforcement issue than a policy issue? And has anyone studied whether issues and concerns in the neighborhood are attributable to STRs rather than homeowners who don't take proper care of their property? Are there even alternative goals here - for instance, is this a limited group of people looking to have an opportunity to buy up property at distressed prices? Again, it seems like this process has been preordained, rushed, and without consideration of varied interests in the community - as you said yourself, there was a high volume of interest, so why "railroad" a change in policy?

For everyone's reference here's my original email:

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

We have gone out of our way to enhance the quality of the property, including regular lawn maintenance, spending significant dollars to improve on the look and feel of the property, and hiring the best available property managers that are respectful and knowledgeable about Old Town North. We also regularly spend time at our property, which was purchased not with the intent of making money, but rather as a placeholder for us in Fort Collins, where my brother in law is a very active member of the community and where we hope to get my in-laws to move from Arizona. Ultimately we may decide to retire in Fort Collins, although should this change take place, it is unfortunate that we'll have to reconsider whether we can continue to hold this property and our connection to the city.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and

parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,

--

David

Thank you for your time and attention in reviewing my response.

I can be reached at 206 369 4637 if you'd like to discuss over the phone.

Thanks, David

On Mon, Apr 14, 2025 at 9:44 AM Ginny Sawyer <GSawyer@fcgov.com> wrote:

Hi David,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

The [Planning and Zoning Commission](#) will be considering not allowing any NEW non-primary STRs at their hearing on May 15, 2025 (not Council.)

Thanks again for writing.

ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office

[City of Fort Collins](#)

300 LaPorte Ave
970-224-6094 office

gsawyer@fcgov.com

From: david cordova <dcordova63@gmail.com>

Sent: Saturday, April 12, 2025 6:18 AM

To: City Leaders <CityLeaders@fcgov.com>

Cc: Noah Beals <nbeals@fcgov.com>

Subject: [EXTERNAL]

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

We have gone out of our way to enhance the quality of the property, including regular lawn maintenance, spending significant dollars to improve on the look and feel of the property, and hiring the best available property managers that are respectful and knowledgeable about Old Town North. We also regularly spend time at our property, which was purchased not with the intent of making money, but rather as a placeholder for us in Fort Collins, where my brother in law is a very active member of the community and where we hope to get my in-laws to move from Arizona. Ultimately we may decide to retire in Fort Collins, although should this change take place, it is unfortunate that we'll have to reconsider whether we can continue to hold this property and our connection to the city.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and

directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,

--

David

--

David

From: [Emma Cech](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] short term rentals in the old town north neighborhood
Date: Tuesday, May 13, 2025 11:02:40 AM

To whom it may concern,

I oppose the proposal to not allow any new STR's in Old Town North. I own a house on Cajetan Street (which I live in part time and AirBnb part time). This is a quiet neighborhood and I have never been impacted by any noise, parking, or traffic issues relating to other AirBnbs in the area.

I travel about 6 months of the year and I stay only at AirBnbs. While traveling I support the local economy, as I believe AirBnb guests support the Fort Collins economy. If the city does not allow Airbnbs, I tend to not visit.

A lot of our guests are families with dogs. We provide bicycles, city maps, restaurant and coffee shop recommendations for them during their stay. Fort Collins has very few hotels - and very few campgrounds. If the AirBnbs did not exist - I believe that many of the families would choose not to visit Fort Collins. As the cost of 2 or 3 hotel rooms would be prohibitive and they would also have to board their pets. I believe this would have a negative impact on the revenue brought into Fort Collins by the tourist industry.

I believe that the current AirBnb Policy Fort Collins is very effective. AirBnbs are limited to one area - which is close to downtown. This provides an area for tourists to stay - without impacting the majority of the city. Residents who are desiring to change the policy - bought into the neighborhood knowing that STRs were allowed in the neighborhood. This is like purchasing a house next to an airport and then demanding the airport close because of the noise. If they did not want to live in an AirBnb neighborhood - there are plenty of neighborhoods in Fort Collins where it is prohibited to AirBnb - they should have purchased in one of those areas.

Please vote no to changing the current policy.

Best,

Emma Cech
262 Cajetan Street

From: [Cassandra Yoder](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] STR Restrictions
Date: Tuesday, May 13, 2025 3:00:54 PM

To Whom It May Concern,

My husband and I are permanent residents and homeowners in Old Town North. We are writing in response to the multiple emails and letters regarding short-term rentals (STRs) in our area.

As long-term residents of our home, we wanted to express our support for the presence of STRs in the neighborhood. When we purchased our home, we were fully aware of the STRs surrounding us. In fact, both houses adjacent to ours are STRs. We have found that these rentals do not present significant issues, such as noise concerns. On the contrary, we appreciate the transient nature of our neighborhood, as it contributes positively to local businesses and the broader community in Old Town.

We are opposed to any measures that would restrict STRs in our neighborhood. Prior to moving to Fort Collins, we also enjoyed staying in STRs while exploring the area, and we feel strongly that others should have the same opportunity.

Thank you for your time and consideration on this matter.

Cassandra Yoder, MD, FACOG (941) 782- 7960

From: [Kay Osentowski](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] STRs in OTN
Date: Monday, May 5, 2025 5:13:30 PM

Hi,

As an owner of short term rentals in old Town North, I am very concerned as to what is happening. Can you please share with me what the proposal is that is going to be presented? Many STR owners work diligently to maintain beautiful homes. Many of us have our entire retirement portfolios invested here. If you could share the proposal I would love a chance to review it before the meeting. Thank you very much.

Kay Osentowski
NCREB
160 Fairway Lane
Fort Collins, CO 80525

970-420-9005

From: [Sara Horner](#)
To: [Krista Kidwell](#); [Development Review Comments](#); [Noah Beals](#); [City Leaders](#); [Ginny Sawyer](#); [Em Myler](#)
Subject: [EXTERNAL] Support for Non Primary Short Term Rentals in Old Town North
Date: Monday, May 5, 2025 12:53:43 PM

Dear City Leaders,

I am writing to express my support for the continued allowance of Non-Primary Short Term Rentals in Old Town North.

These rentals provide tourism, diversity, and are good for our local economy.

I have had several clients who were moving to the area who have stayed in these wonderful rental properties. Clients appreciate the ability to stay in a home setting rather than a hotel.

As part of the real estate purchase process, potential buyers are given access to the Home Owner Association documents to review (unless the Buyers have waived this right) as part of their due diligence process.

My husband and I own a couple of Short Term Rentals and our property management company is professional, timely, and on-top-of-things to make the experience terrific for guests and to be good neighbors.

Next, I think it's important to note that if City Council starts regulating Home Owner Association issues, this feels like over-reach and like a precedent that could quickly get out of hand.

Finally, **thank you** for ALL your time, effort & energy you put into making our community great. I am grateful to live in, be invested in, volunteer in, and work in the City of Fort Collins.



photo



Sara Horner

Broker Associate/Partner
The Group Real Estate

☐ [970-443-8556](tel:970-443-8556)

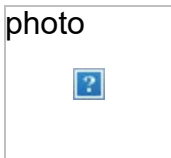
☐ shorner@thegroupinc.com ☐ SaraKHorne.com

www.instagram.com/sarahornerthegrouprealestate/

Leave a Review

<https://g.page/r/CbJCUZRws9cMEBM/review>

☐ [401 W Mulberry St, Fort Collins CO 80521](#)



From: [Tim Cogil](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Support for STRs in Old Town North
Date: Thursday, May 8, 2025 10:25:30 AM

Dear City Leader,

I'm writing to express my **support for the continued allowance of Non-Primary Short-Term Rentals** in Old Town North. These rentals serve an essential role in providing accommodations for visitors, particularly as **hotel options in Fort Collins remain limited**.

Rather than creating disturbances, STRs have **enriched our neighborhood** by bringing diverse guests who actively **support local businesses, enjoy our green spaces, and engage with the community**. Their presence strengthens—not diminishes—Old Town North's vibrancy.

Additionally, STR homeowners maintain their properties with care, ensuring these rentals remain a **positive presence** in our area. I personally have experienced no parking or noise issues related to STRs, reinforcing that they are **an asset, not a nuisance**. Any concern that is being voiced can be addressed through enforcement of current ordinances.

I urge city leaders to continue supporting this **mutually beneficial** arrangement that serves visitors, residents, and Fort Collins as a whole.

Thank you for your consideration.

Best regards,

Tim Cogil

381 Osiander St

From: [Caley Follmer](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Written Support for STR Changes in Old Town North
Date: Friday, May 9, 2025 12:39:39 PM

Hello, I'm writing to provide written comments in advance of the Planning and Zoning Commission Hearing on 5/15.

I'd like to express my strong support for the proposal to restrict future non-primary STR licenses in Old Town North. I'm even hopeful that the team works to enact further restrictions but am very pleased with this start and appreciate the City's hard work and consideration of the matter.

Those who are against this measure are sharing that the city should focus on enforcement not restriction of licenses. While I agree that enforcement of existing STR's should be improved, a perfect STR is still a STR. The main issue with our neighborhood currently is the lack of community. I've lived here for 6 years now (368 Cajetan St.) and have watched as every year one of the properties near me turns from a friendly neighbor into a hotel. Who can I turn to if I need to borrow a cup of milk or sugar? Who can I ask to check if I have packages on my front porch or to keep an eye out on my home while on vacation? With a new family, bachelorette party, or sports team checking in every week, I miss out on the point of a neighborhood - Community.

No amount of enforcement can bring community. Only limiting STRs can change that.

I look forward to sharing verbal comments at the meeting on May 15th.

Thank You,

Caley Follmer

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North Short Term Rental Concerns
Date: Wednesday, May 7, 2025 2:15:18 PM

From: Nancy Derderian <nancy.derderian@gmail.com>
Sent: Monday, May 5, 2025 11:06 AM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>; Ginny Sawyer <GSawyer@fcgov.com>
Subject: [EXTERNAL] Old Town North Short Term Rental Concerns

Dear Mayor Arndt, City Manager DiMartino and Councilmembers,

As a resident of Old Town North (OTN), I'm so pleased to hear that the City Manager's office has recommended ending new licenses for non-primary Short Term Rentals (NP-STR) in our neighborhood.

My husband and I, now in Fort Collins for 11 years, moved to our modern, newly constructed single-family home in OTN 3 years ago. We were attracted to its location - the Foothills view, walkable and bikeable to the River, breweries, Atzlan Community Center, Downtown and other stores, restaurants and venues along North College, such as Jax and The Lyric. We were captivated by its unique contemporary architecture, the preponderance of front porches and rooftop patios, the blend of single and multi-family homes, a small neighborhood with small yards and generational diversity. We quickly discovered a community - neighbors who watch out for each other and help each other with things like monitoring homes while the neighbor is away, shoveling snow and picking up trash.

Along with the availability of licenses, these attributes make our neighborhood attractive to investors seeking NP-STR's. I have been approached by individuals outside of my home, or at my front door, who desire to buy properties in the neighborhood. Already burdened with 20% of all STR's in the city, we suffer an unfair concentration of problems associated with NP-STR's, including noise, late parties, trash, extra traffic on narrow streets and alleys, illegal parking. NP-STR owners and their renters do not have a personal stake in keeping our neighborhood clean, quiet and safe. The more NP-STR's we have, the more our residents are isolated from neighbors.

OTN may have been initially developed as part of a commercial-residential transition area, but its predominant residential focus has evolved organically as more people have chosen to establish lives in our nontraditional neighborhood that is distinct in character and engenders mutual support. Please help us to continue on that trajectory by permanently blocking new licenses for NP-STR's, forbidding transference of existing licenses to other addresses, and finding ways to gradually reduce the current high concentration of NP-STR's in OTN.

I am looking forward to the May 15th Planning and Zoning session at City Hall.

Best regards to all,
 Nancy Derderian

Nancy Derderian
 508 Osiander Street
 Fort Collins, CO 80524

ph 970-692-3700

nancy.derderian@gmail.com

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North Short-Term Rental Regulation
Date: Wednesday, May 7, 2025 10:57:33 AM

From: Kyle Keeler <kylekeeler@gmail.com>
Sent: Tuesday, May 6, 2025 10:40 PM
To: Noah Beals <nbeals@fcgov.com>; Ginny Sawyer <GSawyer@fcgov.com>; City Leaders <CityLeaders@fcgov.com>
Subject: [EXTERNAL] Old Town North Short-Term Rental Regulation

City Leaders,

My name is Kyle Keeler, and I have been a resident of Fort Collins for over 20 years. In 2015, I designed and, with the help of my brother, built the home my wife and I live in today in Old Town North. I'm also the vice president and longest-serving director of the Old Town North HOA. I write to you both as a long-time and involved community member and on behalf of my parents, Jack and Gail Keeler, who are at a critical point in their housing journey and retirement planning.

When my wife and I purchased our property in Old Town North a decade ago, we did so with the clear intention of operating a short-term rental (STR). At the time, STRs were largely unregulated, and Old Town North, with its Community Commercial North (CCN) zoning, appeared uniquely suited for this kind of use. We designed and built our home with STR functionality in mind and have operated our property responsibly for years, living in the rear unit while hosting guests in the front.

We've seen both the benefits and the challenges STRs bring to a neighborhood. While we've always prioritized being good neighbors and thoughtful hosts, we've also witnessed the rise of absentee STR owners and commercial management companies that have affected the neighborhood dynamic. In response to these changes, and in fear that if we don't use our property as a non-primary STR we will lose the right to do so, we recently made the difficult decision to move out and convert our rear unit into a second full-time STR. Ironically, the very thing we tried to manage responsibly ultimately contributed to our decision to leave. We would like to eventually move back into the neighborhood but will not be able to do so if the city follows through on its proposed plan to grandfather in existing and ban new STRs.

Now, my parents find themselves in a similarly complex situation. They purchased a lot at 232 Pascal Street with the dream of building a modest two-unit home: one to live in, and the other to operate as a short-term rental to help support themselves during retirement. They also hoped to retain the flexibility to use both units as STRs in the future if they ever needed assisted living or faced unexpected expenses in old age.

However, under the city's current STR policy proposals, they may not be eligible for a non-primary STR license simply because construction has not yet been completed. This timing technicality creates an unnecessary and deeply concerning financial gap at a time when

stability is most important for them.

Their case is indeed unique, and likely not representative of most property owners in Old Town North. But it illustrates the kind of personal impact that broad policy changes can have on real people, especially older residents with limited options. They understand and respect the concerns of full-time residents and are themselves planning to be part of the neighborhood. They hope to contribute positively, not only through their presence but through their thoughtful, modest housing project.

What's particularly troubling is that these proposed changes would create a two-tiered system: current STR owners would be grandfathered in, while new owners, like my parents, would be excluded based solely on timing. This would grant permanent privileges to some while denying the same opportunity to others, based on little more than whether a project was completed by an arbitrary deadline. That's fundamentally unfair, and it contradicts the city's commitment to equity and community support.

I see three potential directions the city could take:

- 1.
- 2.
3. **No further regulation**
4. – This could be viable. STR growth in Old Town North has slowed, and the neighborhood may already be reaching its natural cap based on financial feasibility. Furthermore a change now could be financially devastating for some as illustrated by my parents' case.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
11. **Grandfather existing non-primary STRs and ban new ones**
12. – This is, in my view, the most problematic. It would entrench inequalities, inflate existing STR property values, and devalue others, like my parents', before they've even had the chance to participate.
- 13.
- 14.
- 15.
- 16.
- 17.

18. **Ban all non-primary STRs citywide**

19. – This would be the most equitable approach, and because of that, while I don't like it, I would support it. Returning neighborhoods to residents and boosting long-term rental availability. If the city determines that non-primary STRs are a problem, this

20. should be addressed across Fort Collins, not just in Old Town North.

21.

22.

23.

What must be avoided is a patchwork policy that singles out specific neighborhoods like ours simply because they have visible concentrations of STRs or because a few voices have been louder than others. Fort Collins needs consistent, equitable policies, not special carve-outs or reactive rule-making.

If the city moves forward with the proposed changes to STR regulations, I respectfully urge you to include a provision allowing property owners a grace period after receiving a certificate of occupancy to apply for a non-primary STR license. This would offer a fair and reasonable path forward for families like mine, who are not seeking to exploit the system but to live and age in our community with dignity and support.

Sincerely,

Kyle Keeler

Vice President, Old Town North HOA

From: [Em Myler](#)
To: [Development Review Comments](#)
Subject: Fw: [EXTERNAL] Old Town North Short-term Rental Regulations
Date: Wednesday, May 7, 2025 12:09:00 PM

From: Randy <randallrothwell@gmail.com>
Sent: Monday, May 5, 2025 5:24 PM
To: City Leaders <CityLeaders@fcgov.com>
Subject: [EXTERNAL] Old Town North Short-term Rental Regulations

To Whom It May Concern,

I'm writing to share my thoughts on the proposed changes to short-term rental (STR) zoning in Fort Collins, particularly in Old Town North. Thank you for considering my perspective. As a long-time Northern Colorado resident, I'm proud to welcome visitors to our vibrant community! My family's roots here go back to the late 19th century, when my great-great-grandparents relied on a temporary rental while purchasing their first farm in the newly formed Larimer County. Similarly, when I returned to Fort Collins after time away, I stayed in a vacation rental while transitioning to long-term housing. Temporary housing options like these play a vital role for many — new residents, families of students, visiting workers, and others.

Through my work, I've traveled extensively and spent over 1,000 nights in vacation rentals across the country, always supporting local businesses and respecting neighbors. Most STR guests are like me — responsible travelers looking for a home-like experience with a kitchen and living space. Limiting STR options restricts Fort Collins' ability to accommodate visitors and new residents, which in turn impacts our local economy and community.

Today, I have a great career in Fort Collins and am preparing to buy a home. I'm concerned that zoning rules, developed through years of thoughtful planning, could be upended by a few vocal opponents rather than through balanced, data-driven decision-making. I attended the recent Open House at the Fort Collins Library and was disheartened to see two individuals filling out dozens of comment notes, heavily skewing the city's public input process. This small sampling does not reflect the broader community's sentiment.

I urge the City to work collaboratively with property owners, managers, and groups like the Old Town North HOA to address concerns through thoughtful rules and bylaws — not by stripping property rights or diminishing home values based on a few complaints. With cooperation, Fort Collins can uphold its commitment to "exceptional service for an exceptional community" while preserving both community character and property owner rights.

Thank you for your time and thoughtful consideration.

Randall Rothwell
1212 Raintree Drive #J193
Fort Collins, Colorado
80526

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North STR Regulation
Date: Tuesday, May 6, 2025 5:16:04 PM

From: Jack Keeler <jackleekeeler@gmail.com>
Sent: Tuesday, May 6, 2025 4:11 PM
To: City Leaders <CityLeaders@fcgov.com>; Ginny Sawyer <GSawyer@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North STR Regulation

Dear Mayor Arndt, Councilmembers, Noah, Ginny, and Planning Staff,

I am writing regarding our property at 232 Pascal Street in the Old Town North neighborhood. My wife, Gail, and I purchased this lot in 2016 with the intent of building a two-unit home: one unit for our primary residence and the other as a short-term rental (STR) to supplement our retirement income. Now in our mid-70s, we rely on Social Security and have planned this project as a means of securing financial stability in our retirement years.

After the purchase, we began designing the home, gathering bids, and compiling documents to apply for a building permit. However, the COVID-19 pandemic in early 2020 caused construction costs to surge, forcing us to pause and redesign the project to make it more affordable.

In 2022, we resumed work, but serious health challenges delayed us again. In April 2023, we were struck by a drunk driver and sustained significant injuries. I spent 18 months in rehabilitation due to a broken neck and concussion. Gail also suffered multiple broken bones and was unable to work on the project for over a year.

Given these unforeseen setbacks and our current physical limitations, we redesigned the home again—this time smaller and single-story, to avoid stairs. Our plan remains to live in one unit and use the other as an STR to generate necessary income. To date, we've invested more than \$70,000 in architectural and engineering services, over \$40,000 in property taxes, and \$10,000 in contractor services and permitting fees.

We are also aware that, as we age, we may eventually need to relocate to an assisted living facility. In that case, we had hoped to rent out both units of the home as non-primary STRs to help cover those future expenses.

Unfortunately, we've been informed that the City may only "grandfather in" existing STRs under new regulations. Since our home is not yet built, we are currently ineligible to apply for

a non-primary STR license. This puts our retirement plan at serious risk.

We understand that our situation is unusual and may not have been considered in the broader policy discussions around STRs in Old Town North. We empathize with both sides of the debate—as future residents and responsible STR owners—and we believe our project offers a respectful balance of both perspectives.

We respectfully request that the City consider including a provision allowing newly constructed homes a reasonable period following the issuance of a Certificate of Occupancy to apply for a non-primary STR license. We have invested heavily in this project, both financially and emotionally, and we are simply seeking the chance to complete what we started with some assurance that our retirement plan can move forward.

Thank you for your time and thoughtful consideration. I can be reached at 303-710-9900 or jackleekeeler@gmail.com.

Sincerely,
Jack Keeler

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Restrictions in Old Town North
Date: Wednesday, April 30, 2025 6:21:19 PM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Monday, April 28, 2025 8:57 AM
To: Jennifer Kelly - Realtor <jenniferkellyteam@gmail.com>; Kelly DiMartino <KDIMARTINO@fcgov.com>; Tyler Marr <tmarr@fcgov.com>; Em Myler <emyler@fcgov.com>; Noah Beals <nbeals@fcgov.com>; Jeni Arndt <jarndt@fcgov.com>; Susan Gutowsky <sgutowsky@fcgov.com>; Julie Pignataro <jpignataro@fcgov.com>; Tricia Canonico <tcanonico@fcgov.com>; Melanie Potyondy <mpotyondy@fcgov.com>; Kelly Ohlson <kohlson@fcgov.com>; Emily Francis <efrancis@fcgov.com>
Subject: RE: [EXTERNAL] Opposition to Proposed STR Restrictions in Old Town North

Hi Jennifer,

Thank you for your email to City Council and others. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

ginny

Ginny Sawyer
 Project and Policy Manager
 City Manager's Office
[City of Fort Collins](#)
 300 LaPorte Ave
 970-224-6094 office
gsawyer@fcgov.com

From: Jennifer Kelly - Realtor <jenniferkellyteam@gmail.com>
Sent: Friday, April 25, 2025 5:29 PM
To: Kelly DiMartino <KDIMARTINO@fcgov.com>; Tyler Marr <tmarr@fcgov.com>; Ginny Sawyer <GSawyer@fcgov.com>; Em Myler <emyler@fcgov.com>; Noah Beals <nbeals@fcgov.com>; Jeni Arndt <jarndt@fcgov.com>; Susan Gutowsky <sgutowsky@fcgov.com>; Julie Pignataro

<jignatario@fcgov.com>; Tricia Canonico <tcanonico@fcgov.com>; Melanie Potyondy <mpotyondy@fcgov.com>; Kelly Ohlson <kohlson@fcgov.com>; Emily Francis <efrancis@fcgov.com>

Subject: [EXTERNAL] Opposition to Proposed STR Restrictions in Old Town North

Dear Mayor Arndt, Members of the Fort Collins City Council and others:

I hope this message finds you well. Thank you for your time and service to our community. I am writing to respectfully voice my strong opposition to any further restrictions on Non-Primary Short-Term Rentals (STRs) in Old Town North (OTN).

Further limiting STRs would directly conflict with several of the City's key 2024 Strategic Plan objectives, including:

- **Increasing housing supply, type, choice, and affordability** (NCV 1)
- **Building vibrant, walkable neighborhood centers** (NCV 4)
- **Fostering local economic opportunity and removing barriers for small businesses** (ECON 1)
- **Supporting cultural engagement and recreational access** (C&R 1)
- **Maintaining public trust through transparent, consistent governance** (HPG 2)

Short-term rentals in Old Town North play an important role in achieving these goals. They expand housing options for residents, traveling workers, and families seeking temporary stays. They create essential income opportunities for local property owners, support neighborhood vitality, fuel small business success, and enhance cultural and recreational engagement within our community.

I understand that the City hosted an open house on February 3, 2025, to gather resident feedback regarding STRs in Old Town North. Following this meeting, staff issued a formal memorandum recommending that Non-Primary STRs be prohibited in the neighborhood. I also understand that a proposed land use change to eliminate Non-Primary STRs in OTN is scheduled for discussion at the Planning and Zoning Board meeting on May 15, 2025. While I appreciate the City's engagement efforts, **it is important to recognize that this memorandum does not reflect the views of all residents, nor does it align with the broader objectives outlined in the City's Strategic Plan.** Major policy changes based on limited engagement risk undermining public trust and the inclusive processes Fort Collins is known for.

Restricting STRs at this stage—especially without compelling new data or widespread evidence of harm—would send a troubling signal of inconsistency between the City's stated strategic goals and its actions. It would reduce housing flexibility, hinder local

entrepreneurship, and erode trust among residents who have relied on the City's previously established policies.

Additionally, further restrictions would work against the City's commitment to building interconnected "15-minute neighborhoods," where local amenities, housing, and services are easily accessible. STRs contribute directly to this vision by supporting walkable, vibrant neighborhoods and helping local businesses thrive.

I urge you to uphold the principles set forth in the Strategic Plan and maintain the current framework for STRs in Old Town North. Rather than restricting these opportunities, the City should focus on responsible management strategies that protect community character while allowing residents and local businesses to thrive.

Fort Collins has long been recognized for its thoughtful, forward-looking approach to policy. I respectfully ask you to continue that tradition by preserving the vitality, diversity, and economic opportunity that STRs bring to Old Town North.

Thank you for your time, leadership, and consideration of this important issue. I welcome any opportunity to further engage with the Council to ensure Fort Collins continues to grow in a way that is equitable, vibrant, and true to its adopted vision.

Sincerely,



From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] OTN information
Date: Wednesday, May 7, 2025 10:54:54 AM

From: jacque kinnick <jakinnick@gmail.com>
Sent: Tuesday, May 6, 2025 8:25 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] OTN information

Dear City Leaders,

I'm writing to you not as an investor or business owner, but as a neighbor — a full-time resident who chose to make Old Town North my home for the last 10 years (Fort Collins resident for 25 years) because of the unique sense of community it offers. But that sense of community is being eroded by the growing presence of non-primary short-term rentals (STRs), and I urge you to take action to protect what makes our neighborhood special.

While it's true that short-term guests may occasionally stop by a local coffee shop or walk through the farmers' market, that's not the same as real community participation. A vibrant neighborhood is built on relationships — on shared stories, on familiar faces, on the trust that comes from seeing the same people at the mailbox, the community garden, or the neighborhood meeting. When houses are used as revolving-door accommodations for tourists, that fabric starts to fray.

Transient guests don't attend neighborhood cleanups. They don't help shovel a neighbor's sidewalk after a snowstorm. They don't vote in local elections, or invest in the long-term well-being of this city. And while STRs may generate income for some, what we lose is far greater — the very soul of what makes Old Town North a place worth living in.

And let's be honest: even one poorly managed STR can do real damage. I've seen firsthand the impact of absentee owners — from trash left out on the wrong days to late-night parties and cars blocking driveways and our narrow neighborhood streets. Enforcement is reactive at best, and by the time authorities respond, the guests are often gone and the cycle starts again with the next booking. Saying that "most" STRs are well-run misses the point — this model invites instability by design. **If we can't guarantee consistent, responsible stewardship, then we shouldn't be allowing commercial enterprises in residential zones.**

Zoning exists for a reason — to protect the character, safety, and livability of our neighborhoods. I ask you to uphold those values. Our homes should be for neighbors, not for nightly rentals. Let's preserve housing for families, for workers, for people who want to put down roots and stay. Let's build a city that prioritizes long-term livability over short-term gain.

Please listen to those of us who live here every day. Please vote to end non-primary short-term

rentals in Old Town North.

Thank you.

Jacque Kinnick

369 Pascal Street

970-481-6853

On Mar 16, 2025, at 9:04 PM, jacque kinnick <jakinnick@gmail.com> wrote:

Dear City of Fort Collins Leaders,

Our Choice City does a tremendous job on so many things. I want to share how much I appreciate the good decisions that have been made with so many aspects of life in Fort Collins, especially the incredible bike paths that allow us to safely bike all over town, the Mason Street corridor, and our impressive natural areas. The hard work and thoughtful decisions by our city leaders and city employees shows!

As a long time resident of Old Town North, I am confident that you'll make a good decision on Short Term Rentals. OTN asks that our neighborhood be brought into alignment with the rest of the City. We request a **Primary STR designation** in the Land Use Code.

Homes, not Hotels in OTN!

Thank you for your time and attention on this matter.

Jacque Kinnick
369 Pascal Street
970-481-6853

From: [Rupa Venkatesh](#)
To: [lxbeauvi](#); [City Leaders](#); [Noah Beals](#)
Cc: [Development Review Comments](#)
Subject: RE: [EXTERNAL] OTN - Short Term Rental
Date: Monday, May 12, 2025 7:37:39 AM
Attachments: [image001.png](#)

Good morning, Luc:

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

As you may know, staff recently hosted an open house to hear directly from residents in Old Town North. We are taking that information and sharing with Council as we work to develop possible options to help address these issues and your perspective is very important to us. As soon as we have a time frame and options developed, we will share with the neighborhood.

The [Planning and Zoning Commission](#) will have a hearing on this topic at their May 15th meeting. You are welcome to join us at the hearing, either in person at 300 Laporte Ave., or virtually on Zoom by using this link: <https://fcgov.zoom.us/j/97548330954>. The hearing starts at 6 p.m. You can make an additional comment by speaking either in-person or virtually at the hearing.

Thanks in advance,

Rupa

Rupa Venkatesh

Assistant City Manager
City of Fort Collins, CO
970.221.6684 office
561.289.6176 cell



From: lxbeauvi <lxbeauvi@gmail.com>
Sent: Saturday, May 10, 2025 10:22 AM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] OTN - Short Term Rental

Dear City Council, Mayor, and Managers,

We are very pleased to hear that the city is considering limiting non-primary STR's in our Old Town North (OTN) neighborhood. Thank you for listening to our concerns.

Just to sum up the situation before the city planning and zoning meeting, our neighborhood is at around 20% short term rental with a street like Jerome where 50% of the doors are short term rental. I highly doubt that the city of Fort Collins would ever approve a new residential neighborhood to be built that way.

I really appreciate the consideration to put a hold on issuing new short term rental permits in OTN while considering a resolution for short term rental concerns in Old Town North.

Best regards

Luc Beauvillier
244 Pascal St

From: [Rupa Venkatesh](#)
To: [Connor Kelly](#); [City Leaders](#)
Cc: [Development Review Comments](#)
Subject: RE: [EXTERNAL] Please Follow the Rules and Focus on Enforcement
Date: Thursday, May 1, 2025 1:03:50 PM
Attachments: [image001.png](#)

Good afternoon, Connor:

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

As you may know, staff recently hosted an open house to hear directly from residents in Old Town North. We are taking that information and sharing with Council as we work to develop possible options to help address these issues and your perspective is very important to us. As soon as we have a time frame and options developed, we will share with the neighborhood.

The [Planning and Zoning Commission](#) will have a hearing on this topic at their May 15th meeting. This meeting is held at City Hall in Council chambers and starts at 6pm. If you have any additional comments for the Commission, please email devreviewcomments@fcgov.com. Staff will ensure the Commission receives your comments.

Thank you again.

Rupa

Rupa Venkatesh

Assistant City Manager
City of Fort Collins, CO
970.221.6684 office
561.289.6176 cell



From: Connor Kelly <respectnoco@gmail.com>

Sent: Thursday, May 1, 2025 8:00 AM

To: City Leaders <CityLeaders@fcgov.com>

Subject: [EXTERNAL] Please Follow the Rules and Focus on Enforcement

Dear Planning & Zoning Commission,

My name is Connor Kelly and I'm a 28-year-old homeowner in the Mosaic neighborhood. I'm also an Eagle Scout, and I believe in setting goals, doing the right thing, and following the rules.

One of my goals is to own another investment property someday. I would like to be able to rent it in a way that works for me – with flexibility on who I rent to and for how long. That's why I don't support changing the zoning to remove Non-Primary Short Term Rentals in Old Town North or in any other location in the future.

For the last four years, I've had a long-term rental next door, and it has been a terrible experience. The tenants had three dogs that barked all the time. They didn't pick up after them, and the smell made it impossible to sit on my patio because of the smell and flies. The yard was full of weeds and never mowed. It looked terrible.

This shows that the problem isn't with STRs – it's about how a property is managed. The City already has rules and departments to deal with these problems and the HOA has rules that need to be followed as well. If there is an issue, the HOA or the police or code enforcement can respond.

As someone who follows the rules, I think the City should too. Zoning changes should follow the right process, with notice and community input. It is my understanding that the process hasn't been followed properly and for that reason, I am opposing any zoning changes in Old Town North and requesting that the City and Code Enforcement enforce the rules already in place.

Thank you for listening.

Warm Regards,

Connor

--

Connor Kelly

From: [Noah Beals](#)
To: [Ann Hutchison](#)
Cc: [Mark Driskell](#); [Development Review Comments](#)
Subject: RE: Materials missing from P&Z Packet?
Date: Tuesday, May 6, 2025 11:08:30 AM
Attachments: [image001.png](#)

Hello Ann,

Thanks for the email. We appreciate all the comments and we will get these to the Planning & Zoning Commission and City Council for the public hearings.

I can provide some insight into the current approach. 2017 is when the STR regulations were adopted. We have been working with the current regulations for the last eight years. When these regulations were designed the intent was not to overly impact residential neighborhoods. With that in mind very few residential neighborhoods allow for Primary STRs and Non-primary STRs were reserved for neighborhoods where other commercial uses such as Hotels are allowed. The CNN zone was designed to be a mix of both commercial and residential uses. However, in time as Old Town North fully developed it has become mostly residential. The complaints about STRs in Old Town North have been throughout the years. Yes, we did conduct an open house this year where we received more comments than we have ever had before. The approach for presenting a code change allows the decision makers (Council) have discussion if a change should be made.

Yes, nuisance laws are enforced and they will continue to be regardless of the outcome of the proposed code change. The complaints received typically come in after regular business hours leaving it to Police Services to respond. By the time the police respond to nonemergency calls the nuisance may already be resolved or police may ask it to be corrected and no further action is taken. In these scenarios there is not sufficient evidence to revoke a license.

We recognize an HOA could further restrict themselves when it comes to this issue, and the City does not enforce HOA laws. Typically an HOA would need to have better monitoring and enforcement to be further restrictive. We have spoken with residents of Old Town North through the years and invited them to work with their HOA. The response we have heard from them is there are too many HOA board members who own Non-primary STRs to make any changes. We can't say if that is true or not but it has been a response.

Again the proposed code change only eliminates the City's ability to issue any new Non-primary STR licenses. This does not remove any licenses already issued or the ability to renew such licenses.

The complete materials for Planning & Zoning Commission meetings agenda items are found in the regular meeting agenda <https://records.fcgov.com/BoardsCommissions/DocView.aspx?id=21072166&dbid=0&repo=FortCollins>. This item will start on page 15 of the file.

Regards,

Noah Beals, AICP

Development Review Manager | City of Fort Collins
nbeals@fcgov.com | 970.416.2313 direct

From: Ann Hutchison <ahutchison@fcchamber.org>
Sent: Monday, May 5, 2025 4:38 PM
To: Noah Beals <nbeals@fcgov.com>
Cc: Mark Driskell <driskellrealty@gmail.com>
Subject: [EXTERNAL] Materials missing from P&Z Packet?

Hi Noah -

The Chamber is tracking the conversation related to STR and Land Use Code Changes in CNN as we are concerned that this conversation is moving far too quickly and is using a tool (land use code changes) that is too drastic for the concerns expressed by residents. I'm a bit confused as to why nuisance codes aren't being used and why we would change base code before trying localized management through the already established HOA in the area.

I'm equally confused as to why there were no supporting materials related to this topic for the May 9 Planning and Zoning packet.

<https://records.fcgov.com/BoardsCommissions/DocView.aspx?id=21072180&dbid=0&repo=FortCollins>

I'm hoping I'm just missing something. Any insight is appreciated.

Ann

Ann Hutchison, CAE

President & CEO

Fort Collins Area Chamber of Commerce

ahutchison@fcchamber.org

o: (970) 482-3746

m: (970) 218-2268

web: www.FortCollinsChamber.com

[Facebook](#) | [Twitter](#) | [LinkedIn](#)



From: [Noreen Linke](#)
To: [City Leaders](#); [Noah Beals](#); [Development Review Comments](#); [BuildingServices](#)
Subject: [EXTERNAL] NP-STR comments and Thank you!
Date: Saturday, April 12, 2025 4:57:14 PM

To Whom it May Concern:

I am an owner/occupier of my residence at 251 Cajetan Street in Old Town North.

This is a follow-up to an email I sent on March 14 regarding the Non-Primary Short-Term Rental (NP-STR) situation we are in here at OTN.

I would like to thank the responsible parties in the city for their kind attention to our concerns as owners who reside here, and who have heard the negative impact that some of us are currently experiencing.

My husband and I have a NP-STR directly behind us in the alley, and as a result have experienced property damage which required considerable resources and time to rectify, trash problems, parking problems, and at times a lack of respect by the short-term renters. In my previous email, I delineated our difficulties and asked for a moratorium on the issuance of any new NP-STR licenses and ultimately a decision by the city for a reasonable maximum percentage (a limiting) of licenses to be issued annually to NP-STR owners in OTN. It is my understanding that there are currently no restrictions or limits on the number of NP-STR licenses and we are the only neighborhood in Fort Collins in this situation. The NP-STR free-for-all is causing our neighborhood to become much more commercial in nature than residential, and we are losing our sense of "neighborhood". Some of us have owned since very early on in the development of OTN and we purchased our homes to live in a place where we could know our neighbors and feel a sense of community with them, which is impossible when one is surrounded by the constantly transient population that NP-STR creates. And it was never the intention for this neighborhood to become so substantially commercial.

OTN is such a free-for-all that another lot behind us, adjacent to the current NP-STR directly behind us, has applied for a building permit to build what will be a non-compliant, non-conforming structure whose only purpose is to maximize NP-STR rental profit and is a structure that no one could permanently live in as it lacks some basics required in a permanent home, and yet it is my understanding the city issued the building permit. An independent local broker performed a detailed property value analysis which demonstrated that if this structure is allowed to proceed, it will devalue all the homes around it by an average direct adjacency discount of 19.6% and an average indirect adjacency discount of 12%. This is not protecting the property rights of owners who occupy their homes. I am sharing these things to further illustrate the importance and magnitude that this issue has risen to in OTN.

Since my March email, it has been brought to my attention that the city is working on preventing any new NP-STR licenses in our Old Town North neighborhood. This development would go a LONG way to addressing the issues. It will help stop additional homes from being bought up by investors simply for that commercial purpose, and it would prevent substandard homes from being built for the sole commercial purpose of maximizing STR profits.

We also hope there will be some further steps by the city to bring the number of current NP-

STR's in our neighborhood down to a more reasonable number/percentage, and/or restrictions on how they could be used. We also don't want to see the existing licenses being "transferred" by investors to new addresses in the neighborhood. We eventually would like to see a higher percentage of residences being occupied by owner/residents and longer-term renters. That will help bring back our residential neighborhood to what it originally was intended for.

Thank you for your kind attention.

Sincerely,
Noreen Linke
251 Cajetan St.
281.770.6686

From: [James Bishop](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Old Town North Comments
Date: Tuesday, February 4, 2025 8:59:58 PM

Hi, I own a home in Old Town North, 220 Cajetan St.

I wasn't able to make last night's meeting due to childcare issues, but I was hoping to weigh in, if I may.

In short, I'm for limiting STRs, especially for investor-purchased properties. However, my wife and I do own an STR. It's our only STR, we manage it thoughtfully and personally (no management company), and it is an important supplement to our income after the homes adjacent to ours became STRs forcing us to move.

We originally bought our house in Old Town North in 2016 hoping to live here long-term. I was on the HOA board for two terms and, honestly, fought for years to limit the non-primary STRs with no success.

However, our neighbors on either side of our house turned their place into an STR and mid-term rental. Our bedroom was literally feet away from the STR's outdoor party space, which significantly impacted our quality of life.

We decided to move in the summer of 2023 when we were expecting our child since the late-night noise was already an issue. To afford our move in 2023, a time when housing costs and interest rates were higher, we had to rely on turning 220 Cajetan St. into an STR ourselves.

So, I write to say I hope there can be some consideration for those who bought in OTN and lived here, only for the neighborhood to force us out.

I know I present a nuanced situation, but I hope there's room for me and the others I know who are like us who left.

James Bishop and Amanda Zoch

From: [Keller, Sarah - FCH](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Old Town North Short Term Rental feedback
Date: Sunday, February 2, 2025 12:03:12 PM

Dear FC official,

I wanted to take a moment to register my feedback on the topic of short term rentals in my neighborhood, Old Town North. I have lived at 350 Cajetan Street since it was built in 2008. As a 16 year resident of the neighborhood (and former HOA board member for several years), I am concerned at how much of the neighborhood has given over to STRs.

- The house directly behind mine (356 Osiander) seems to be a full house, full time STR - and with rooftop lights and a powerful sound system, I have had to call the police with noise violations many times - and they leave their lights on all night all summer (right across from my bedroom windows) - also rooftop parties have triggered many complaints
- Parking in the neighborhood has gotten more difficult and I often find out of town cars parked in front of my house - sometimes for days - leaving no space for my friends or family.
- Our close location to Old Town and many breweries mean the STR guests are often loud and inebriated when returning to the neighborhood.
- I have noticed an increase in dog poop left in my yard (I do not have a dog) when STRs seem their most full.
- I miss having real neighbors - owners or long term rentals - who treat the neighborhood as a place to live - not just an anonymous place to visit.

From what I understand, a paperwork error has allowed our neighborhood to be differently zoned than any other residential area nearby - and the prevalence of STRs in Old Town North has had a detrimental effect on full time residents.

Thank you for your time and consideration,
Sarah Keller
350 Cajetan Street

Sarah Keller, MBA, M.Ed.
National Honor Society Sponsor
Social Studies Department, co-department chair
Fort Collins High School

(970) 488-8150

Inclusion Statement: The Fort Collins High School Social Studies department's mission is to engage students to become informed, compassionate, and empathetic citizens who can positively impact our world. Social Studies is the study of us and our students must feel included and valued in our curriculum. Our commitment to inclusion across race, gender, sexual orientation, religion, identity, and experience drives us as educators. We will strive every day to help young people better understand themselves and be critical thinkers of the world around them

From: [Kyle Leto](#)
To: [Development Review Comments](#); [Noah Beals](#)
Subject: [EXTERNAL] Old Town North STR Rentals
Date: Monday, February 3, 2025 2:15:46 PM

Hello,

I am a homeowner of a townhome on Baum St in the Old Town North Neighborhood and I had planned on attending the meeting this evening at the library regarding Short Term Rentals; but I ended up having something come up for work and I am not going to be able to attend during the timeframe of the meeting.

I have owned my property in Old Town North since 2015 when it was first built, I lived there with my now wife from 2015 to 2017, at which point we moved to a single family home not far away. From 2017 to 2020 we rented out our townhome as a long term rental. We had 3 different renters during that timeframe and during 2020 we made the switch to renting it as a short term rental.

While renting the property as a long term rental we had very mixed experiences. We had one renter that took great care of our property and was attentive to issues; unfortunately the other two renters did not. The last two renters we had completely abused our property, neglected any routine cleaning and maintenance and there was lots of damage that needed to be fixed. This was not only costly to repair; but it also meant that we had to take our property out of the rental market to do work to make it suitable for a new renter, additionally it would take several months after the property was fixed to find a new renter, all the while the it sat empty. These negative experiences are what led us to try switching to using it has a short term rental.

Since making the change we could not be happier. We utilize a local management company to help us and our property has been very well maintained and taken care of since it is cleaned and inspected between each stay and we don't have to worry about something going wrong and not knowing about it. We are also able to utilize our property for our own stays for family and friends; which has been great for us as we don't have any family locally and it has made it much easier for them to visit us and our children. For example, at the time of me writing this, we have a 3 week old and my wife's parents are staying in our townhome for 6 weeks to help us with our newborn and our two year old. Without the flexibility of having that property for them, we wouldn't have their help, as they nor us could afford to rent a place for them to stay for that long and we don't have room for them in our existing house.

My wife and I are also very happy that we are able to hold on to our property as it was the first property that we ever owned and it is an investment that is very important to us; using it has a short term rental has allowed us to continue to own it and feel confident that it is being cared for. I know that our property has been utilized by people coming to Fort Collins for a whole variety of reasons and we are happy that it can be utilized by such a wide range of people.

I had really hoped to have been able to attend the meeting this evening as this subject is something that I am very passionate about with having gone through different rental situations; but I appreciate you taking the time to hear about my experiences and I truly hope that we will continue to have the opportunity to rent out our property as a short term rental.

Thank you again for your time:

Kyle Leto
850 Baum St Unit C

From: [Matt V](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Old Town North STRS Meeting Feb 3rd
Date: Saturday, February 1, 2025 11:02:02 PM

Dear Noah Beals and Em Myler,

I am out of town February 3rd and appreciate that you're taking email comments for the Neighborhood open house invitation for Old Town North STRs. I've owned 503 Cajetan St, Fort Collins, CO 80524 where I operated the home as a STR 2017-2020 and then moved in and lived there 2020-present.

I believe the City of Fort Collins established a fair and reasonable process with the STR license and zoning practices. Working within that framework is the way forward. Allowing owners who have properly applied for licensure to keep in the system instead of working outside of it is the best outcome for everyone.

Taylor Scott in the neighborhood left a brochure with several inaccuracies.

- * Unshoveled sideways - for 503 Cajetan, I can state as operated as a STR the snow was shoveled better than myself living there. I paid a snow removal crew that removed it every time. Now that I live here, I'm gone half the time it snows either on a work trip or skiing and it melts by the time I'm home. The fact the HOA does not enforce snow shoveling is a reflection of poor HOA management, not a STR problem.

- * Other nuisances - there are two owners in the neighborhood that walk their dog off leash because it's "their neighborhood" causing problems for my dog walks, I've never had problems with STR visitors even during Tour de Fat.

- * Missing real neighbors - change the STRs all you want, they simply become long term rentals which are still semi-permanent residents and the list of complaints equally applies. It doesn't make sense to ban long term rentals in Old Town North and the same goes for short term rentals.

- * Let's talk about actual problems in the neighborhood. It's not short term rentals, it's the blight on Osiander street where several half finished homes have sat condemned with intermittent squatters.

I commend the City of Fort Collins for a well designed and thought out STR regulations with primary and non-primary options. Changing these regulations doesn't make sense and I oppose changes to the STR process as a long time resident in the neighborhood.

Sincerely,

Matt Veghte

From: [Rhondda Wells](#)
To: [Noah Beals](#); [Development Review Comments](#)
Cc: [Stan Wells](#)
Subject: [EXTERNAL] Old Town North STR"s
Date: Sunday, February 2, 2025 8:20:43 AM

Hello Noah and Em,

My husband and I own two homes in Old Town North, one is a legal STR. The address is 399 Osiander St, STR License Number 620418.

We purchased this home, in good faith, because it afforded us the opportunity to own a Short Term Rental in Fort Collins. We lost our home/STR to the East Troublesome Wildfire which was located in Grand Lake in October 2020. IRS rules dictated that we replace our lost home with a like kind property via a 1033 exchange or pay an exorbitant tax bill. Unfortunately, we were unable to rebuild on our Grand Lake land since we were underinsured and building in the mountains is very expensive. Therefore, we invested in Fort Collins and purchased our replacement STR on Osiander Street.

If we were to loose the ability to own and operate this property as a Non-Primary STR, we would face severe financial consequences as this investment is an integral part of our retirement income.

Therefore, I am pleading with you to "grandfather in" all current legal Non-Primary STR's in the neighborhood. In addition, I believe if we ever sell this home, the new buyer should have the option to continue to operate it as a Non-Primary STR. If the new buyer opts not to renew the license then it would cease to be an STR.

The local company, Mountain Time Vacation Rentals manage our STR. They pay close attention to keeping our home clean and tidy, identify and make needed repairs, and make sure snow is removed in a timely fashion. In addition they have strong rules for the renters, who must be respectful of Old Town North residents. Our STR generates a substantial amount of sales and lodging taxes for the city of Fort Collins. Our STR management fees help employ many Fort Collins residents.

Again, we plead with you to allow us to keep our Non-Primary STR status, and also allow us to market and sell it in the future as an STR. Also, there is a chance that some members of our family might inherit our property in the future. It would be important and only fair that they would also have the ability to keep it as an STR.

Since my husband is quite ill, I probably will be unable to attend the meeting.

We are hoping we will have the opportunity to continue to be a responsible STR owner in Old Town North. Please feel free to call me at 303-740-7441 if you have any questions.

Thank you for taking the time to read this email.

Sincerely,

Rhondda Wells,
303-740-7441

From: colleenmhodge@gmail.com
To: [Noah Beals](#)
Cc: [Development Review Comments](#)
Subject: [EXTERNAL] Old Town North
Date: Monday, February 3, 2025 9:58:04 PM

Noah,

Thank you for being at the meeting this evening regarding Old Town North Short term rentals. I am sure from the turnout of concerned home owners you saw what a big issue this is and it really needs attention, so thank you for listening and I hope you can implement changes quickly.

I did make comments with stickies and placed them on the board but I feel like the space did not allow for me to elaborate on some of the issues that we are dealing with as homeowners.

First we live at 339 Pascal Street. As you know, Pascal is a skinnier street and therefore only allows parking on the south side of the street and we live on the South side of the street. Down the street from us are 3 single family homes that are short term rentals. One house in particular on Pascal allows over 14 people in the unit at once. As a result the parking on the street is maxed out and us as homeowners have no room for visitor parking and we have to deal with people coming and going parking on the street all night long.

In addition, these homes have rooftop decks and the partying goes on all night long sometimes, to the point that we can't have our windows open to enjoy fresh air because of this. Many times outside in the grass and on the sidewalk, we have to gather or walk over beer bottles, cigarette buds and even vomit from the guests. Scooters are often rented and then abandoned in the front yard for pick up.

We have called many times to file a complaint, but it seems to fall on deaf ears, and nothing changes. I know one house has had many complaints. It seems to me that there should be some system to track these complaints and when license renewals are up for the year, there should not be renewals for the properties that had more than 3 or (x number) of complaints. There was a large board at the meeting tonight that had complaints in total numbers in a pie format. So, it seems like the complaint would also have an address associated with it.

Are there any fines to the property owners that own these rentals for complaints?

The other issue is that there are way too many in this area. The homeowners want a community and with all these rentals it seems like it is being taken away. I know that Breckenridge Colorado has similar issues, and I would encourage you to look into the changes that they made. They limited the number of permits issued in the area and downsized the total number of permits. When houses were sold , the permit for short term rental did not automatically renew with the new homeowner. The new homeowner must re-apply for a permit and gets in line with all of the others and would only get a permit if the numbers allowed and he was next in line for a permit. This would start weeding out the quantity of units which we desperately need.

I really encourage you to act fast and start making changes as this is such a frustrating issue and you could see from the turn out tonight that this was indeed the consensus.

Thank you for your time,
Colleen Hodge
339 Pascal St.

From: [Brent Nations](#)
To: [Development Review Comments](#)
Cc: [Noah Beals](#)
Subject: [EXTERNAL] Opposition to Proposed Short-Term Rental Restrictions
Date: Friday, January 24, 2025 1:54:42 PM

Dear Em Myler and Noah Beals,

I hope this message finds you well. I am writing to express my strong opposition to the potential restrictions on short-term rentals in the City of Fort Collins. While I regret that I am unable to attend the upcoming meeting to participate in the discussion and present my views in person, I would like to outline my key concerns and respectfully ask that they be considered as part of the decision-making process.

Firstly, allowing short-term rentals provides significant value to the community. By offering visitors the opportunity to experience Fort Collins in well-maintained homes, complete with hospitality guides, local recommendations, and personalized touches, we enhance the overall visitor experience. This not only promotes repeat tourism but also attracts potential new residents who may be considering relocating to the area. The appeal of staying in a home with shared living spaces is often more attractive than the standard hotel experience.

Secondly, restricting short-term rentals may have unintended negative consequences. Personally, my family has no intention of selling our home, and I believe many other homeowners would make the same choice. The result would be a neighborhood with dark, vacant properties for extended periods, which is not beneficial for the community or the city as a whole.

Even if some homeowners were considering selling, these are luxury properties that would not contribute to the availability of affordable housing. We urge you to honor the established covenants of Old Town North and maintain its status as a visitor-friendly neighborhood. Given its close proximity to downtown, short-term rentals are a natural fit for the area and offer an environmentally sustainable option due to the neighborhood's walkability.

Lastly, the governing documents for Old Town North were designed with the allowance for short-term rentals, and all current residents were aware of these terms when purchasing their properties. Creating regulations now that conflict with these terms could lead to lengthy and costly litigation. As a property owner, I would face the potential loss of significant value—potentially upwards of \$100,000—as well as substantial loss of annual revenues. Should such restrictions be enacted, I would be compelled to pursue legal action to protect my rights.

I appreciate your consideration of these points and urge you to carefully evaluate the broader implications of any proposed changes to the current regulations.

Sincerely,

Brent Nations
538 Cajetan St - Old Town North

512.294.7290

From: [Kay osentowski](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] OTN - 944 Jerome and 938 Jerome units 1,2,3
Date: Monday, February 3, 2025 8:09:32 PM

OTN was a development in bankruptcy. Spencer and I worked incredibly hard. Dealing with the bankruptcy courts and the difficult defaulted loans and the adjoining banks required much negotiation. The former developer worked hard to get the proper zoning for Short term Rentals. This was the catalyst that spurred activity in OTN while there are many single-family residence that we built and others built, and still exist the ability for the average homeowner investor to have the option of STR is a very important aspect of this subdivision.

The development process for a small company, such as ours was very challenging, and we took on a lot of risk along with a lot of debt. The successful status that we worked so hard to create in old town North resulted in a fabulous tax boone for the city. In fact the taxes are so high now in old town north That the average rental for a short term rental is barely paying the taxes. We have a commercial building which we are very close to negotiating a user for. It is contingent upon the Short term Rentals in this neighborhood. They are most excited about that aspect of old town north. Our Short term Rentals are luxury five-star dwellings. To keep a five star dwelling requires much management and very careful screening. Our livelihood depends on our STR's, which is why we manage them so carefully. Making our Short term Rentals good stewards in this neighborhood is very important to us all. A five star review is essential, which is why they are cared for and screened so carefully requiring them to be non-primary STRs's would be the demise of the subdivision and would create huge losses for not only the homeowners, but the city as well. There are also great jobs that have come from these str. Managers, cleaners, construction.

Sent from my iPhone

From: [Christine Dianni](#)
To: [Development Review Comments](#); [Noah Beals](#)
Subject: [EXTERNAL] OTN short term rentals
Date: Wednesday, February 5, 2025 10:17:22 AM

I'm am sorry I couldn't make the meeting for the Old Town North STR concerns.

I have lived at 214 Pascal St since 2007. I am mostly tolerant of occasional large and late night parties, extra cars in the alley and poorly kempt yards - all of which generally occur more frequently in STR's than in long-term neighbors' homes. Having said that, I am disappointed that the neighborhood is missing what could be a stronger sense of respect for one another and more interest in maintaining residents as though someone lives there.

The trouble I see is that each short term rental is a gaping hole in the fabric of the neighbor.

Long-term residents provide a stable connection to the hood - no matter how loose or tight the connection between them and me is. They have an interest in the neighborhood beyond immediate marketability, they have eyes on the street, nearby ones know my kids. At the end of the day, long-term dwellers come home here.

I don't know if it's possible for us as an HOA to give up our HOA lack-of-standards for STR's and adopt the city's. (Or even dissolve the HOA for the single family homes altogether!) Increasing taxes for the STR's sounds like a possibly reasonable action/deterrent.

Please add me to a list of people interested in follow up info, if there is such a thing.

Thank you,
Christine Dianni
214 Pascal St

From: [Caley Follmer](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] OTN Short Term Rentals
Date: Tuesday, January 28, 2025 9:04:23 AM

Hi there - I'm a resident of Old Town North and am looking forward to attending the open house next week. I wanted to send some comments/feedback in advance to make sure I'm able to articulate my concerns clearly.

I am certain you will get feedback from Airbnb/Vrbo owners in the neighborhood and want to make sure the other perspective is also shared.

We live sandwiched between 2 airbnbs (1 immediately to our right and 1 two houses down). The home immediately to our right started as a family home with neighbors we enjoyed being able to ask for sugar from or ask to pull in our packages. Once the home sold - we eventually found out it was purchased by someone who now owns 4 Airbnbs in the neighborhood.

There are significant issues related to our next door airbnbs but also across the neighborhood. When people don't live in the homes full-time, there are issues that don't get addressed - sidewalks are not shoveled (safety hazard), lawns are not taken care of, garbage bins/trash are left out, garages are left wide open. We got a visit from Fort Collins Police just last week because they were performing a welfare check on our next-door Airbnb because the front door was left open as well as the garage. When the Airbnbs do have guests we find that we struggle to find parking, have to report noise violations (we see lots of bachelor/bachelorette parties), deal with disrespectful visitors and more.

The point of a neighborhood is to live in close community with others. We can't do that when we live with such a large percentage of Short Term Rentals. It has made us incredibly sad to see how the neighborhood has evolved with more and more investors looking to make a quick buck because of the lax regulations in our area.

I personally use Airbnb when travelling, so I do understand that it can be a helpful alternative to hotels. However, if left unchecked, this entire neighborhood will turn into a STR space which is unacceptable. We need restrictions to limit the number available or eliminate them.

Thanks for listening,

Caley Follmer

From: nmengland1@aol.com
To: [Development Review Comments](#)
Subject: [EXTERNAL] Re: Re: 3 Feb STRs in Old Town North Open House
Date: Monday, February 3, 2025 10:48:16 AM

Thanks Em,

"How do we maximize the benefits of STRs while addressing the downsides" is a great strategy! I'm willing to help address the downsides.

Mike

On Monday, February 3, 2025 at 11:14:09 AM CST, Development Review Comments <devreviewcomments@fcgov.com> wrote:

Good morning Mike,

Thank you very much for taking the time to send us your comments. Right now our main question is "how do we maximize the benefits of STRs while addressing the downsides." Your comment helps us better understand what those benefits are so we can focus on maintaining them in this process.

Em

From: nmengland1@aol.com <nmengland1@aol.com>
Sent: Friday, January 31, 2025 3:36 PM
To: Development Review Comments <devreviewcomments@fcgov.com>
Subject: [EXTERNAL] Re: 3 Feb STRs in Old Town North Open House

Hi Em,

Thanks so much for the information, but what you write is a little worrisome. I hope I'm not over-reacting and reading too much into your email. It would be a bad decision if the city were to eliminate STR zoning in Old Town North (if that is even a consideration).

- STRs provide great economic benefit to Fort Collins. Our city's wide range of STR accommodations help attract tourists, including visitors who stay longer than they would have if consigned to a cramped and expensive hotel room. We enable visitors to stay close to Old Town and CSU. Our city's visitors surely have a better experience.

- STRs create jobs in Fort Collins. We contract with a property management company and we pay cleaners, regularly. We maintain our property in excellent condition to ensure our guests have a great experience, so we are often hiring

contractors for repairs or upgrades. We spent a lot of money locally to furnish our property. STR owners across Old Town North and Fort Collins do the same.

- We've spent much time in the neighborhood over the last year-plus and have witnessed zero problems caused by STRs. Old Town North seems like a very nice normal neighborhood to us. That is why we purchased a home here. We've received no complaints about our STR from homeowners in the neighborhood. We're not really sure if most properties nearby are STRs or not. Similarly, we received zero complaints about the neighborhood from our hundred-plus guests (straight five-star reviews so far!). In fact, they invariably comment about how nice and quiet the neighborhood is.

- You note the high concentration of complaints about STRs. That's like the people that move next to an airport and then complain about airplane noise! Buyers were aware (or should have been) that Old Town North was zoned for STRs; they should have taken that into account when deciding to purchase. Again, not fair to STR owners to take a bath financially because some residents are complaining after moving into a neighborhood already zoned for STRs.

- We purchased our townhome in Old Town North for the purpose of spending much of the year here in Fort Collins and some winter months in Florida. Utilizing it as a STR is the only way we could afford that arrangement (although we are far from making a profit!). We bought in Old Town North because it's close to Old Town and STRs were allowed. We love the area. It would be terrible if the city were to pull the rug out from under us with a zoning change.

- We recognize that any final decision probably won't make everybody happy. Perhaps a half-measure would be to limit or not allow any more STR licenses nor renew licenses when a property changes hands. Also, STRs could be required to have excessive guest noise detectors and other tools so that STR managers can quickly detect boisterous guests and take fast action.

Thanks again Em! We appreciate your efforts. Let me know if you have questions, comments, or additional information for us.

Mike
(850) 496-1519

On Thursday, January 30, 2025 at 12:58:39 PM CST, Development Review Comments <devreviewcomments@fcgov.com> wrote:

Hi Mike, nice to hear from you again!

Currently we don't have any solid plans for STRs in the Old Town North neighborhood, however it is an area where there is a high concentration of them

and a high concentration of complaints about them, so we're hosting this open house as a means to start a conversation about their impacts on the neighborhood. What we hear will guide us in our decision making.

I've received many comments already, both in support and opposition of any further regulation and it is clear to me that this is a very complex issue. If you'd like to add your voice, I can use your below email as a comment or you can email me more details as well. We would certainly like to hear from you, even if you can't make the open house!

Let me know if you have any questions

Em

From: nmengland1@aol.com <nmengland1@aol.com>

Sent: Thursday, January 30, 2025 11:52 AM

To: Development Review Comments <devreviewcomments@fcgov.com>

Subject: [EXTERNAL] 3 Feb STRs in Old Town North Open House

Hi Em,

Mike England here--we own a townhome on Jerome St in Old Town North. We've talked before.

I can't attend the 3 Feb open house unfortunately. Does the city have something drastic in mind concerning STRs in the neighborhood? I certainly hope not!

Thanks,
Mike
850-496-1519

From: [g.c](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Re: OTN Neighborhood feedback
Date: Saturday, February 8, 2025 11:15:25 AM

One more thought on a potential compromise solution:

Allow and grandfather permanently all existing (built or under construction as of today) units in OTN under current SRT zoning. New and currently planned/permitted but not already under construction does NOT qualify. This could be permanent or a moratorium to be revisited after a couple/few years.

This does need to acknowledge there is a limited number of remaining vacant lots this would impact, so in overall terms that impact is meaningful but not huge.

I support the idea but am guessing this has already been surfaced.

On Feb 5, 2025, at 4:27 PM, Development Review Comments <devreviewcomments@fcgov.com> wrote:

Thanks George, I will add that comment to yours!

Em

From: g.c <carlislegeorge@yahoo.com>
Sent: Wednesday, February 5, 2025 4:19 PM
To: Development Review Comments <devreviewcomments@fcgov.com>
Subject: [EXTERNAL] Re: OTN Neighborhood feedback

I appreciate the prompt feedback. I'll look for any further information as the city proceeds and announces it.

One further point that I intended to make in my previous input, I believe the current zoning is among the primary reasons that properties in OTN have appreciated as much as they have, and that changing from the current STR zoning could substantially reduce my and my neighbors property value.

On Feb 5, 2025, at 3:56 PM, Development Review Comments <devreviewcomments@fcgov.com> wrote:

Hello George,

Thank you very much for taking the time to send us your comments on this topic.

It is still early in this process, and we are focused on collecting feedback that give us a clearer image of how STRs are impacting this neighborhood, so your perspective is very important to us. We haven't made any decisions yet as to what is the best course of action to maximize the benefits of STRs while also addressing the drawbacks.

Please let me know if you have any questions or further comments as we move through this process!

Respectfully,

Em Myler
Neighborhood Development Liaison

From: [ironheartwatkins](#)
To: [Development Review Comments](#)
Cc: [Noah Beals](#)
Subject: [EXTERNAL] Re: STRs in Old Town North Neighborhood, Fort Collins, CO
Date: Thursday, February 27, 2025 8:53:30 AM

Thank you for the response, Em. I do find it fascinating in reading yesterday's news that the city denied a new listening bar a liquor license due to the influx of taverns in Old Town. However, this was never a consideration when allowing over 70 STR licenses in this small neighborhood. Clearly a zoning issue that I hope gets resolved. More permanent neighbors are moving out. This is alarming. If resolution doesn't happen soon, we'll be faced with more STRs coming in and causing disruption.

Some thoughts on solutions:

1. Allow Old Town North parking permits, especially for Pascal Street, where the lane is narrow and parking is only allowed on one side of the street.
2. Paint curbs and handicap ramp areas red, and/or add signage that helps prevent parking within 20 feet of corners. The amount of reported violations on these two issues alone should have already caused action by the city. Yet this remains a perpetual issue.
3. Increase patrol Thurs-Sun evenings and nights, as this seems to be the trending window of difficulty. Even more the case during holidays, graduations, summer, seasonal events, etc.
4. Mandate STRs to have owner as a permanent resident.
5. Remove repeat offenders and prevent them from licensing in this neighborhood. Best to start with 362 Pascal Street. They're far from the only culprit, but seriously... how have you allowed them to continue being licensed?
6. Limit the number of STRs allowed. 70 is beyond saturation, and takes away all power of HOA and permanent residents. We have NO voice or vote Seems like if you do this with liquor licenses, the same should apply for STR licenses.

Regards,
 Dave
 425-829-0783

Sent from my iPhone

On Feb 27, 2025, at 8:30 AM, Development Review Comments
 <devreviewcomments@fcgov.com> wrote:

Good morning David,

Thank you very much for taking the time to send us your comments on this topic.

It is still early in this process, and we are focused on collecting feedback that give us a clearer image of how STRs are impacting this neighborhood, so your perspective is very important to us. We haven't made any decisions yet as to what is the best course of action to maximize the benefits of STRs while also addressing the drawbacks.

Please let me know if you have any questions or further comments as we move through this process!

Respectfully,

Em Myler
Neighborhood Development Liaison

From: [Drew Carpenter](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Re: Subject: STR Restrictions in Old Town North
Date: Friday, February 7, 2025 11:26:16 AM

Hi Em,

I wanted to share one final consideration regarding the potential STR restrictions in Old Town North.

Most property owners in the neighborhood purchased their homes when interest rates were significantly lower, and their properties have appreciated considerably. Between the tax implications of selling and the \$20,000–\$30,000 invested in furnishing STRs, selling isn't a practical option for many owners.

If non-primary residence STRs were prohibited, the most viable alternative for current owners would be midterm rentals, which would still result in transient renters—such as college students or other short-term renters needing furnished units. The key difference is that these tenants would have long-term rental protections, meaning any issues with problematic tenants could last for months, compared to STRs, where issues can be resolved within hours.

Another important point is that fewer of these midterm rentals would be professionally managed, reducing the level of oversight and quick response that STR management companies currently provide. Ironically, this could lead to less neighborhood stability, not more.

I wanted to raise this because I know the city's goal is to support vibrant, well-managed communities. It's worth considering how these policy changes might unintentionally create challenges that STRs are actually helping to prevent.

Thanks again for the consideration.


Best,

Drew Carpenter





750 Jerome #1



Drew Carpenter ☐



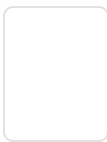
Drew Carpenter Voice Over
(970)-443-0939
www.DCVO.us

Get an Audition Today

On Wed, Feb 5, 2025 at 11:56 AM Drew Carpenter <drew@drewcarpentervo.com> wrote:
 Thanks for listening and doing all the great things you do for the city!

-Drew



On Tue, Feb 4, 2025 at 8:09 AM Development Review Comments
 <devreviewcomments@fcgov.com> wrote:

Good morning Drew,

Thank you very much for taking the time to send us your comments on this topic.

It is still early in this process, and we are focused on collecting feedback that give us a clearer image of how STRs are impacting this neighborhood, so your perspective is very important to us. We haven't made any decisions yet as to what is the best course of action to maximize the benefits of STRs while also addressing the drawbacks.

Please let me know if you have any questions or further comments as we move through this process!

Respectfully,

Em Myler

Neighborhood Development Liaison

From: Drew Carpenter <drew@drewcarpentervo.com>

Sent: Monday, February 3, 2025 7:04 PM

To: Development Review Comments <devreviewcomments@fcgov.com>

Subject: [EXTERNAL] Subject: STR Restrictions in Old Town North

Dear City of Fort Collins staff,

I wanted to share my thoughts on the potential for additional STR restrictions in Old Town North.

My mom and I both own property on Jerome Street being used as STRs. These properties make up a large part of our retirement plans, and we invested in them after the city put STR regulations in place, trusting that we were making a responsible, stable investment in the town we love. Over the years, we regularly host families visiting CSU, new residents searching for permanent housing, artists performing at city-sponsored festivals, and other guests who contribute to Fort Collins' economy.

I realize a small percentage of folks insist that STRs are just party houses that degrade neighborhoods, but that's simply not true. I've lived next to other STRs on Jerome Street, and know for a fact they don't. They provide a safe, well-maintained lodging option for families, professionals, and artists. Problems have been rare, aside from a small but vocal group of neighbors who just don't like the concept of Airbnb. One in particular watches my house so closely they've even complained about lights being too bright *inside my home*—not exactly a public nuisance.

Furthermore, problem guests can be kicked out within hours. Our property manager, Mark Driskell, even has staff who live in the neighborhood and will respond to issues 24/7. Can the same be said for a long term renter who causes problems?

Where Are Families Supposed to Stay?

It's important to remember that STRs are already banned in most of the city. Old Town North is one of the very few areas where families and other visitors can actually rent an entire home when they come to Fort Collins. Not everyone wants or can afford to stay in a hotel, and STRs offer an option that better suits families, people relocating to the area, and long-term visitors who need more space than a hotel room.

If the city eliminates STRs in Old Town North as well, where are these families supposed to stay? Hotels aren't always a practical option, especially for families with children or extended stays. STRs fill an important gap in Fort Collins' lodging market, and banning them would make it harder—and more expensive—for people to visit our city.

What About the Neighbors Who Aren't Complaining?

There's a perception that everyone opposes STRs, but that's just not the case. The voices you hear the loudest are from those who dislike them—but what about the neighbors who don't complain because they coexist peacefully with STR guests? There are many homeowners who appreciate STRs and the fact that if they needed or wanted to, they could rent their properties to supplement their income.

With inflation, rising utility costs, and other economic pressures, more restrictions will harm all owners in the neighborhood during a tough economic time, whether you hear from them or not. And for what? To satisfy a small group of narrow-minded owners who don't like the idea of Airbnb? STRs don't cause problems beyond the usual issues that long-term residents do, so why disrupt the lives of so many owners, visitors, and businesses in our city just to please a few?

A Ban Would Harm Responsible Owners Like Us

If additional restrictions prohibit short-term renting, my properties will become cash flow negative, and my mother's retirement income will be severely impacted. After the recent sharp increase in taxes, insurance, utilities, and interest rates these units are barely profitable. I can absorb the hit because I'm still working, but my mom spent years serving Fort Collins—nearly a decade on the Historic Preservation Commission, plus time on the Planning and Zoning Commission. She's dedicated much of her life to improving this city, and she shouldn't be financially punished now just because a few neighbors prefer someone to rent for a month instead of a week. This would have a serious financial impact on our family and many others. A much bigger problem than a guest using someone else's trash can.

We've invested tens of thousands of dollars and months of work into furnishing these homes, trusting and abiding by the city's existing regulations. These properties are legally zoned for commercial use, professionally managed, and contribute 10% of our gross rents in occupancy and sales taxes, all while providing a place for visitors who, in turn, support local businesses.

A More Reasoned Approach

If STRs were truly causing widespread issues, I could understand a conversation about solutions. But the reality is, STRs in Old Town North aren't creating serious problems, and certainly nothing that long-term rentals don't also experience. Instead of a ban or severe restrictions, the city should focus on enforcing existing rules against bad actors while allowing responsible STR owners to continue contributing to Fort Collins.

I urge the council to consider the real-world impacts of additional restrictions—not just on STR owners, but on the local economy, neighborhood property values, and homeowners who may want to STR their properties in the future. A knee-jerk reaction to a small but vocal group of opponents shouldn't dictate policy for the entire community.

Thanks for your time,

-Drew Carpenter

750 Jerome #1

From: [Taylor Scott](#)
To: [Noah Beals](#); [Development Review Comments](#)
Subject: [EXTERNAL] Short Term Rentals in Old Town North Neighborhood
Date: Monday, April 7, 2025 7:33:55 PM

Hi Noah,

I hope that you are having a good start to the spring. I wanted to follow-up on the community meeting that happened at the Old Town Library in February. Do you have any updates or next steps from the community meeting?

We have been discussing STRs in our HOA meetings the past couple of months and I am continuing to receive comments from the community. These comments are focused on the lack of community feel and the desire to have real neighbors. Some comments are potential violations. I am asking the community to submit those via the Access portal to the City. Is that the best way to handle these complaints from a City perspective?

Individuals that live in the neighborhood have started a group to push for change in zoning for the STRs. Many homes have signs in their yards advocating to reduce or eliminate the STRs. I am in agreement with this effort, as the STR next door to me is a nuisance. I am sharing this with you because the community has a lot of energy toward making changes and I hope that the City continues to follow up on this effort.

Thanks,
Taylor Scott
719-359-0748

From: [Dolores Williams](#)
To: nbeals@fgov.com; [City Council](#)
Cc: [Development Review Comments](#)
Subject: [EXTERNAL] Short-term Rentals in the Old Town North District
Date: Friday, February 7, 2025 10:14:48 AM

Finally, Planning at Fort Collins recognized the harm that Short-term rentals have done to the residents of Old Town North! I am happy and amazed and wish for a good outcome.

At the meeting at the Old Town Library we heard from many residents about how they are interrupted by the noise coming from the vacationers who rent those homes for fun times visiting with friends and each other. They are constantly harmed by the residents who have to go to work the next day while not able to get a full night's sleep.

One resident said there were five STRs on her block and she and her family spends many days and nights while the STR visitors to her residential neighborhood partied and visited into the night. Also, OTN was developed with minimum sized streets and minimum parking available. On the weekends, my renters on Osiander street have difficult finding a place to park on the street.

The planning department was finally trying to find a solution to this neighborhood in Old Town. The only ways to keep residents from selling out and moving away to have some peace, creating more STRs are to:

Stop issuing more STR licenses.

Stop renewing the two-year licenses.

Policing nightly disrupting noise after 10 p.m. (or whatever needed by the residents). Stopping physically.

And the residents need to have every call responded to by the police to shut down the noise immediately.

This would make those homes which have been turned into businesses in residential areas back to the needs of the permanent residents of OTN.

Sadly, this would take years and many people who bought into OTN may not be able to wait that long and will have to go through the expense in selling and moving. Selling will be difficult because of this history.

Another short-term possibility, Spenser, who owns many STRs on Jerome Street: Perhaps that street could be given a year or two extra to comply if their location at the end of the subdivision could limit the noise and disruption for the rest.

Spencer (possibly along with others) is responsible for selling his last piece next to our future community park to a rental situation whose residents would each need to pay into the HOAs (two) monthly like the rest of us have to pay. The current cost to the umbrella HOA is \$135/month and my rental at 226 Osiander A pay \$250 into Townhomes HOA. So monthly \$385 on top of each rental Spencer is crowding on a small lot not on any street but on alleys would help us against a terrible situation passed by the Fort Collins Planning Department to allow rentals inside this area in question. (At the original resident hearing, the rental builders objected to their renters paying monthly HOA fees the rest of us.)

Dolores Williams

970-215-6951

Owner of rentals at 874 A Baum Street and 226 A Osiander Street. (Not STRS but rented to regular renters.)

From: [Drew Carpenter](#)
To: [Development Review Comments](#)
Subject: [EXTERNAL] Subject: STR Restrictions in Old Town North
Date: Monday, February 3, 2025 7:06:13 PM

Dear City of Fort Collins staff,

I wanted to share my thoughts on the potential for additional STR restrictions in Old Town North.

My mom and I both own property on Jerome Street being used as STRs. These properties make up a large part of our retirement plans, and we invested in them after the city put STR regulations in place, trusting that we were making a responsible, stable investment in the town we love. Over the years, we regularly host families visiting CSU, new residents searching for permanent housing, artists performing at city-sponsored festivals, and other guests who contribute to Fort Collins' economy.

I realize a small percentage of folks insist that STRs are just party houses that degrade neighborhoods, but that's simply not true. I've lived next to other STRs on Jerome Street, and know for a fact they don't. They provide a safe, well-maintained lodging option for families, professionals, and artists. Problems have been rare, aside from a small but vocal group of neighbors who just don't like the concept of Airbnb. One in particular watches my house so closely they've even complained about lights being too bright *inside my home*—not exactly a public nuisance.

Furthermore, problem guests can be kicked out within hours. Our property manager, Mark Driskell, even has staff who live in the neighborhood and will respond to issues 24/7. Can the same be said for a long term renter who causes problems?

Where Are Families Supposed to Stay?

It's important to remember that STRs are already banned in most of the city. Old Town North is one of the very few areas where families and other visitors can actually rent an entire home when they come to Fort Collins. Not everyone wants or can afford to stay in a hotel, and STRs offer an option that better suits families, people relocating to the area, and long-term visitors who need more space than a hotel room.

If the city eliminates STRs in Old Town North as well, where are these families supposed to stay? Hotels aren't always a practical option, especially for families with children or extended stays. STRs fill an important gap in Fort Collins' lodging market, and banning them would make it harder—and more expensive—for people to visit our city.

What About the Neighbors Who Aren't Complaining?

There's a perception that everyone opposes STRs, but that's just not the case. The voices you hear the loudest are from those who dislike them—but what about the neighbors who don't complain because they coexist peacefully with STR guests? There are many homeowners who appreciate STRs and the fact that if they needed

or wanted to, they could rent their properties to supplement their income.

With inflation, rising utility costs, and other economic pressures, more restrictions will harm all owners in the neighborhood during a tough economic time, whether you hear from them or not. And for what? To satisfy a small group of narrow-minded owners who don't like the idea of Airbnb? STRs don't cause problems beyond the usual issues that long-term residents do, so why disrupt the lives of so many owners, visitors, and businesses in our city just to please a few?

A Ban Would Harm Responsible Owners Like Us

If additional restrictions prohibit short-term renting, my properties will become cash flow negative, and my mother's retirement income will be severely impacted. After the recent sharp increase in taxes, insurance, utilities, and interest rates these units are barely profitable. I can absorb the hit because I'm still working, but my mom spent years serving Fort Collins—nearly a decade on the Historic Preservation Commission, plus time on the Planning and Zoning Commission. She's dedicated much of her life to improving this city, and she shouldn't be financially punished now just because a few neighbors prefer someone to rent for a month instead of a week. This would have a serious financial impact on our family and many others. A much bigger problem than a guest using someone else's trash can.

We've invested tens of thousands of dollars and months of work into furnishing these homes, trusting and abiding by the city's existing regulations. These properties are legally zoned for commercial use, professionally managed, and contribute 10% of our gross rents in occupancy and sales taxes, all while providing a place for visitors who, in turn, support local businesses.

A More Reasoned Approach

If STRs were truly causing widespread issues, I could understand a conversation about solutions. But the reality is, STRs in Old Town North aren't creating serious problems, and certainly nothing that long-term rentals don't also experience. Instead of a ban or severe restrictions, the city should focus on enforcing existing rules against bad actors while allowing responsible STR owners to continue contributing to Fort Collins.

I urge the council to consider the real-world impacts of additional restrictions—not just on STR owners, but on the local economy, neighborhood property values, and homeowners who may want to STR their properties in the future. A knee-jerk reaction to a small but vocal group of opponents shouldn't dictate policy for the entire community.

Thanks for your time,

-Drew Carpenter

750 Jerome #1

From: [Walter Abercrombie](#)
To: [Development Review Comments](#)
Cc: [Noah Beals](#)
Subject: [EXTERNAL] Re: 2019 OTN STR Survey..
Date: Thursday, February 13, 2025 4:52:31 PM

Thanks so much Em for sharing!

The HOA Board is pretty limited on what it can do, since we have a large percentage (49%) of properties in OTN who rent either long or short term. Eventhough the majority of those are long-term, we suspect many of those owners like the option to switch to STR if the demand is there.. I believe it requires a "super majority" vote to make any covenant changes. That is probably why nothing has been done by the HOA. There are also some owner/residents who are considering selling their property because of the loss of a residential neighborhood, and don't want to limit buyers making a good offer to change it over to a STR. It is a spiral downward since potential new owner/residents would be concerned to buy and move into a neighborhood like that.

We really prefer the city impose a land use change that limits the non-primary STR's like it has done for the rest of the city.. We are very concerned that the growth of these non-primary STR's will continue since there are few other places in Fort Collins that allow them, especially close to the popular downtown area. We don't want to be a "mini Hotel" neighborhood...

What are the next steps for you after you feel you have received all the feedback? Is there a date when you are looking to have all feedback to you? Is there anything else concerned residents can do to support our case with the city?

Thanks again!
 Walter & Linda Abercrombie

On Thu, Feb 13, 2025 at 2:55 PM Development Review Comments
 <devreviewcomments@fcgov.com> wrote:

Hi Walter,

Thanks for letting us know about the survey. I suppose we can't speak for the HOA Board as to why no changes resulted from it. I'm interested to see what kinds of discussion they have at their next meeting!

I did want to share with you the report we put together with the feedback from the Open House and from emails and calls before and afterward. Please let me know if you have any questions or concerns.

Respectfully,

Em Myler
 Neighborhood Development Liaison

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] OTN Neighborhood feedback
Date: Wednesday, February 5, 2025 3:40:35 PM

From: g c <carlislegeorge@yahoo.com>
Sent: Wednesday, February 5, 2025 12:41 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] OTN Neighborhood feedback

Noah

Writing as an OTN full time resident homeowner since 2018 who doesn't own any rental property; my property is amidst several STR rentals. I briefly attended the open house earlier this week.

Not sure what the city plans (or the HOA for that matter) are relative to the OTN zoning issue(s) as raised. I don't recall any recent overwhelming consensus vote in the HOA meetings I've attended.

As an individual homeowner, I'm against any change, i.e. either to reduce or increase, what's allowed in this community. There are some issues resulting from the self-policing nature of STR renters and owners, but I'd like to see those resolved (cooperatively) by the community and city) without zoning changes.

George Carlisle
826 Jerome St Unit 1
770-533-1881

Begin forwarded message:

From: Old Town North HOA <otnhoa@gmail.com>
Date: February 5, 2025 at 9:12:43 AM MST
To: undisclosed-recipients;;
Subject: Fwd: OTN- communication from the city of ft collins

[The City of Fort Collins hosted an Open House last Monday evening to discuss the](#)

situation of Short-term rentals (AirBnb, VRBO,..) within our Old Town North neighborhood. The reps from the city were mainly looking to get feedback from property owners on non-primary Short-term rentals (owner doesn't reside on property), and the impact that they have on the neighborhood. There was a good turnout of folks attending. The city wants as much feedback as possible to determine next steps.

In case you were unable to attend, you can still send your feedback, and suggestions related to STR's directly to Noah Beals (nbeals@fcgov.com), who is a Development Manager for the city. Adding your street address would be helpful, but not necessary..

Old Town North - HOA Board.

----- Forwarded message -----

From: Morgan Johnson <morgan@trademarkpmg.com>

Date: Fri, Jan 24, 2025 at 10:31 AM

Subject: OTN- communication from the city of ft collins

"Dear Old Town North,

We have received a notice from the city of fort Collins regarding an open house scheduled for 2/3/2025 concerning short term rentals in the community. Please see meeting details below.

Neighborhood Open House

Date: Monday February 3, 2025

Time: 5:00pm-7:30pm

Location: In Person (Old Town Library @ 201 Peterson Street)

The notice is attached to this email for your reference as well. Please note, this is an invitation from the City and NOT the HOA. However, a representative from Trademark will attend and we do encourage the communities involvement and attendance. Short term rentals are a big part of the community and it is important that the City of Fort Collins has as much feedback as possible from community members.

As always, let us know if you have any questions!"

Sincerely,
Morgan Johnson, CMCA, CAM
Account Manager
Trademark Property Management Group, Inc.

Email: Morgan@trademarkpmg.com

Direct line: 970-744-4962

Office phone: 970-237-6969

Mailing Address: 1014 Centre Ave, Fort Collins, CO 80526

Office Location: 100 N Mason St, Fort Collins, CO 80524

Links: [HOA Payments](#), [HOA Documents](#)

<OTN City of Fort Collins- Open House Invite 2.3.2025.pdf>

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: Request OTN Primary STR designation in the Land Use Code
Date: Thursday, February 13, 2025 2:13:29 PM

From: harry derderian <derderianharry@hotmail.com>
Sent: Thursday, February 13, 2025 2:12 PM
To: Noah Beals <nbeals@fcgov.com>
Cc: Nancy Derderian <nancy.derderian@gmail.com>; harry derderian <DERDERIANHARRY@HOTMAIL.COM>
Subject: [EXTERNAL] Request OTN Primary STR designation in the Land Use Code

Dear Mr. Beals,

My name is Harry Derderian. My wife, Nancy, and I live on 508 Osiander Street, Fort Collins, in Old Town North.

We are literally surrounded by non-primary short term rentals.

Yes, this non alignment with the rest of the City of Fort Collins, negatively impacts us and our primary resident neighbors.

It hinders Old Town North neighborhood community building. This in turn undermines the City of Fort Collins efforts to build this fledgling area directly adjacent to our crown jewel, Old Town Fort Collins. It would make Walt Disney wince, and wince again.

Loud noise in the middle of the night, illegal parking, excessive trash, littering, police calls, irresponsible pet owners, are just scratching the surface of this sea of in one day, out the next. God help us if there is a disaster that requires a neighbor to help a neighbor.

It's no secret that non-primary short term rentals increase the frequency of problems including crime. Current Fort Collins policy has resulted in the Old Town North neighborhood truly being just a collection of dwellings.

This Land Use Code loophole with Old Town North undermines our positive efforts and those of my responsible primary resident neighbors.

We request a primary short term rental designation in the Land Use Code, Old Town North.

Respectfully submitted,
Harry Derderian, M.D.

From: [Christine Dianni](#)
To: [Noah Beals](#); [Susan Gutowsky](#)
Subject: [EXTERNAL] Urgent Request for Moratorium on NP-STR's in Old Town North
Date: Monday, March 24, 2025 2:59:50 PM

Dear Noah Beals and Susan Gutowsky,

Please help the Old Town North neighborhood not be overtaken by non-primary short term rentals. Please put a moratorium on non-primary short-term rentals in our neighborhood until a more permanent solution can be found.

Since our neighborhood has no restrictions on NP-STR's, investors are buying most homes that are put up for sale. Currently half of our neighborhood is rentals, and half of that is NP-STR's. As an owner and resident of 18 years here, I am super concerned about the near future of our neighborhood.

I previously sent an email incorrectly saying that I was not too affected by NP-STR's, but that was before I understood the lack of regulation creating a quickly escalating problem. Some are fine, but I am hoping the neighborhood can regulate them so we still have steady residents here who make it a neighborhood.

I understand that a longer term solution is to work with the city to put a land use code overlay over our current, commercial zoning, but in the interim, please help us execute a temporary moratorium on new NP-STRs.

What can we do to expedite the city putting a moratorium on issuing NP-STR's in our Old Town North neighborhood?

Thank you,
Christine Dianni
214 Pascal Street

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Airbnb
Date: Thursday, February 20, 2025 4:17:21 PM

From: melissa eheart <missyeheart@yahoo.com>
Sent: Thursday, February 20, 2025 3:51 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Airbnb

Hi Noah,
I'm an owner in the North Flat community. I own on Blondel Street. Please consider allowing vacation rentals.
I invested in this property for that purpose. It is located in a prime area for individuals wanting to visit Fort Collins.
We have had issues with our property's exterior and this would relieve some of this cost burden.
Additionally, the community does not seem to have a problem with this. Many of us intend for this use.

Thank You,
Melissa Eheart

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL]
Date: Monday, April 14, 2025 8:35:14 AM

From: david cordova <dcordova63@gmail.com>
Sent: Saturday, April 12, 2025 6:18 AM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL]

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

We have gone out of our way to enhance the quality of the property, including regular lawn maintenance, spending significant dollars to improve on the look and feel of the property, and hiring the best available property managers that are respectful and knowledgeable about Old Town North. We also regularly spend time at our property, which was purchased not with the intent of making money, but rather as a placeholder for us in Fort Collins, where my brother in law is a very active member of the community and where we hope to get my in-laws to move from Arizona. Ultimately we may decide to retire in Fort Collins, although should this change take place, it is unfortunate that we'll have to reconsider whether we can continue to hold this property and our connection to the city.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any

decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,

--

David

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL]
Date: Wednesday, April 16, 2025 10:38:32 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Monday, April 14, 2025 4:35 PM
To: Adelaide Vienneau <addievno@yahoo.com>; City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Cc: OTN-Residents <otnresidents@gmail.com>
Subject: RE: [EXTERNAL]

Hi Adelaide,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Adelaide Vienneau <addievno@yahoo.com>
Sent: Monday, April 14, 2025 2:32 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Cc: OTN-Residents <otnresidents@gmail.com>
Subject: [EXTERNAL]

Fort Collins City Leaders-
Hello! My family moved to Fort Collins in 2022 from Nashville, TN and fell in love with the

city and all the offerings available to residents.

We have notice that city leaders do a tremendous job in addressing many areas to ensure residents thrive and live life to its fullest. We have seen such intentionality around public transportation for all, biking paths, numerous parks and recreation facilities, Natural Areas, the ARO system, and advancing affordable housing issues to name a few.

In Old Town North, we appreciate your decision to prevent new non-primary STR licenses in Old Town North. Thank you so much!

With kindness,

Homes, not Hotels in OTN!
Adelaide and James Vienneau
338 Osiander Street

From: [Em Myler](#)
To: [Development Review Comments](#)
Subject: Fw: [EXTERNAL] 339 Pascal and 451 Cajetan
Date: Friday, March 14, 2025 8:34:53 AM

From: Sara Hernandez <sahernandez@fcgov.com>
Sent: Friday, March 14, 2025 8:08 AM
To: Em Myler <emyler@fcgov.com>
Subject: FW: [EXTERNAL] 339 Pascal and 451 Cajetan

Hi Em!

Below is another complaint/comment regarding Old Town North STRs.

Thank you for all of your help

.....
 Sara Hernandez
 Zoning Technician
 City of Fort Collins
 281 North College Ave
 970-221-6248 M-F 7:00 – 3:30
 sahernandez@fcgov.com

-----Original Message-----

From: Kerri Watkins <kwdolphingirl@gmail.com>
 Sent: Thursday, March 13, 2025 5:23 PM
 To: Sara Hernandez <sahernandez@fcgov.com>
 Subject: [EXTERNAL] 339 Pascal and 451 Cajetan

> Hello,
 >
 > I am asking you please freeze the ability for any new non-primary STR's in the Old Town North neighborhood.
 >
 > The above 2 listings are new to the market. 339 has in their listing "zoned for non-primary STR".
 >
 > This neighborhood has already been identified as a problem with the overwhelming amount of STR's. I understanding sorting this situation out will be lengthy but putting a freeze on allowing any new ones while sorting it out will help stop this giant snowball from continuing to roll.
 >
 > Thank you,
 Kerri Watkins

Sent from my iPhone

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Followup of OTN STR Open House.
Date: Tuesday, February 4, 2025 9:44:29 AM

From: Walter Abercrombie <walt.abercrombie@gmail.com>
Sent: Tuesday, February 4, 2025 9:41 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Followup of OTN STR Open House.

Noah, thanks again for sponsoring this Open House to talk about the Short term rental situation in our Old Town North neighborhood. In summary for us STR's:

- Cause annoying disturbances with added noise, additional strain on parking with large groups. Most of these folks also don't know the rules of the neighborhood of where to park, dispose of trash, dog waste, fireworks.. It becomes very awkward for full time residents to constantly have to remind STR renters of the rules. On street parking is already pretty constrained with parking only allowed on one side of the street in many areas.
- We moved here to have a true neighborhood, where we can know our neighbors. That is hard to do with STR's.
- There has been a gradual turnover of resident owners to STR's. That is hard to reverse, since most folks don't want to own and live fulltime in a neighborhood where there are STR's near them.

We really see little benefits of STR's to us as residents.

We hope that the city will pursue the next steps to remove these non-primary STR's from our neighborhood.

Walter & Linda Abercrombie
239 Pascal St, Fort Collins, CO 80524

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] FW: OTN- communication from the city of ft collins
Date: Friday, February 7, 2025 8:31:31 AM

From: Scott Linke <scott@linkes.net>
Sent: Wednesday, February 5, 2025 5:47 PM
To: Noah Beals <nbeals@fcgov.com>
Cc: Noreen Linke <noreen@linkes.net>
Subject: [EXTERNAL] FW: OTN- communication from the city of ft collins

Hello Mr. Beals,

In regards to the subject of short term rentals in the Old Town North neighborhood, I write to encourage restrictions and regulation of short term rentals in Old Town North.

My wife and I are owners and residents of 251 Cajetan St. We purchased in 2013 when the subdivision was still burdened by a previous bankruptcy and the neighborhood consisted of some townhomes and a dozen or so single family residences. Looking north from our front door was open fields and prairie dogs all the way to Conifer St. Once the original developer exited bankruptcy and vacant lots were sold, development took off with the majority of vacant lots having single family residences built. We were excited to have an end to vacant lots, home construction and the start of living in a community of single family residences. But the economics of Fort Collins real estate quickly converted the neighborhood to a region of multiple family long term rentals and short term rental properties.

This transformation is in opposition to the intent of the original zoning, platting and design of the neighborhood. By design, lot sizes were minimized to achieve a higher density of single family homes. Streets are narrow and alley access was minimized to further the density goals. Although lot sizes were small, the home sizes filled the lots within setback borders. The results are, as expected, large homes, small yards, small driveway pads along alleys and reduced parking along public streets.

Nonetheless, a large number of properties were purchased as investment properties and immediately placed on the market for long term rentals. Given the densities of "U+2" and now "U+any" most homes have 2-3 times the average number of vehicles per home. Given the nature of rentals, most garages are used for storage and the vehicles are placed on the public streets. In Old Town North the density of such commercial investment properties generate significant street

parking congestions and opposes the benefits of single family zoning.

Commercial endeavors are always seeking higher returns and short term rental practices are a means of even greater revenue. Whereas long term rentals afford less stability than owner occupied, short term rentals are afford no stability. A continuous rotation of tenants creates a churn of peoples and vehicles on the neighborhood. Owner occupied properties are forced into an adversarial role of property surveillance and protection. This further erodes the original zoning contract with single family owner occupied residents.

The home behind ours is a persistent (permanent) short term rental property and is not owner occupied. Short term renters are seeking convenience and comfort and can be indifferent to private property. We have experienced short term renters using our shallow driveway and the alley for recreational sports (basketball, baseball, cycling, etc). Our driveway is often considered an extension of the rental property and used for turn about maneuvers instead of keeping vehicles on the alley roadbed. To that end, short term renters have relocated our trash bins on trash collection day away from the alley and up against our home. Although they were on my driveway, they apparently were “in the way” for “easier access” to the rental’s limited parking. The ultimate infringement involved our vehicle being struck by a renter who crossed the alley and drove onto my driveway. In this case, the renter was forthcoming and notified us and provided insurance information. Alternatively, we could have been subject to a hit-run by an unknown tenant in a random rental vehicle. Landlords can avoid liability for their renters behavior which, as mentioned earlier, places owner occupied properties in an adversarial role.

In closing, it is poor policy to breach the explicit use of an area zoned as single family residential and allow it to become a commercial zone without any of the regulations pursuant to a commercial zone. Despite the auspices of increasing housing density and championing affordable housing, the practices of short term rentals have turned neighborhoods into commercial zones. Unlimited (U+any) renter density is equally commercial. Property that is used for commercial purposes is valued according to the revenue (rents) that can be acquired. The goal of affordable housing will remain a myth as long as investors can achieve long or short term rental revenue in excess of mortgage+tax+insurance costs. Multiple family rental and short term rentals invariably draw from higher income demographics who can afford increasing rents. City policy should not encourage commercialization that turns once affordable residential owner occupied properties into commercial properties with ever increasing valuations. Invariably, affordable property values will rise and become unaffordable. Every neighborhood is prone to the trend and once initiated, the commercial interests of rental use will compete if not oppose and overcome the interests of owner occupied properties

within the intended residential zone. The end result is unaffordable housing and a breach of intent against single family residential use in favor of commercial use by commercial investors.

Thanks in advance for your consideration on this subject.

Scott Linke
251 Cajetan St
Fort Collins CO 80524

Begin forwarded message:

From: Old Town North HOA <otnhoa@gmail.com>
Date: February 5, 2025 at 9:12:56 AM MST
To: undisclosed-recipients;;
Subject: Fwd: OTN- communication from the city of ft collins

The City of Fort Collins hosted an Open House last Monday evening to discuss the situation of Short-term rentals (AirBnb, VRBO,..) within our Old Town North neighborhood. The reps from the city were mainly looking to get feedback from property owners on non-primary Short-term rentals (owner doesn't reside on property), and the impact that they have on the neighborhood. There was a good turnout of folks attending. The city wants as much feedback as possible to determine next steps.

In case you were unable to attend, you can still send your feedback, and suggestions related to STR's directly to Noah Beals (nbeals@fcgov.com), who is a Development Manager for the city. Adding your street address would be helpful, but not necessary..

Old Town North - HOA Board.

----- Forwarded message -----

From: Morgan Johnson <morgan@trademarkpmg.com>
Date: Fri, Jan 24, 2025 at 10:31 AM

Subject: OTN- communication from the city of ft collins

"Dear Old Town North,

*We have received a notice from the city of fort Collins
regarding an open house scheduled for 2/3/2025
concerning short term rentals in the community. Please see
meeting details below.*

Neighborhood Open House

Date: Monday February 3, 2025

Time: 5:00pm-7:30pm

Location: In Person (Old Town Library @ 201 Peterson Street)

*The notice is attached to this email for your reference as well.
Please note, this is an invitation from the City and NOT the HOA.
However, a representative from Trademark will attend and we do
encourage the communities involvement and attendance. Short
term rentals are a big part of the community and it is important
that the City of Fort Collins has as much feedback as possible
from community members.*

As always, let us know if you have any questions!"

Sincerely,
Morgan Johnson, CMCA, CAM
Account Manager
Trademark Property Management Group, Inc.

Email: Morgan@trademarkpmg.com

Direct line: 970-744-4962

Office phone: 970-237-6969

Mailing Address: 1014 Centre Ave, Fort Collins, CO 80526

Office Location: 100 N Mason St, Fort Collins, CO 80524

Links: [HOA Payments](#), [HOA Documents](#)

<OTN City of Fort Collins- Open House Invite 2.3.2025.pdf>

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Fwd: STR Old Town North
Date: Wednesday, April 16, 2025 10:43:27 AM

From: Jennifer Kelly - Realtor <jenniferkellyteam@gmail.com>
Sent: Monday, April 14, 2025 1:02 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Fwd: STR Old Town North

Hello,

I have been a Realtor in Northern Colorado for the last 19 years and have seen the City ordinances change over time, including the You + 2 come and go. Unfortunately, I've also seen the City put on additional restrictions on the STR market restricting options for homeowners. I understand that there are some citizen concerns about Old Town North and the increase in the STR market. In addition, it looks like I will be representing the builder in OTN and would like to continue to market these homes to homeowners or investors looking to invest in Northern Colorado. It is also my goal to sell these properties quickly so we can restore the beauty of OTN without the eyesore of partially finished construction.

The City of Fort Collins already has protocols and plans in place for disturbances and noise complaints with the City of Fort Collins Police Department. In my opinion, there is no need to restrict homeowners rights or further restrict the location for homeowners to have a STR in Fort Collins. Although I understand there is a concern with some current OTN residents, this subdivision has always been the ONE subdivision that would allow STR options and it was like that when those owners moved in.

It would be my recommendation that the homeowners call the City of Fort Collins and if there is a continued disturbance with a specific STR and then the City can review the guidelines for the STR license requirement and action can be taken. Furthermore, a possible requirement with the City of Fort Collins STR would be to have an Emergency contact number for each STR license. Reinforcing the normal protocol with homeowners who have complaints, is the way to handle this issue, not further restricting the STR zone. Unfortunately, I believe the restrictions that the City already has in place, has forced investors to seek opportunities in OTN. If the non-primary STR zone were wider and encompassed more housing, the saturation would not only be in OTN.

Please do not place further restrictions on this or any other STR community or license, it limits the ability for people, like myself, who decide to spend 1/2 of their time in another state to earn additional income and provide a beautiful place for people to stay and explore the City of Fort Collins. If you have any questions or need further information, please feel free to contact me at 970-581-9005.

Sincerely,

| |

| |

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Fwd: Thank You!
Date: Thursday, April 10, 2025 10:07:42 AM
Attachments: [Screenshot 2025-03-17 at 10.38.04AM.png](#)

From: Walter Abercrombie <walt.abercrombie@gmail.com>
Sent: Thursday, April 10, 2025 9:18 AM
To: City Leaders <CityLeaders@fcgov.com>; Ginny Sawyer <GSawyer@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Cc: Linda Abercrombie <abercrombie.lindakay@gmail.com>
Subject: [EXTERNAL] Fwd: Thank You!

Greetings City leaders!

I would like to join in and thank you for your courageous decision to recommend restricting new non-primary STR's in the Old Town North neighborhood! Hurray!! I know there are many "lessons learned" from letting this grow to a point where it is splitting this residential community apart. My wife and I hope that there will be follow-on actions to bring the number of non-primary licences back to a level that is similar to other residential neighborhoods in the city.

I have read the recommendation from the City Manager's office on this, and we are still a bit concerned about the next steps afterwards. The report references that these existing licences will be "more valuable" if new ones get eliminated. We are very concerned that there will be some sort of "market" to sell and/or transfer these licenses to other owners or addresses to increase sales values.. Please do not let that happen to us! These existing licences should stay with the address and owner that currently has them, and expire in a reasonable amount of time..

We know that you will get a lot of pressure from non-primary STR investors to not allow any restrictions. We really hope that you will prioritize residents over investors on this. We are perfectly fine with primary STR's and longer-term rentals in the neighborhood.

Thank you!

Walter & Linda Abercrombie
239 Pascal st.

----- Forwarded message -----

From: OTN-Residents <otnresidents@gmail.com>
Date: Tue, Apr 8, 2025 at 2:03 PM

Subject: Thank You!

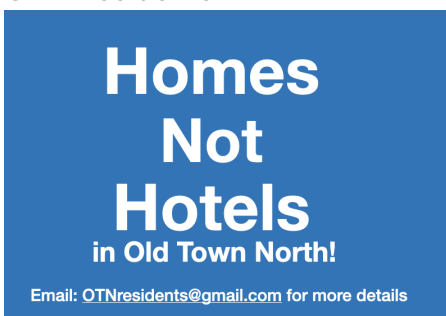
To: City Leaders <CityLeaders@fcgov.com>, Noah Beals <nbeals@fcgov.com>

We received word from the City Manager's office that the city is working on preventing any new non-primary Short-term rental licences in our Old Town North neighborhood. That is great news, and a good first step to addressing the issues many have with these non-owner occupied "AirBnb's"! It will help stop additional homes being bought up by investors for that purpose. We greatly appreciate the attention the city has given to this after many have written in about it.

We also hope there will be some follow-on steps by the city to bring the number of current NP-STR's in our neighborhood further down, and/or restrictions on how they could be used. We also don't want to see the existing licences being "transferred" by investors to new addresses in the neighborhood. We eventually would like to see these residences converted back for use by owner/residents and longer-term renters. That will help bring back our residential neighborhood to what it originally was intended for.

Thank you!

OTN-Residents



From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Fwd: Thank You!
Date: Wednesday, April 9, 2025 1:07:52 PM
Attachments: [Screenshot 2025-03-17 at 10.38.04AM.png](#)

From: Linda Abercrombie <abercrombie.lindakay@gmail.com>
Sent: Tuesday, April 8, 2025 5:16 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Fwd: Thank You!

Just adding my agreement and appreciation for this action by the City! More and more reports of serious negative incidents in our neighborhood by these STR guests are coming out, so we really are grateful for your attention to it.

Linda Abercrombie
 239 Pascal St.

----- Forwarded message -----

From: OTN-Residents <otnresidents@gmail.com>
Date: Tue, Apr 8, 2025 at 2:44 PM
Subject: Fwd: Thank You!
To:

----- Forwarded message -----

From: OTN-Residents <otnresidents@gmail.com>
Date: Tue, Apr 8, 2025 at 2:03 PM
Subject: Thank You!
To: City Leaders <CityLeaders@fcgov.com>, Noah Beals <nbeals@fcgov.com>

We received word from the City Manager's office that the city is working on preventing any new non-primary Short-term rental licences in our Old Town North neighborhood. That is great news, and a good first step to addressing the issues many have with these non-owner occupied "AirBnb's"! It will help stop additional homes being bought up by investors for that purpose. We greatly appreciate the attention the city has given to this after many have written in about it.

We also hope there will be some follow-on steps by the city to bring the number of current NP-STR's in our neighborhood further down, and/or restrictions on how they could be used. We also don't want to see the existing licences being "transferred" by investors to new addresses in the neighborhood. We eventually would like to see these residences converted back for use by owner/residents and longer-term renters. That will help bring back our residential neighborhood to what it originally was intended for.

Thank you!
 OTN-Residents

Homes Not Hotels in Old Town North!

Email: OTNresidents@gmail.com for more details

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Gratitude and Requests to Ease the Negative Impact of NP-STRs
Date: Tuesday, April 22, 2025 8:58:15 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Monday, April 21, 2025 8:17 AM
To: Jema Anderson <jema@tothesoul.com>; City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] Gratitude and Requests to Ease the Negative Impact of NP-STRs

Hi Jema,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing and for the specific thank you!

ginny

Ginny Sawyer
 Project and Policy Manager
 City Manager's Office
[City of Fort Collins](#)
 300 LaPorte Ave
 970-224-6094 office
gsawyer@fcgov.com

From: Jema Anderson <jema@tothesoul.com>
Sent: Saturday, April 19, 2025 12:01 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Gratitude and Requests to Ease the Negative Impact of NP-STRs

Dear City Council, Mayor, and City Planners,

A sincere thank you to each of you who serve our city, often invisibly. I recognize this city is like no other because of the dedication and care of its leaders. A rare

city of true leadership that listens to its population and continues to make changes as life evolves.

Thank you for your research and curiosity about how the short-term rentals impact families and community members in the Old Town North neighborhood. And for gathering us all together for the Open House to educate and listen to neighborhood input.

A special thank you to Ginny Sawyer, who supported me and my family during a time of distress with multiple STRs in 2022. As a mother, I was frustrated and feared how we could endure what was happening around our home. I was heard, seen, and understood. Ginny gave me the information I needed to understand the beautiful intention of a mixed neighborhood. I can't thank her enough for the meeting that sustained me until this day.

For six years, I have been the unpaid, unwilling manager of guests of multiple STRs. I have reported, photographed, and recorded years of incidents to STR owners, management companies, our HOA, Airbnb, VRBO, and the city.

I am relieved that the day has finally arrived when change is possible! (Maybe soon I can get a new job that pays better? :)

I request:

- A suspension of licenses for new non-primary STR licenses.
- Preventing existing licences from being moved/sold.
- A fair process to reduce the existing number of NP-STR's to a level consistent with other city residential neighborhoods.

With Heartfelt Gratitude,
Jema Anderson and family

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Homes Not Hotels (in Old Town North neighborhood)..
Date: Monday, March 17, 2025 4:37:31 PM
Attachments: [Screenshot 2025-03-17 at 10.38.04AM.png](#)

From: OTN-Residents <otnresidents@gmail.com>
Sent: Monday, March 17, 2025 4:04 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Homes Not Hotels (in Old Town North neighborhood)..

Dear Mayor, Council members, City manager, and Development manager.
You might be getting sick and tired of the group of residents in the Old Town North neighborhood, continually voicing their concerns in regards to the growing number of non-primary Short Term Rentals.. I am writing again on behalf of this growing group (OTN Residents) to plead with the city to put some immediate controls on this situation, and urgency to come forward with a longer term plan.. We all understand how busy you all are with many other matters, and greatly appreciate all you have done to make this one of the best cities to live in!

We hope that at least one of you gets a chance to read this article that relates very much to what we are talking about..

<https://www.harmari.com/harmaristr/2021/05/04/primary-residency-and-hosted-versus-unhosted-short-term-rentals-why-does-it-matter/>

Thank you!

OTN Residents group



From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Homes Not Hotels
Date: Friday, March 14, 2025 11:19:00 AM

From: Kelly Ohlson <kohlson@fcgov.com>
Sent: Friday, March 14, 2025 8:45 AM
To: Douglas Gunderson <dagundersoncc@gmail.com>; City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Cc: otnresidents@gmail.com
Subject: Re: [EXTERNAL] Homes Not Hotels

I agree. KO.

Kelly Ohlson

City Councilmember, District 5

City of Fort Collins, CO

970-493-7225

With limited exceptions, emails and any files transmitted with them are subject to public disclosure under the Colorado Open Records Act (CORA). To promote transparency, emails will be visible in an online archive, unless the sender puts **#PRIVATE** in the subject line of the email. However, the City of Fort Collins can't guarantee that any email to or from Council will remain private.

From: Douglas Gunderson <dagundersoncc@gmail.com>
Sent: Thursday, March 13, 2025 9:56 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Cc: otnresidents@gmail.com <otnresidents@gmail.com>
Subject: [EXTERNAL] Homes Not Hotels

Good Evening,

A few years ago my wife and I moved to Fort Collins to be near our daughter and her family. We love the quality of life that we found in Fort Collins. However we must continue to work hard to maintain and improve this quality of life, it is not guaranteed.

A common challenge for families in this area is the high cost of housing. Simple supply and demand economics means that if we use a single family home for a short term rental it will not be available for a family. When we have many single family homes used as short term rentals, the price of single family homes will go up. I often hear complaints regarding the cost of housing. I have never heard someone complain that there was a lack of short term rentals.

So our city leadership has a choice, help to increase the availability of housing in our wonderful city, or help to provide investment opportunities for a few wealthy people. I suggest that Fort Collins needs homes, not hotels.

Thank you for your leadership,
Doug Gunderson
245 Pascal st
303.818.5385

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Non-primary short-term rentals feedback
Date: Monday, February 10, 2025 4:39:32 PM

From: Yetty Irwan <yetty.yen@gmail.com>
Sent: Monday, February 10, 2025 2:01 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Non-primary short-term rentals feedback

Hello,

My name is Yetty Irwan. I missed the Neighborhood Open House meeting last Monday to discuss Short-Term Rentals (STRs) in the Old Town North neighborhood, but would like to provide my feedback on non-primary STRs in the Old Town North area. My husband and I own a property in Old Town North (238 Osiander St. Unit D) that we don't live in and rent out short-term. We hired Mountain Time Vacation Rentals to manage it. I think there are many benefits of STRs, not only for the property owners but also for the neighborhood and city. Firstly, the ability to operate STRs contributes significantly to the property values in the area. Removing the right to rent could reduce property values by 15-20% - a potential loss of \$100,000+ per home. I have not stayed in our rental property, but I've always been able to see myself moving in there in the future. Currently, it's our investment property that earns us an additional income. Our primary residence home is only 20 minutes away from it. Additionally, I believe short-term rental properties are well-maintained homes. They are consistently cleaned and professionally maintained weekly, often exceeding the upkeep standards of owner-occupied or long-term rental homes. Even though they're short-term rental properties, owners still abide by local laws and HOA's. Issues like parking, noise, and neighborhood standards can be addressed through strict rental policies, tenant screening, and strict local owner or host oversight within minutes of the property. Last but not least, STRs attract visitors and/or tourists, who support local businesses and enhance the vibrancy of the neighborhood. Responsible operators also enforce rules that uphold the character of the community. I believe we can address concerns through proper management of the short-term rental properties, instead of implementing restrictive policies that harm all homeowners.

Thank you for your time.

Sincerely,
Yetty

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Non-primary STR licenses
Date: Tuesday, March 11, 2025 4:16:01 PM

From: Walter Abercrombie <walt.abercrombie@gmail.com>
Sent: Tuesday, March 11, 2025 3:23 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Non-primary STR licenses

Noah, many have (and will continue) to write to the city about the non-primary Short-term rentals issue in our Old Town North neighborhood. I had asked the city to specifically put a moratorium on any new NP-STR licenses until you formulate a more longer term solution to this issue. More houses are for sale in the neighborhood and a NP-STR investor is starting to build on the empty lot across from us.

It simply was not right for the city to stop most non-primary STR's in the rest of the city, yet let our neighborhood get flooded with them in the last few years with no end in sight. This densely developed area simply is not designed to take in such large influxes of temporary stay folks and their vehicles.. I hope that is recognized..

Best regards,
Walter Abercrombie
239 Pascal St.
Fort Collins 80524

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Non-Primary STR's in Old Town North Subdivision
Date: Friday, April 18, 2025 1:34:55 PM

From: Jill Patton <wyllow@comcast.net>
Sent: Friday, April 18, 2025 1:03 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Non-Primary STR's in Old Town North Subdivision

Noah,

I write to express my sincere appreciation for your consideration of limitations on non-primary short-term rentals (STRs) in our Old Town North community. Your willingness to address resident concerns is commendable.

The urgency of this matter cannot be overstated. Swift action is essential to halt the unchecked proliferation of these properties and to subsequently reduce their concentration to levels comparable with other residential districts. Currently, our small neighborhood bears the disproportionate burden of hosting 20% of all STRs citywide, with non-primary rentals constituting the majority and creating the most significant disruptions.

The unique characteristics of Old Town North—comprising approximately 236 properties compressed into an area equivalent to 14 football fields—exacerbate the situation. Our tightly clustered homes and narrow streets amplify the disturbances caused by this high density of non-primary STRs, creating considerable inconvenience for permanent residents. It's important to clarify that primary STRs and traditional long-term rentals do not present similar challenges.

I respectfully request the following actions:

1. An immediate suspension of new non-primary STR license issuances pending the City Council's vote. The current count of 72 STR licenses in our neighborhood already exceeds reasonable limits, and there is concern that investors may rush to acquire additional licenses ahead of anticipated Land Use modifications.
2. Implementation of restrictions preventing the transfer or relocation of existing licenses to different properties.
3. Development of an equitable framework to reduce the existing concentration of non-primary STRs to align with proportions found in comparable residential areas

throughout the city.

Your consideration of these measures is greatly appreciated.

Thank you,

Jill Patton

351 Cajetan St, Fort Collins, CO 80524

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Non-primary STRs in Old Town North
Date: Monday, March 17, 2025 4:37:34 PM

From: Tami Bond <yark99@gmail.com>
Sent: Monday, March 17, 2025 4:16 PM
To: cityleader@fcgov.com; Noah Beals <nbeals@fcgov.com>
Cc: OTN-Residents <otnresidents@gmail.com>
Subject: [EXTERNAL] Non-primary STRs in Old Town North

Dear City of Fort Collins,

I really appreciate all the work you do for City residents, and how responsive you are. I love our natural areas, the trail system, utility information and planning from the City, the long-term planning and community engagement around North College and the extension of the Max line, and the many opportunities we are given to share our views.

I am an owner and resident in Old Town North for the last five years. I live on Jerome Street, where the line of townhomes along the street is 50% short term rentals (STRs). My husband and I bought a place in that location intending to participate in a neighborhood. Over the last few years, the number of STRs has increased dramatically. I have a few comments about that situation.

From old City documents, it appears that Old Town North was originally conceived as a mixed residential/commercial area. However, the tracts between Jerome Street and Redwood (and eastward) have not developed that way: they are almost entirely dwellings. The land use designation currently makes it possible for investors to install an unlimited number of STRs, and that is how the land is being employed. People who live there have neither the benefit of a truly mixed residential and commercial environment, nor the protection of an area zoned as residential. It's time to revisit it. I doubt that the City's vision was creating a neighborhood that served investors to the detriment of residents.

Although unintended on the City's part, the current land use designation which allows unlimited STRs in a desirable area near Old Town has created a bit of a monster because it is the only area with both proximity and loophole. Not only do investors flock there, but people who buy homes originally intending to live there decide to keep those homes as STRs when they move on – because they can.

The large percentage of non-resident investors in Old Town North currently means that they can dominate planning of that area. People with business interests can devote their energy to serving on the HOA board, preventing discussion of STRs and leveraging several votes. People who need employment, in order to pay for a single mortgage or lease, may not have that kind of time. With this situation, not only is discussion of STR influence stifled, but concerns of residents that don't affect non-residents are dismissed by the board – even if they have nothing to do with STRs. Non-residents can operate the entire neighborhood in ways that they themselves would not accept if they lived there.

I am not opposed to STRs in the neighborhood. I'm glad that Fort Collins is a place that people want to visit. However, at the library event, some STR owners shared views that were surprising to me, and that seem inconsistent with healthy neighborhoods. One person commented that he "didn't have neighbors" because he owned all the units in one building. My townhouse is 50 feet away from that building, but faced with this fact, he still insisted that he didn't have neighbors. When someone 50 feet away is not a neighbor, I have to wonder what is. I also heard some people mentioning that they had invested in an STR so they could retire and if they didn't have it, "it would be a problem for them." I have also had to plan for retirement, but I've recognized that I should have a diversified portfolio to achieve stability. Protecting myself in that way is on me, not the City. It would not ever occur to me to ask a government to backstop a monolithic investment decision that I alone had made.

As you deliberate on how Old Town North might develop, remember that you are hearing from a few people who live in Old Town North as well as people who have invested there – but you are probably *not* hearing from people who have been squeezed out. It's too late for them. Our next-door neighbor weathered the pandemic with us and other folks nearby, and we looked out for each other's places when we were on travel. But after four years of being a great neighbor, he could not withstand the competition of STRs when the owners asked him to either leave so they could use the unit as an STR, or face a much higher rent payment. Most of our other group is gone, too, and STRs are in their place. I'm not aware of a single unit where a moving-out resident was replaced with a moving-in resident.

I believe that the current land use designation of Old Town North isn't serving the interests of residents and isn't aligned with the character of other neighborhoods in the city. I think that a Primary STR designation in the Land Use Code would be appropriate; if that is not possible, I believe that the number of STRs should be capped at its current level until deliberation has occurred and there is a plan for implementation.

Thank you for your consideration.

Homes, not Hotels in OTN!

Tami Bond

908 Jerome Street Unit 3

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] NP-STR_May 15 City meeting
Date: Tuesday, April 22, 2025 8:58:24 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Monday, April 21, 2025 8:16 AM
To: Noreen Linke <noreenlinke@gmail.com>; City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] NP-STR_May 15 City meeting

Hi Noreen,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Noreen Linke <noreenlinke@gmail.com>
Sent: Saturday, April 19, 2025 3:38 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] NP-STR_May 15 City meeting

To Whom It May Concern:

We have been informed that there will be a Planning and Zoning session held by the city

on May 15th at 6pm at City Hall where there will be a review of the recommendations made for Old Town North (OTN) and Non-Primary Short-Term Rentals (NP-STR). Unfortunately, we will be unable to attend this meeting, and hope that this email will serve as our comments. We have sent several emails in the past covering basic aspects of this topic as it impacts us personally.

We appreciate that the city is more formally considering limiting Non-Primary Short-Term Rentals (NP-STR) in our Old Town North (OTN) neighborhood. Thank you for listening to our concerns. We hope that these changes will be expedited to prevent further uncontrolled growth of these NP-STR's, and that steps will be taken soon to reduce the existing ones to the same level as other residential neighborhoods in the city. Our small residential neighborhood is currently burdened with 20% of all the STR's in the city, a majority of those being Non-Primary, which cause the biggest impact.

To recap our personal concerns:

- We are not against NP-STR wholesale, but against a lack of limits, creating a situation that what was intended to be a residential neighborhood instead becomes a commercial zone. We have owned our house in OTN for a long time. Most of this neighborhood was not yet developed. We purchased into what was supposed to be a residential neighborhood and looked forward to being part of a primarily owner-occupied neighborhood.
- At some point, NP-STR's gain their profit at the expense of residential owners by devaluing our properties. Residential owners don't usually want to live in a saturated, transient, commercial community. This is coupled with the fact that there is already an effort by an owner adjacent to us to build a non-conforming structure whose only purpose is NP-STR. It lacks the features required of a home that would be permanently occupied. It does not conform to the requirements that every other house around it had to comply with, and yet it obtained a building permit by the City of Fort Collins. Quite perplexing. An independent broker analysis has concluded that this will definitely devalue all the homes in the near vicinity of this "new build." NP-STR gains, owner-occupied house loses. Our homes are investments also, deserving protection.
- Our neighborhood is dense, with residences close to each other and streets narrower than other residential neighborhoods. Most garages are in the back along very narrow alleyways. Too many cars in areas too small creates issues. As a result, the impact of this high number of NP-STR's is much larger and a much greater nuisance to many of us who live here full time. Primary STR's have not tended to be an issue because the owner is present and the number of people is much less. Our proximity to a

NP-STR has caused us to have personally sustained property damage which caused a good amount of resources (money) and time to repair. We have experienced lack of respect, parking issues, trash issues, and trespassing on our property by short-term renters. Along with that, many of us have no idea who owns the NP-STR property that affects us or how to contact them when we experience these issues.

- We would like to see an immediate moratorium on NEW NP-STR licenses.
- We would like to see the city prevent existing licenses from being moved/sold to other addresses.
- We would like a fair process to reduce the existing number of NP-STR's to a level that is consistent with other residential neighborhoods in the city. Why OTN is the only neighborhood in all of Fort Collins to have a NP-STR free-for-all is very disheartening and frankly makes us want to move away as it definitely impacts the quality of our life.
- NP-STR licenses should be reviewed at least annually. There should be a place where a residential owner or neighbors in general can register complaints against bad actors and that should be considered before the renewal of any annual license.

Once again, we would like to thank you for your attention and consideration of our concerns.

Sincerely,

Noreen Linke

251 Cajetan St.

Fort Collins, CO 80524

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Nuanced Opposition to STR Zoning Changes in Old Town North
Date: Monday, April 14, 2025 8:35:22 AM

From: Amanda Zoch <zoch.amanda@gmail.com>
Sent: Friday, April 11, 2025 8:25 PM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Nuanced Opposition to STR Zoning Changes in Old Town North

Dear Mayor Arndt, Councilmembers, and Planning Staff,

I'm writing to express my opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

I do think a solution is needed so that the neighborhood doesn't become just a business park, but I think my situation (explained below in too much detail) offers some important nuance.
TL:DR: I think it is important to distinguish between investors who buy up properties planning to turn them into non-primary STRs, who own multiple homes and have never lived in Old Town North, and people like my husband and I, who own and manage one non-primary STR, lived in the neighborhood for 7 years, and still know many current residents.

Full context: My husband and I moved into Old Town North in 2016; we had fantastic neighbors and enjoyed getting to know our community. Over time, though, more and more Airbnbs emerged. After a few years, neither of the houses next to us were inhabited by long-term residents. One was an Airbnb; the other a mid-term rental. We rarely had issues with Airbnb guests or the mid-term renters, but we saw how the neighborhood had more and more Airbnbs. That wasn't a problem, but we could see that if left unchecked, it could become one.

We took proactive steps. My husband was on the HOA board and took the issue to them. He tried, relentlessly and for years, to get the board to institute a cap that would allow existing Airbnbs to continue but prevent any new ones from going in. The hope was also to somehow make it so that if an existing Airbnb property were sold, it would no longer be eligible to be a non-primary STR. This would prevent financial harms to existing non-primary STR owners and, over time, help restore the neighborhood.

By 2023, we were having a baby and ready to move into our forever home, and yes, the non-primary STRs were a factor, but not the only one. Unfortunately, interest rates had gone through the roof and so had home prices. We kept crunching the numbers and realized that if we kept our home in Old Town North and managed it as a non-primary STR, then we could afford the house and neighborhood we hoped to move to (I know, I know, this is an incredibly privileged situation to be in).

It was a case of "if you can't beat 'em, join 'em" unfortunately, and it was a decision that we did not take easily or lightly. We decided that, since we were only moving a mile away, we

could ensure that we kept a close eye on our non-primary STR and be highly attentive to neighbors' concerns. The HOA has not received any complaints against our property, to my knowledge.

We made the decision to turn our former home into a non-primary STR in good faith. Changing the zoning now would create serious financial concerns for my husband and me. I urge the City to support the efforts already underway in Old Town North and through the HOA to mitigate existing issues and, if a zoning change is warranted, to consider grandfathering in existing non-primary STRs.

I understand the City Council plans to discuss this issue at the May 15 meeting, but this feels very rushed to me. Could there be opportunities for more listening sessions or outreach to current residents and owners; perhaps a stakeholder group of residents and non-primary STR owners to discuss potential compromises? Perhaps there could be limits on how many non-primary STR licenses a person can have in the neighborhood? (Thus preventing investors from owning many properties, but still allowing individuals to have 1 or 2 non-primary STRs.) Many nuanced paths forward seem possible.

I respectfully urge the city to delay any decisions until more outreach and discussion can be had.

Thank you for your time and consideration. I welcome the opportunity to discuss this in more detail, especially since I have been on both sides of this issue. I am hoping the city can work with the HOA and all stakeholders to find a balanced approach.

Sincerely,

Mandy Zoch

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North Airbnb
Date: Monday, February 10, 2025 8:22:12 AM

From: M S <mspanier1974@gmail.com>
Sent: Friday, February 7, 2025 6:14 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North Airbnb

Noah,

First, thank you for taking the time to meet with our community last week. I wish I could have attended in person, but work requires me to travel during the week. I am concerned that you likely heard more from people that don't care about the actual community outside of their ability to make a dollar at the expense of those of us that truly call Old Town North home. I am writing to express my deep concern regarding the increasing number of Airbnb properties in our neighborhood. As the former HOA Board President I am intimately familiar with the challenges this presents to those of us that actually call OTN "home". The lack of care of property, fires, parties and overcrowded houses and parking present a unique challenge that the city must address. This creates a disruptive environment akin to living in a neighborhood filled with mini hotels and not allowing the neighborhood to ever feel like a real community. This situation not only affects the quality of life for residents, but also poses a significant threat to our community's long-term property values thus affecting the city's property tax revenue.

I urge the city to consider implementing a grandfathered-in clause to prevent further Airbnb expansion. This will not threaten existing owners as they can continue to own and create revenue for their businesses, but will not allow to overwhelming ownership of property owners only looking to make a buck at any expense of those of us who reside here on a full time basis. Please note the current lack of restrictions has turned our neighborhood into a business, not a residential community. Without such measures, the unique character and stability of our neighborhood are at risk, and the overwhelming presence of short-term rentals will continue to undermine our community's cohesion and property values.

Thank you for your attention to this important issue and I welcome a call or in person meeting if you wish to discuss this further.

Sincerely,
Mike S.

918-906-5672

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North Non-Primary Short Term Rentals
Date: Wednesday, April 9, 2025 1:07:52 PM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Wednesday, April 9, 2025 8:27 AM
To: Mark Lobodzinski <mark@lobodzinski.net>; City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] Old Town North Non-Primary Short Term Rentals

Hi Mark,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Mark Lobodzinski <mark@lobodzinski.net>
Sent: Tuesday, April 8, 2025 5:53 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North Non-Primary Short Term Rentals

Hello all!

I wanted to share a short note with you to voice my support for any city-supported

actions in support of limiting or eliminating non-primary short term rental licenses in my neighborhood.

Our family has greatly enjoyed living in Old Town North for ten years as homeowners. We were very fortunate to find a home on Osiander street in 2015 and loved the neighborhood so much that we moved into a newly-built home on Pascal street a few years ago. We have made many friends, including other homeowners like ourselves, but also among the long-term renters that we have met in the neighborhood.

I'm confident the city staff is familiar with issues regarding short-term rentals, and in our time here we have experienced the entire gamut. We love Fort Collins and Old Town North and think it only fair that we should share and enjoy the same controls and living standards as most of the other other neighborhoods in our wonderful city.

Thank you all VERY MUCH for your interest and concern for our cause and well-being. We are happy to help in these efforts however we can.

Good day, and again, thank you!

Mark Lobodzinski

238 Pascal St

Fort Collins, CO 80524

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North Non-primary STR's
Date: Thursday, April 17, 2025 5:08:24 PM

From: Kerri Watkins <kwdolphingirl@gmail.com>
Sent: Thursday, April 17, 2025 4:30 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North Non-primary STR's

Dear City Council, Mayor, and Managers,

I would like to start by thanking you. I really appreciate the fact that you are taking the current problem of too many non-primary STR's in Old Town North seriously. Thank you for listening to our concerns. We hope that these changes will be expedited to prevent further uncontrolled growth of these STR's, and that steps will be taken soon to reduce the existing ones to the same level as other residential neighborhoods in the city.

Having so many non-primary STR's is very impactful to the owners that call this neighborhood home. The impact is one that has zero benefit to the community, in fact it only creates a burden. The noise, the parties, the cars pulling in and out, all hours, day and night, the trash that is left, cigarette butts, the lack of parking or the parking that is done illegally. The current amount of these homes that are right across the street from my front door is overwhelming. On any given weekend there are more people staying in these 4 homes than all of my neighbors combined. (The 4 STR's directly across from my home can house up to 35 individuals)

I am hoping you can put an immediate pause on any new STR's in Old Town North. We have a home that is about to go under contract at 339 Pascal. This street can not absorb anymore STR's.

Our neighborhood is dense, with residences close to each other and streets narrower than other residential neighborhoods. We have about 236 properties in the size of 14 football fields combined in OTN. As a result, the impact of this high number of NP-STR's is much larger and a nuisance to many who live here full time. Primary STR's and long-term rentals are not the issue.

What we are requesting as home owners who live here full time.

Immediate moratorium on new non-primary STR licences until the vote by city council. 72 STR licences in our neighborhood is already way too high. Investors/owners will rush to add new ones to beat the anticipated Land Use changes.

- Prevent existing licences from being moved/sold to other addresses.
- A fair process to reduce the existing number of NP-STR's to a level that is consistent with other residential neighborhoods in the city.

I'd like to invite anyone to my home next week. I will be available April 21-26. My schedule is flexible and I'd encourage any of you to come into my home and walk my small part of this neighborhood. I believe seeing first hand how these houses and neighborhood has been designed may help you understand why we, the homeowners are passionate about this change needing to happen.

My phone is (425) 829-4647

My address is 363, Pascal St.

I can be reached via phone or email to set up a time to tour my home and neighborhood. Thank you! I look forward to meeting you.

Thank you,
Kerri Watkins

Sent from my iPhone

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North residences
Date: Tuesday, April 22, 2025 8:58:51 AM

-----Original Message-----

From: Ginny Sawyer <GSawyer@fcgov.com>
 Sent: Monday, April 21, 2025 8:14 AM
 To: Dolores Williams <tinytornado@mac.com>; City Leaders <CityLeaders@fcgov.com>
 Cc: Noah Beals <nbeals@fcgov.com>
 Subject: RE: [EXTERNAL] Old Town North residences

Hi Dolores,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

ginny

Ginny Sawyer
 Project and Policy Manager
 City Manager's Office
 City of Fort Collins
 300 LaPorte Ave
 970-224-6094 office
 gsawyer@fcgov.com

-----Original Message-----

From: Dolores Williams <tinytornado@mac.com>
 Sent: Sunday, April 20, 2025 8:18 PM
 To: City Leaders <CityLeaders@fcgov.com>
 Subject: [EXTERNAL] Old Town North residences

I attended the open house where I learned of the reconsideration to create proper zoning for residents who are disturbed with commercial Air B&B temporary dwellings in Old Town North. Those residents who bought houses and settled in are finding that when too many temporary residents are allowed, the noise and strangers everywhere ruin living for permanent residents whether they buy or rent.

I have invested in two wonderful townhouses and carefully select renters for at least one year. Most renter stay another year or two. They are reporting to me that on the weekends they cannot find parking in their street. I hate to lose good renters just because of the noise, parking, and strangers.

I understand that CSU students from the dorms rent Air B&B houses for parties. Can you imagine living next to a party house? Actually, worse is when investors rent to strangers and there is nobody around to care about noise and care of the yard. I hope those licenses could be pulled or not renewed because there are motels and hotels in the commercial districts with police presence, etc.

Primary Air B&B leases provide the owner of the house to be present. While still making commercial what should

be a residential district with people as neighbors who belong there.

Thank you for recognizing the problems and for removing licenses causing trouble and/or not allowing licenses to bring the neighborhood back to a neighborhood

Sincerely,

Dolores Williams
415 Mason Court 7A
Fort Collins, CO 80524

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North Short Term Rentals
Date: Wednesday, February 5, 2025 10:06:36 AM

-----Original Message-----

From: Lynne Vaughan <lvaughan3829@gmail.com>
Sent: Wednesday, February 5, 2025 9:35 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North Short Term Rentals

Good Morning Noah,

I was out of town and unable to attend last week's meeting and am thankful that I am able to send you some feedback.

I live at 215 Osiander and when I moved into the area in 2018 it was a neighborhood of mostly owners. As property has turned over I now live in a neighborhood of rental properties. The majority of property to the west, north, east and south of me are rentals.

The growth of rentals in the neighborhood will ultimately make this area unlivable for people who enjoy community. There is no cap on the number or percentage of rentals which will result in even more rentals in the future.

I love the area and location that provides access to Old Town, the Poudre Trail and shopping. That is also why it is an attractive area for people who want to have rentals here.

I hope the city can figure out a solution for Old Town North so it does not become a neighborhood of rentals. I do miss having neighbors!

Lynne Vaughan

Sent from my mobile device

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North STR - Cont.
Date: Thursday, April 10, 2025 5:01:14 PM

From: Kay Osentowski <kayos160@yahoo.com>
Sent: Wednesday, April 9, 2025 10:47 AM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>; Spencer Douthit <spencerdouthit@yahoo.com>
Subject: [EXTERNAL] Old Town North STR - Cont.

I wanted to mention one more thing that I feel must be understood. Those of us who have been very good stewards of our properties should not be punished over the handful of homes who have not. We take huge steps toward being good property managers of our properties. We pay a local property manager who has a staff of people who are always available if a problem arises. We have been fortunate, that none of our guests have caused any issues in the neighborhood. We screen very carefully. I do feel strongly that if a property is causing problems, direct consequences should be applied. The HOA and subcommittee should address these few homes that have been a problem, and the issues would go away. To rezone an entire subdivision is not the answer. Thank you.

Kay Osentowski
NCREB
160 Fairway Lane
Fort Collins, CO 80525

970-420-9005

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North STR Feedback
Date: Wednesday, February 26, 2025 4:22:28 PM

From: Free Willy <freewillyagain66@gmail.com>
Sent: Wednesday, February 26, 2025 4:18 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North STR Feedback

I have owned a home on Cajetan in Old Town North for the past 6+ years. I live in the home and have never rented in any capacity. I have seen a change in our neighborhood. This started when the City of Fort Collins changed the STR rules in areas next to Old Town. This neighborhood always had a handful of STRs during the summer, but the percentage of homes renting for a weekend or week is much higher than before. The negatives that I have noticed are...

- Rental properties don't take care of the grounds around their homes (This could be managed by a stronger HOA)
- Some refuse appears on streets (Jerome St. is the worst; this could be STRs or the homeless who travel down this road regularly. I am sure FC Police would confirm)
- STRs don't pick up after their dogs
- The neighborhood has less of a community feel.

I actually find most of the STR tenants to be very pleasant. Two of the homes right behind us are STRs where the owner does not live in the home. They both have someone who comes to take out the garbage and clean up anything left in the alley. The renters are generally families who are in town to visit students or here for youth sports tournaments. I have never had to call the police and complain about parties.

I have often wondered if the lack of STRs near downtown has negatively affected business in the downtown area. There are not a lot of reasonable hotel options downtown. I do wish we had more neighbors, but my concerns in the neighborhood are safety and condemned buildings on Osiander (it looks like they are being finished). I prefer not to share my name as my reasonable feedback may not be appreciated by vocal residents.

Old Town North Resident

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North STR Zoning
Date: Friday, February 7, 2025 8:33:37 AM

From: joanie deatrich <joaniedeatrich@gmail.com>
Sent: Thursday, February 6, 2025 6:50 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North STR Zoning

Dear Mr. Beals,

I am writing to express my concerns about proposed changes on short-term rentals in Fort Collins. My husband and I own 2 rental properties in Old Town North. We purchased these homes under the understanding that short-term rentals were legally permitted through the City and authorized under HOA covenants in Old Town North. We also live in Old Town North and are part of the neighborhood. We are concerned about future potential changes.

Before purchasing these properties, we closely followed the city's extensive two-year planning process that ultimately allowed short-term rentals in designated zones. We made our investments with the full confidence that the city had thoroughly considered the matter and had established clear guidelines to ensure responsible operation. A sudden reversal of this policy not only undermines that process but also creates uncertainty for homeowners and investors who have followed the rules in good faith.

Since we started renting these properties, our guests have respected the neighborhood and followed the city's regulatory requirements, including parking and noise ordinances. We take pride in maintaining well-managed rentals that align with the city's and community's standards. We have reached out to neighbors and given our phone numbers requesting that they contact us with any issues. We've also installed Ring cameras monitoring the exterior of the properties. Again, we live in the neighborhood and are interested in it thriving. If there are concerns about rental properties that do not adhere to these regulations, I believe the city should focus on enforcing fines and, if necessary, revoking the licenses of repeat offenders. A complete ban, however, unfairly punishes responsible owners and disregards the thoughtful planning efforts that have taken place over the years.

We urge you to focus on targeted enforcement measures that ensure compliance while allowing responsible short-term rentals to continue operating. We would welcome the opportunity to discuss this issue further and provide input on potential solutions.

Thank you for your time and consideration.

Best regards,

Dr. Joanie Deatrich and Mr. John Singer

[544 Cajetan St.](#)

[Fort Collins, CO 80524](#)

joaniedeatrich@gmail.com

johnsinger@gmail.com

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North STRs
Date: Wednesday, February 5, 2025 3:37:57 PM

From: Steve Ertl <steve.ertl@gmail.com>
Sent: Wednesday, February 5, 2025 2:05 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North STRs

Hi Noah,

I'm the BOD president for the sub-association "North Flats Condos" on the 800 block of Blondel Street in Old Town North.

I'm curious to know if any meeting notes or links to the discussion will be made available anywhere?

Our 5-Unit condo buildings are considered "Multi-family R-2 buildings" (condo buildings with 3 or more dwelling units on a single property), which I've read **disallows STRs**, but allows mid-term (30+ days) or long-term rentals. *Please advise if this is an incorrect interpretation or understanding?*

From my vantage point:

I've lived in OTN since 2010 and have experienced a "dissolving of community cohesion" since STRs were first introduced (and subsequently exploited by remote investors). As STRs have increased in our little community, 1) street parking has become more of an issue, 2) crime/theft/annoyance has become more prominent, 3) the safety & security of Tribe — knowing & looking-out-for our neighbors — has plummeted, and 4) investor-owners have almost no interest in contributing or investing into OTN community projects that support those of us who actually reside here (b/c there's little-to-no direct ROI, as perceived by them).

I hope this feedback is helpful.

Thank you for your diligent work on the subject. It feels really critical that we re-prioritize living-breathing people over cash flow/money.

All My Best,
-S.

Stevey Ertl

cell 970-761-0999

email steve.ertl@gmail.com

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North STRs
Date: Friday, February 7, 2025 8:34:28 AM

From: Matt V <unwrappedvoltage@gmail.com>
Sent: Thursday, February 6, 2025 4:24 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North STRs

Hi Noah,

I live at 503 Cajetan St, Fort Collins which I operated as a STR 2017-2020 and then moved in and lived there 2020-present, which gives me a unique perspective.

You might be able to relate to renting a Airbnb, with a great host the experience is amazing, but with a poorly operated home, it's tough. Same thing with the neighborhood, well run Airbnbs actually benefit the community but shoddy operators bring it down. I'll copy and paste my earlier email point: * Unshoveled sideways - for 503 Cajetan, I can state as operated as a STR the snow was shoveled better than myself living there. I paid a snow removal crew that removed it every time. Now that I live here, I'm gone half the time it snows either on a work trip or skiing and it melts by the time I'm home. The fact the HOA does not enforce snow shoveling is a reflection of poor HOA management, not a STR problem.

I believe Mountain Time Vacation Rentals represents an excellent operator that takes action on issues that arise when it comes to trash, noise (ask them about their "good Neighbor Initiative"), and parking. They operate a number of STRs in OTN and as such can be significantly more pro-active, creating a positive STR environment.

I commend the City of Fort Collins for a well designed and thought out STR regulations with primary and non-primary options. Changing these regulations doesn't make sense and I support the current STR process as a long time owner and resident in the neighborhood.

Best,

Matt

The City of Fort Collins hosted an Open House last Monday evening to discuss the situation of Short-term rentals (AirBnb, VRBO,..) within our Old Town North neighborhood. The reps from the city were mainly looking to get feedback from property owners on non-primary Short-term rentals (owner doesn't reside on property), and the impact that they have on the neighborhood. There was a good turnout of folks attending. The city wants as much feedback as possible to determine next steps.

In case you were unable to attend, you can still send your feedback, and suggestions related to STR's directly to Noah Beals (nbeals@fcgov.com), who is a Development Manager for the city. Adding your street address would be helpful, but not necessary..

Old Town North - HOA Board.

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North: STRs
Date: Thursday, February 27, 2025 9:29:51 PM

From: Suzanne Lobodzinski <suzanne@lobodzinski.net>
Sent: Thursday, February 27, 2025 11:28 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North: STRs

Hi Noah,

My husband, Mark, and I would like to add our feedback re STRs in Old Town North.

Below is a list of issues we've encountered over the past ten years living here. We moved from Osiander Street in OTN to Pascal St because we were almost surrounded by rentals and because of the construction across the street on Osiander, but we love the location and the real neighbors we've met and become friends with. We thought moving to Pascal might alleviate the issue with the rentals, since the homes are a bit higher priced, but no. The city allowing duplexes to be built on Pascal has allowed absentee owners to rent to more than one group at a time, which causes parking issues on our already narrow street.

-Noise: parties (bachelor/bachelorette parties, corporate housed renters having weekend parties, wedding guests coming back and partying), loud music (party or not); yelling across the street from house to car while unpacking (SO MANY do this, why?!); walking around the alley loudly, drunkenly arguing and swearing while on the phone; drunken groups walking home being loud and obnoxious -- one of our neighbors noted he woke up to vomit on his front walk.

-Parking: parking in driveway so the car extends into the alley (the alleys, like our streets, are super narrow), parking in the alley while unpacking, just literally parked in the alley (no one in the car, ignition off); Pascal is a narrow street with parking allowed on only one side and we've several no parking signs on the no parking side, yet they still park right in front of the signs on the wrong side. Too many cars for one unit/house -- we've limited parking if we have guests over and if the STRs have several groups then our guests or we can't park near our own home. We have only one car and 99.8% of the time park in the garage, but on weekends when you'd like to clean out or rearrange the garage, or you need to make a quick stop at the house, or our daughter visits from Denver, there's no

parking available on our street because of cars with out-of-state plates or rental plates. A college sports team's huge CHARTERED BUS parked on the street while the team is staying here. The bus driver sat in the bus while the engine was on for hours on the last day of their stay.

-Disregard for Property: both the homeowners and the renters. Weeds so tall. Snow not shoveled. Trashcans overflowing or left out all week against HOA rules. Five rental scooters left parked in the front yard after checkout. Rental bikes left on the sidewalk in front of the rental.

-Rudeness: we both were RAs in college and know how to tactfully address a conflict and yet when we ask them to please repark their cars and explain why or ask them to turn down the music they're so rude. We no longer try to address noise or parking ourselves and just call the non-emergency line, which seems like a waste of city resources, or our property management group, which usually aren't very helpful.

-We've had people come up onto our porch thinking they're at their STR:
A few times it's been a drunken group walking home. We've video of people in the street yelling at the person on our porch at 2am that they're at the wrong house.

On Feb 04 this year, during the night, a man came up onto our porch with his roller bag (car parked directly in front of our house and the no parking sign, on the wrong side of the street) and was looking for the access code on his phone when my husband noticed him. Mark opened the door and the man indignantly said, "But this is my rental!" Nope! We actually live here -- this is our home. He was then super sweet and apologetic. Nonetheless. My husband is out of town about once a week, and if I'm home alone at night and get a notification that an unknown male is trying to enter my house in the middle of the night -- considering the issues our neighborhood also has with the transient population -- I'm calling 911 and possibly unlocking the handgun. Not allowing absentee-owner STRs in our neighborhood should solve this issue, along the majority of those listed above.

We would appreciate the city taking a sincere interest in our neighborhood's issues with the high number of absentee-owner STRs in Old Town North. Having such a disproportionate number creates a burden on those of us who actually live here and want to create a positive and safe environment for our families.

Many thanks,
Mark & Suzanne Lobodzinski

238 Pascal St

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North: Thank you
Date: Wednesday, April 16, 2025 10:21:05 AM

-----Original Message-----

From: Christine Dianni <cdianni@gmail.com>
Sent: Wednesday, April 16, 2025 8:54 AM
To: Noah Beals <nbeals@fcgov.com>; City Leaders <CityLeaders@fcgov.com>
Subject: [EXTERNAL] Old Town North: Thank you

Dear Noah and City Leaders,

Thank you so much for quickly responding to our urgent request to put a moratorium on Old Town North's unrestricted licenses for non-primary short-term rentals.

As an 18-year resident/owner, I am so thankful for the buildout of our neighborhood based on New Urbanist ideals. I welcome the mixed densities and intimate street and sidewalk designs that moderate traffic speeds and bring us in close contact with our neighbors. The current density of NP-STR's depersonalizes the place, takes away our ability to work through grievances, or to join in the parties! I notice myself not making effort to say hello to folks since I know they will be gone tomorrow.

I understand your staff is looking into options to unlimited licenses for NP-STR's in Old Town North. I ask that our regulations match rigorous restrictions in place in other Fort Collins neighborhoods so we are no longer singled out as the last available place to establish NP-STR's.

Thank you,
Christine Dianni
214 Pascal Street

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposed to Proposed STR Zoning Changes in Old Town North
Date: Monday, April 14, 2025 8:36:05 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Friday, April 11, 2025 5:19 PM
To: Matt V <unwrappedvoltage@gmail.com>; City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] Opposed to Proposed STR Zoning Changes in Old Town North

Hi Matt,

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

As you may know, staff recently hosted an open house to hear directly from residents in Old Town North. We are taking that information and sharing with Council as we work to develop possible options to help address these issues and your perspective is very important to us. As soon as we have a time frame and options developed, we will share with the neighborhood.

Also, the May 15th meeting is the [Planning and Zoning Commission](#) not Council. This meeting is held at City Hall in Council chambers and starts at 6pm.

Thank you again.

ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Matt V <unwrappedvoltage@gmail.com>
Sent: Friday, April 11, 2025 5:16 PM

To: City Leaders <CityLeaders@fcgov.com>

Cc: Noah Beals <nbeals@fcgov.com>

Subject: [EXTERNAL] Opposed to Proposed STR Zoning Changes in Old Town North

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has both ran my property as a short term rental and currently live there full time, I have invested a significant amount of money into a situation that provides me with optimal flexibility. As either an owner occupant or rental agent, I have fully complied with all STR regulations and HOA covenants. I am deeply concerned about the potential impact of this change. I purchased my home in 2017 after carefully reading the HOA to ensure I could operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial strain for responsible homeowners like myself.

I want to highlight that the past HOA board and property management were absent in addressing this issue. There is a new HOA board and property management with a markedly different vision to address this issue raised by a small but vocal group of neighbors. A special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community. I ask that the City support the collaborative efforts already underway in our community before taking such a sweeping, blanket, and potentially damaging action. I ask that the City use the existing STR process to consider revoking STR licenses for properties that ignore the special Old Town North STR Committee instead of facilitating an action based on the voices of a few in the community instead of the majority.

City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Myself and others feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. I respectfully request that the City pause any decisions until a more robust and transparent process can take place where the entire Old Town North community voices can be heard.

Thank you for your time and consideration. Please work with the STR Committee and our HOA to find a more balanced, neighbor equality approach.

Sincerely,

Matt Veghte
503 Cajetan St, Old Town North

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Restrictions in Old Town North
Date: Friday, April 25, 2025 5:32:42 PM

From: Jennifer Kelly - Realtor <jenniferkellyteam@gmail.com>
Sent: Friday, April 25, 2025 5:29 PM
To: Kelly DiMartino <KDIMARTINO@fcgov.com>; Tyler Marr <tmarr@fcgov.com>; Ginny Sawyer <GSawyer@fcgov.com>; Em Myler <emyler@fcgov.com>; Noah Beals <nbeals@fcgov.com>; Jeni Arndt <jarndt@fcgov.com>; Susan Gutowsky <sgutowsky@fcgov.com>; Julie Pignataro <jpignataro@fcgov.com>; Tricia Canonico <tcanonico@fcgov.com>; Melanie Potyondy <mpotyondy@fcgov.com>; Kelly Ohlson <kohlson@fcgov.com>; Emily Francis <efrancis@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Restrictions in Old Town North

Dear Mayor Arndt, Members of the Fort Collins City Council and others:

I hope this message finds you well. Thank you for your time and service to our community. I am writing to respectfully voice my strong opposition to any further restrictions on Non-Primary Short-Term Rentals (STRs) in Old Town North (OTN).

Further limiting STRs would directly conflict with several of the City's key 2024 Strategic Plan objectives, including:

- **Increasing housing supply, type, choice, and affordability** (NCV 1)
- **Building vibrant, walkable neighborhood centers** (NCV 4)
- **Fostering local economic opportunity and removing barriers for small businesses** (ECON 1)
- **Supporting cultural engagement and recreational access** (C&R 1)
- **Maintaining public trust through transparent, consistent governance** (HPG 2)

Short-term rentals in Old Town North play an important role in achieving these goals. They expand housing options for residents, traveling workers, and families seeking temporary stays. They create essential income opportunities for local property owners, support neighborhood vitality, fuel small business success, and enhance cultural and recreational engagement within our community.

I understand that the City hosted an open house on February 3, 2025, to gather resident feedback regarding STRs in Old Town North. Following this meeting, staff issued a formal memorandum recommending that Non-Primary STRs be prohibited in the neighborhood. I also understand that a proposed land use change to eliminate Non-Primary STRs in

OTN is scheduled for discussion at the Planning and Zoning Board meeting on May 15, 2025. While I appreciate the City's engagement efforts, **it is important to recognize that this memorandum does not reflect the views of all residents, nor does it align with the broader objectives outlined in the City's Strategic Plan.** Major policy changes based on limited engagement risk undermining public trust and the inclusive processes Fort Collins is known for.

Restricting STRs at this stage—especially without compelling new data or widespread evidence of harm—would send a troubling signal of inconsistency between the City's stated strategic goals and its actions. It would reduce housing flexibility, hinder local entrepreneurship, and erode trust among residents who have relied on the City's previously established policies.

Additionally, further restrictions would work against the City's commitment to building interconnected "15-minute neighborhoods," where local amenities, housing, and services are easily accessible. STRs contribute directly to this vision by supporting walkable, vibrant neighborhoods and helping local businesses thrive.

I urge you to uphold the principles set forth in the Strategic Plan and maintain the current framework for STRs in Old Town North. Rather than restricting these opportunities, the City should focus on responsible management strategies that protect community character while allowing residents and local businesses to thrive.

Fort Collins has long been recognized for its thoughtful, forward-looking approach to policy. I respectfully ask you to continue that tradition by preserving the vitality, diversity, and economic opportunity that STRs bring to Old Town North.

Thank you for your time, leadership, and consideration of this important issue. I welcome any opportunity to further engage with the Council to ensure Fort Collins continues to grow in a way that is equitable, vibrant, and true to its adopted vision.

Sincerely,

| |

|

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!
Date: Friday, April 11, 2025 4:00:23 PM

From: Linda Lovegreen <lindalovegreen@gmail.com>
Sent: Friday, April 11, 2025 4:00 PM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am very concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community. We have never had a complaint about our STR; we have posted signs to reflect quiet hours, where they are to park and we do not rent or market to anyone more than the "heads in beds" would fit in our home.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action! We would not be able to afford our home if we did not have the income that is generated from our STR!! Stripping our right to have a STR license would have a devastating effect on our family. I think it is also important to understand that those that are complaining knew when they bought or built that this was a neighborhood that allowed STR's...

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,
Linda Lovegreen
lindalovegreen@gmail.com

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North
Date: Wednesday, April 16, 2025 10:38:31 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Monday, April 14, 2025 4:38 PM
To: Deborah Nations <the_nations@yahoo.com>; City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North

Hi Deborah,

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Also, the May 15th meeting is the [Planning and Zoning Commission](#) not Council. This meeting is held at City Hall in Council chambers and starts at 6pm.

Thank you again.

ginny

Ginny Sawyer
 Project and Policy Manager
 City Manager's Office
[City of Fort Collins](#)
 300 LaPorte Ave
 970-224-6094 office
gsawyer@fcgov.com

From: Deborah Nations <the_nations@yahoo.com>
Sent: Monday, April 14, 2025 2:17 PM
To: City Leaders <CityLeaders@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,

Deborah Nations
512.656.0086

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!
Date: Monday, April 14, 2025 8:37:43 AM

From: Matt Olson <boxwoodphotos@gmail.com>
Sent: Friday, April 11, 2025 4:46 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

My wife and I have invested a significant portion of our retirement savings into our property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,

Matt Olson
Boxwood Photos

Owner

(818)357-0726

Check the schedule, or book your next shoot with the "Book Now" Tab on our website: www.BoxwoodPhotos.com

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North.
Date: Friday, April 18, 2025 11:33:37 AM

From: Bartek Kajak <bartek@sunnysideupco.com>
Sent: Friday, April 18, 2025 11:14 AM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North.

Dear Mayor, City Council Member / Planning Department,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a large portion of my retirement savings into a property I care deeply about—and who has fully complied with every STR regulation and HOA covenant—I am deeply concerned about the long-term implications of this proposal. I purchased and operate my short-term rental in good faith, following the clear rules the City established. To change those rules now would be not only unfair but destabilizing for residents like me who have done everything right.

Beyond compliance, I go out of my way to be a good neighbor. I've built relationships with nearby residents, communicated openly about my STR, and taken proactive steps to prevent disruptions. For example, I personally greet many of my guests to remind them of community expectations, and I have a strict policy in place regarding noise, trash, and parking. I've even turned away bookings that raised red flags—because maintaining the character and peace of this neighborhood matters to me. This level of responsibility is not the exception among STR owners here—it's the norm.

It's also important to acknowledge that the Old Town North HOA has recently elected a new, engaged board and formed a dedicated Special STR Committee. This group is already working collaboratively to address concerns raised by some neighbors. They're developing clear, enforceable policies to handle issues quickly and directly within the community—without needing a sweeping zoning overhaul from the City.

Blanket zoning changes like the one proposed risk harming homeowners who are doing everything right while failing to directly target the small number of problem properties. We urge the City to support the neighbor-led solutions already in motion, rather than overriding them with top-down policy changes that could cause financial harm and erode trust.

Finally, many residents feel this process has moved too quickly and without adequate outreach to all property owners. We respectfully ask the City to delay any decision until after the May 15 Council meeting, allowing time for a more inclusive, transparent, and community-driven process.

Thank you for your time and thoughtful consideration. I sincerely hope you will support a balanced path forward—one that strengthens neighborhoods through cooperation, not division.

Warm regards,

Bartosz Kajak

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North
Date: Friday, April 11, 2025 4:00:06 PM

From: Linda Nichols <nichols3169@gmail.com>
Sent: Friday, April 11, 2025 3:26 PM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I'm deeply concerned about the potential impact of this change.

I purchased and have operated my STR in good faith, under a clear set of rules that the City has had in place. Changing the zoning now undermines trust and creates financial uncertainty for responsible homeowners like myself.

It can also impact the value of my real estate. There is no reason to penalize & punish those who have invested in the Old Town community as a homeowner and rental property investor.

It's important to note there's a new elected board for the Old Town North HOA that's actively engaged in addressing concerns raised by what seems to be a small but vocal group of neighbors. A Special STR Committee has been formed to tackle key issues like noise, trash, and parking. This group will work on solutions so issues are resolved quickly and directly within the community. We are all in this together.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacks proper outreach to ensure all homeowner voices are heard. We respectfully request the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,
Old Town North Property Owner

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North
Date: Monday, April 14, 2025 8:35:04 AM

From: Michelle Coe <coe.michelle@gmail.com>
Sent: Saturday, April 12, 2025 6:32 AM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. In addition to operating the property as a licensed STR, my family spends time at the property to make sure it's properly maintained and to enjoy visiting Fort Collins. We have engaged a highly qualified property manager to insure that all laws and regulations are followed and that guests are respectful of the neighbors. We have also improved the property and spent considerable funds upgrading and maintaining the property. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any

decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Best regards,
Michelle Coe

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!
Date: Monday, April 14, 2025 8:33:13 AM

From: Aundrelyn Knott <aundrelyn@gmail.com>
Sent: Monday, April 14, 2025 1:50 AM
To: Noah Beals <nbeals@fcgov.com>
Cc: City Leaders <CityLeaders@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,
Aundrelyn Knott
339 Osiander
Fort Collins, CO 80524

970-460-6514

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North
Date: Monday, April 14, 2025 8:32:36 AM

From: Ed Wallace <ed.wallace@plexus.com>
Sent: Monday, April 14, 2025 6:25 AM
To: Noah Beals <nbeals@fcgov.com>; City Leaders <CityLeaders@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,

Ed Wallace

Ed Wallace
Senior Customer Director - Healthcare/Life Sciences

Plexus
One Plexus Way
Neenah, WI 54956

+1 303 803 7468 Mobile

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!
Date: Friday, April 11, 2025 2:42:58 PM

From: bangle4@comcast.net <bangle4@comcast.net>
Sent: Friday, April 11, 2025 2:34 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,
Frances Bangle (OTN resident)

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!
Date: Wednesday, April 16, 2025 10:44:32 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Monday, April 14, 2025 10:51 AM
To: Erik Haagenson <ehaagenson@gmail.com>; City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!

Hi Erik,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

The [Planning and Zoning Commission](#) will be considering not allowing any NEW non-primary STRs at their hearing on May 15, 2025 (not Council.)

Thanks again for writing.

ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Erik Haagenson <ehaagenson@gmail.com>
Sent: Monday, April 14, 2025 10:34 AM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North!

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to strongly oppose the proposed zoning change in Old Town North that would eliminate non-primary short-term rentals.

More than 10 years ago, I found this neighborhood while searching for a place where I could live and build a future. At the time, Old Town North stood out as one of the few areas in Fort Collins where non-primary short-term rentals were allowed. That was important to me—not because I was chasing a quick buck, but because I envisioned growing something sustainable for my family. Since then, I've built several homes in this neighborhood and held onto each as a long-term investment. These properties are now how I provide for my wife and two kids. This is our livelihood—our bread and butter.

I've continuously operated within the rules. I built and run my STRs in full compliance with city regulations and HOA covenants. I made these decisions in good faith, based on a clear and legal framework set by the City. To change the zoning now, after so many of us have invested so much under those rules, feels not only unfair but like the rug is being pulled out from under responsible homeowners.

There's also real work happening within the neighborhood. A new HOA board has been elected, and they're taking concerns seriously. A Special STR Committee has been formed to focus on noise, trash, and parking issues. These are neighbor-led, community-driven efforts to find practical solutions, and they're already making progress. A blanket zoning change would undo that momentum and punish those trying to do things correctly.

We've heard the City Council plans to discuss STRs in Old Town North at the May 15 meeting, but many residents feel this process has moved too quickly and without enough outreach. We ask that you pause and give space for a more thoughtful, inclusive, and transparent approach.

Please don't make a sweeping decision affecting families like mine without first giving the community and the new HOA leadership the chance to do what we've already started—collaborate, communicate, and care for our neighborhood.

Thank you for your time and consideration.

Sincerely,

Erik Haagenson

--

Erik Haagenson

303.532.6634

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North
Date: Friday, April 11, 2025 3:59:47 PM

From: GERALD JOHNSON <johnson.geraldf@gmail.com>
Sent: Friday, April 11, 2025 3:34 PM
To: Noah Beals <nbeals@fcgov.com>
Cc: Linda Lovegreen <lindalovegreen@gmail.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North

Dear Mayor, Council Members, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

We have grandchildren and family here in Fort Collins. This arrangement allows us the flexibility to spend more time with family without wearing out our welcome.

My souse and I (40 Years in September) have tremendous respect for community and family. We have a substantial financial and emotional investment here in this community. We highly value mutual respect and trust as community members. A zoning change after the fact would create significant financial and personal burden.

We are confident that a community accountability program with consequences and actions for property owners that may be violating respectful community rules could be successful.

Please support a solution that involves our own community efforts to handle ongoing neighborly resolutions. This could be handled with the new board for the Old Town North HOA and the STR Committee.

We need your help to see the overall picture.

Thank You,

Gerald F. Johnson
612-865-5527

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North
Date: Wednesday, April 16, 2025 10:38:31 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Monday, April 14, 2025 4:36 PM
To: Brent Nations <cajetanhouse@gmail.com>; City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North

Hi Brent,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

ginny

Ginny Sawyer
 Project and Policy Manager
 City Manager's Office
[City of Fort Collins](#)
 300 LaPorte Ave
 970-224-6094 office
gsawyer@fcgov.com

From: Brent Nations <cajetanhouse@gmail.com>
Sent: Monday, April 14, 2025 2:22 PM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North

Dear Mayor, Councilmembers, and Planning Staff,

I hope this message finds you well. I am writing to express my strong opposition to the potential restrictions on short-term rentals in the Old Town North neighborhood. I would like to outline my key concerns and respectfully ask that they be considered as part of the decision-making process.

Firstly, allowing short-term rentals provides significant value to the community. By offering visitors the opportunity to experience Fort Collins in well-maintained homes, complete with hospitality guides, local recommendations, and personalized touches, we enhance the overall visitor experience. This not only promotes repeat tourism but also attracts potential new residents who may be considering relocating to the area. The appeal of staying in a home with shared living spaces is often more attractive than the standard hotel experience.

Secondly, restricting short-term rentals may have unintended negative consequences. Personally, my family has no intention of selling our home, and I believe many other homeowners would make the same choice. The result would be a neighborhood with dark, vacant properties for extended periods, which is not beneficial for the community or the city as a whole. This is a well documented outcome in towns that severely restricted STRs.

Even if some homeowners were considering selling, these are luxury properties that would not contribute to the availability of affordable housing. We urge you to honor the established covenants of Old Town North and maintain its status as a visitor-friendly neighborhood. Given its close proximity to downtown, short-term rentals are a natural fit for the area and offer an environmentally sustainable option due to the neighborhood's walkability.

Lastly, the governing documents for Old Town North were designed with the allowance for short-term rentals, and all current residents were aware of these terms when purchasing their properties. Creating regulations now that conflict with these terms could lead to lengthy and costly litigation. As a property owner, I would face the potential loss of significant value—potentially upwards of \$250,000 including market loss, upgrade costs and furnishings—as well as substantial loss of annual revenues. Should such restrictions be enacted, I would be compelled to pursue legal action to protect my rights.

I appreciate your consideration of these points and urge you to carefully evaluate the broader implications of any proposed changes to the current regulations.

Sincerely,

Brent Nations

538 Cajetan St - Old Town North

512.294.7290

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Proposed Zoning changes in Old Town North
Date: Friday, April 11, 2025 3:25:35 PM

From: Rob Nichols <robnichols1@gmail.com>
Sent: Friday, April 11, 2025 3:21 PM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed Zoning changes in Old Town North

Greetings Mayor, Council Members, and Planning Staff,

I wish to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

I am a homeowner who has invested a significant portion of my retirement savings into my property. I have fully complied with all STR regulations and HOA covenants. I am therefore deeply concerned about the potential impact of this change.

I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. A change in zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by what appears to be a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community. We are all in this together.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacks proper outreach to ensure all homeowner voices are heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the Old Town North STR Committee and HOA to find a more balanced, neighbor-driven approach.

Sincerely,

Robert Nichols – Old Town North property owner.

From: [Noah Beals](#)
To: [Ginny Sawyer](#); [Development Review Comments](#)
Subject: FW: [EXTERNAL] Opposition to Revoking Short-Term Rentals in Old Town North
Date: Friday, February 7, 2025 8:33:02 AM

From: Shimi <shimrit.yacobi@gmail.com>
Sent: Thursday, February 6, 2025 9:01 PM
To: Noah Beals <nbeals@fcgov.com>; Jeni Arndt <jarndt@fcgov.com>; Susan Gutowsky <sgutowsky@fcgov.com>; Julie Pignataro <jpignataro@fcgov.com>; Tricia Canonico <tcanonico@fcgov.com>; Melanie Potyondy <mpotyondy@fcgov.com>; Kelly Ohlson <kohlson@fcgov.com>; Emily Francis <efrancis@fcgov.com>
Subject: [EXTERNAL] Opposition to Revoking Short-Term Rentals in Old Town North

Dear Mayor Jeni Arendt, City Council Members, and Development Manager

I am writing to express my deep concern regarding the city's proposal to revoke short-term rental (STR) permits in Old Town North. When I purchased my property in this neighborhood, I did so with the understanding that STRs were permitted, and I relied on this zoning designation when making my investment. Additionally, my home was built in full compliance with STR regulations, ensuring that it met all necessary standards from the start.

I understand that the city spent two years carefully evaluating and approving STR regulations, ensuring a balanced approach that considered both homeowners and the community. Given the time and effort invested in that process, it is disheartening to see the city now reconsidering its stance, potentially disrupting responsible property owners who have complied with all rules and operated in good faith.

I take great pride in ensuring that my short-term rental does not negatively impact the neighborhood. My renters are always respectful, as they must adhere to strict guidelines, including parking exclusively in the garage, with one additional car parking in the lot behind our property. This arrangement has never raised concerns or complaints from neighbors. Additionally, I enforce a no-noise policy after 8 PM to maintain the peace and quiet of our community.

Beyond impacting property owners, this proposed change would also unfairly punish tourists, particularly large families (+6) who rely on short-term rentals to accommodate their travel needs. Many of my guests have used my home to gather, reconnect, and create meaningful family memories—something that hotels often cannot provide due to space limitations. These visitors not only enrich our community but also contribute significantly to the local economy by supporting restaurants, shops, and attractions.

While I understand concerns about problematic rentals, I firmly believe that **enforcement should target individual offenders rather than penalizing all responsible landlords**. If a tenant causes disturbances or violates city regulations, the owner or landlord should be subject to fines and, in repeated cases, the loss of their STR license. However, eliminating STRs entirely unfairly punishes responsible property owners and the families who have enjoyed staying in our community.

As a fair compromise, I propose that existing STRs in Old Town North be **grandfathered in under the original regulations**, while any new homes built in the neighborhood be subject to the updated rules. This approach would protect those of us who purchased in good faith while allowing the city to implement future changes without retroactively penalizing responsible homeowners.

I urge the city to reconsider this proposal and instead focus on targeted enforcement measures that address problematic rentals without stripping responsible owners of their rights. Thank you for your time and consideration. **I hope to see a fair and balanced resolution that respects both property owners and the broader community.**

Sincerely,
Shimrit (Shimi) Yacobi

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] OTN STRs
Date: Monday, April 14, 2025 8:33:26 AM

From: Steve Ertl <steve.ertl@gmail.com>
Sent: Sunday, April 13, 2025 11:39 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] OTN STRs

Hi All -

Thank You for the recommendation to eliminate any new non-primary STRs and to restore the existing number of STRs to a more reasonable level, like that throughout the rest of the City of Fort Collins.

The energy/lack of community has deteriorated drastically over the past 12-13 years (I've lived in OTN since 2010, served on the BOD for 10 years, and currently sit as the North Flats BOD President).

From my history and vantage point: the outright greed, lack of care, and refusal to invest in almost any Community upgrade that doesn't offer a personal financial ROI is incredibly disappointing and unfortunate. Thank you for recommending a shift back to LTRs. FYI, I'm now seeing/hearing a trend of "mid-term" rentals (30+ days) emerging, and it will likely be the next loophole exploited by non-primary investor owners — it appears we will have to approach that another day, as I did not see any evidence of the City's concern re: that particular topic in this recommendation... simply planting the seed here now.

Thanks again for your consideration!

Best,
Stevey
NF BOD President

Stevey Ertl
cell [970-761-0999](tel:970-761-0999)
email steve.ertl@gmail.com

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] OTN STRs
Date: Wednesday, April 16, 2025 10:45:30 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Monday, April 14, 2025 10:47 AM
To: Steve Ertl <steve.ertl@gmail.com>; City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] OTN STRs

Hi Steve,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

Ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Steve Ertl <steve.ertl@gmail.com>
Sent: Sunday, April 13, 2025 11:39 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] OTN STRs

Hi All -

Thank You for the recommendation to eliminate any new non-primary STRs and to restore the existing number of STRs to a more reasonable level, like that throughout the

rest of the City of Fort Collins.

The energy/lack of community has deteriorated drastically over the past 12-13 years (I've lived in OTN since 2010, served on the BOD for 10 years, and currently sit as the North Flats BOD President).

From my history and vantage point: the outright greed, lack of care, and refusal to invest in almost any Community upgrade that doesn't offer a personal financial ROI is incredibly disappointing and unfortunate. Thank you for recommending a shift back to LTRs. FYI, I'm now seeing/hearing a trend of "mid-term" rentals (30+ days) emerging, and it will likely be the next loophole exploited by non-primary investor owners — it appears we will have to approach that another day, as I did not see any evidence of the City's concern re: that particular topic in this recommendation... simply planting the seed here now.

Thanks again for your consideration!

Best,
Stevey
NF BOD President

Stevey Ertl
cell [970-761-0999](tel:970-761-0999)
email steve.ertl@gmail.com

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] OTN
Date: Wednesday, February 5, 2025 3:39:23 PM

From: Jennifer Spencer <jenny1032@gmail.com>
Sent: Wednesday, February 5, 2025 11:56 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] OTN

Hi Noah, I spoke to you on Monday evening at the OTN open house. As you suggested, I submitted a comment card regarding OTN's desire to be included in the Land Use Code Primary-STR status, thus aligning OTN with the rest of the city, and with City Council's original intentions.

When the City created the Land Use Code in March 2017, there were undoubtedly a number of individuals across the city who were affected by the change. They adapted.

The non-primary STR owners in OTN have had a wonderful business window of opportunity to benefit financially. Unfortunately, the permanent residents of OTN have paid the price.

Should the Land Use Code be updated in OTN, individuals who own non-primary STRs are not left with nothing. They have options:

There are at least two ways to continue to create a revenue stream. They could:

- shift to a long term renter business model.
- move into the property and continue as a primary STR.

Plus, they retain the equity in the property. They could:

- Sell the property.

Please consider updating the Land Use Code for OTN.

Kindly,
Jennifer Spencer

www.JenniferSpencer.info

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Proposed STR Zoning Changes in Old Town North
Date: Wednesday, April 16, 2025 10:24:34 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Tuesday, April 15, 2025 10:44 AM
To: Beverly Kniegge <beverlykniegge@gmail.com>; City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] Proposed STR Zoning Changes in Old Town North

Hi Beverly,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Beverly Kniegge <beverlykniegge@gmail.com>
Sent: Tuesday, April 15, 2025 10:20 AM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Proposed STR Zoning Changes in Old Town North

Dear Mayor, Council members, & Planning Staff,

The following email was drafted with my input by my husband Kurt. I felt that you should see this as coming from my own email account so that both our voices are counted when it comes

to this issue.

I understand that you get emails ad nauseum every day and your job is to pour over and digest such a volume of information. In many instances the temptation might be to do a simple counting of email for or against whatever the issue on the table is that day. Hopefully by now you might be curious to know more about me and my family's position on STR's in Old Town North.

In 2012 we purchased and built our family home in Old Town North. At that time we were aware that the neighborhood consisted of many different types of homes that were occupied by the combination of resident owners along with resident renters both short and long term.

During that time we resided peacefully with those around us and never imagined a day that we might need to move out of the neighborhood due to change of our family dynamics. My wife Beverly and I have been married 33 years and raised and launched three now adult children during our lives in Fort Collins. Our livelihood has been from the small business we started from nothing back in 1993 that has grown to employ 7 full time people in Fort Collins. We are nearing our retirement years and have not saved or invested in the stock market in the ways many people who worked for large companies are able to do and faced the reality that when we stop working in our small business our income will virtually dry up and we would need another means to support ourselves if we ever hoped to retire.

Even though we never planned to avail ourselves of the opportunity to rent out our Old Town North home via Non Primary Short Term Rental, knowing that opportunity existed so many years ago when we bought our home gave us some peace of mind to know we might someday be able to retire.

In 2022 we moved from our 1800 sq ft 4 bedroom home in Old Town North and purchased a duplex in Revive just north of OTN and moved ourselves into the 400 sq ft studio apartment above the garage and are renting out the rest of the Duplex as a Primary Short Term Rental in order to pay the mortgage we have with the new house. We are about 1 year away from planning to retire and the income that we will expect to survive on will solely come from the rents we receive from our Non Primary Short Term Rental in Old Town North.

Knowing that being a good neighbor to the other homeowners and renters near our place in OTN is of utmost importance, we hired a very reputable management company that is known for following best practices in the professional management of these types of properties. Having very capable local managers nearby to prevent and address any issues that may arise gave us the confidence that we can successfully support ourselves in retirement and at the same time know that we as homeowners in OTN are going to be the best neighbor we can be to our surrounding neighbors.

Our hope and request is that any changes you make to the zoning as it relates to Non-Primary/Primary Short Term Rental rules would consider that removing the allowance of Non-Primary STR's in OTN would not be the best course of action based on the historical decisions many Non-Primary owners of OTN have made based on what was allowed at the time of their investments in OTN.

I ask that any changes to the current zoning as it relates to Non Primary STR's would be limited to rules that require more financial accountability and consider the requirement of

Non-Primary STR owners to employ a local management company do the job of fostering the best practices of providing a good experience for not only the guest renter but for the long term nearby neighbors to these STR's in Old Town North.

Beverly and I are seriously depending on your wisdom and kindness to not hurt us with your decisions in this situation.

Kurt & Beverly Kniegge
369 Osiander St Fort Collins, CO 80524

Have a Balanced Day!

Beverly Kniegge
(970) 402-8213
beverlykniegge@gmail.com

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Proposed STR Zoning Changes in Old Town North
Date: Wednesday, April 16, 2025 10:24:55 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Tuesday, April 15, 2025 9:53 AM
To: kurt kniegge <kniegge5@gmail.com>; City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] Proposed STR Zoning Changes in Old Town North

Hi Kurt,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing.

ginny

Ginny Sawyer
 Project and Policy Manager
 City Manager's Office
[City of Fort Collins](#)
 300 LaPorte Ave
 970-224-6094 office
gsawyer@fcgov.com

From: kurt kniegge <kniegge5@gmail.com>
Sent: Tuesday, April 15, 2025 7:00 AM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Proposed STR Zoning Changes in Old Town North

Dear Mayor, Councilmembers, & Planning Staff,

I understand that you get emails ad nauseum every day and your job is to pour over and

digest such a volume of information. In many instances the temptation might be to do a simple counting of email for or against whatever the issue on the table is that day. Hopefully by now you might be curious to know more about me and my family's position on STR's in Old Town North.

In 2012 we purchased and built our family home in Old Town North. At that time we were aware that the neighborhood consisted of many different types of homes that were occupied by the combination of resident owners along with resident renters both short and long term.

During that time we resided peacefully with those around us and never imagined a day that we might need to move out of the neighborhood due to change of our family dynamics. My wife Beverly and I have been married 33 years and raised and launched three now adult children during our lives in Fort Collins. Our livelihood has been from the small business we started from nothing back in 1993 that has grown to employ 7 full time people in Fort Collins. We are nearing our retirement years and have not saved or invested in the stock market in the ways many people who worked for large companies are able to do and faced the reality that when we stop working in our small business our income will virtually dry up and we would need another means to support ourselves if we ever hoped to retire.

Even though we never planned to avail ourselves of the opportunity to rent out our Old Town North home via Non Primary Short Term Rental, knowing that opportunity existed so many years ago when we bought our home gave us some peace of mind to know we might someday be able to retire.

In 2022 we moved from our 1800 sq ft 4 bedroom home in Old Town North and purchased a duplex in Revive just north of OTN and moved ourselves into the 400 sq ft studio apartment above the garage and are renting out the rest of the Duplex as a Primary Short Term Rental in order to pay the mortgage we have with the new house. We are about 1 year away from planning to retire and the income that we will expect to survive on will solely come from the rents we receive from our Non Primary Short Term Rental in Old Town North.

Knowing that being a good neighbor to the other homeowners and renters near our place in OTN is of utmost importance, we hired a very reputable management company that is known for following best practices in the professional management of these types of properties. Having very capable local managers nearby to prevent and address any issues that may arise gave us the confidence that we can successfully support ourselves

in retirement and at the same time know that we as homeowners in OTN are going to be the best neighbor we can be to our surrounding neighbors.

Our hope and request is that any changes you make to the zoning as it relates to Non-Primary/Primary Short Term Rental rules would consider that removing the allowance of Non-Primary STR's in OTN would not be the best course of action based on the historical decisions many Non-Primary owners of OTN have made based on what was allowed at the time of their investments in OTN.

I ask that any changes to the current zoning as it relates to Non Primary STR's would be limited to rules that require more financial accountability and consider the requirement of Non-Primary STR owners to employ a local management company do the job of fostering the best practices of providing a good experience for not only the guest renter but for the long term nearby neighbors to these STR's in Old Town North.

Beverly and I are seriously depending on your wisdom and kindness to not hurt us with your decisions in this situation.

Kurt & Beverly Kniegge
369 Osiander St Fort Collins, CO 80524

--

[Kurt Kniegge](#)

970-690-8385 mobile

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Re: OTN- communication from the city of ft collins
Date: Wednesday, February 5, 2025 10:04:37 AM

From: Tommy Miles <tmiles1999@gmail.com>
Sent: Wednesday, February 5, 2025 9:52 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Re: OTN- communication from the city of ft collins

Hi Noah,

I own a long term rental at 374 Cajetan. Wanted to throw in my 2 cents on the STR. I think STR's should be allowed, not because I have one or plan to use one, but because I don't like have property rights limited. However, I think the issues that are associated with STR's, namely things like noise and parking issues, need to be promptly and strictly enforceable based on the current city ordinances with a quick path to remedy these situations. I'm not sure what all was discussed at the meeting, but from what I've heard a lot of the symptoms caused by STR already have city ordinances in place to deal with them that just need to be enforced, for example there is already a noise ordinance with processes defined.

Tommy

On Wed, Feb 5, 2025 at 9:12 AM Old Town North HOA <otnhoa@gmail.com> wrote:

The City of Fort Collins hosted an Open House last Monday evening to discuss the situation of Short-term rentals (AirBnb, VRBO,..) within our Old Town North neighborhood. The reps from the city were mainly looking to get feedback from property owners on non-primary Short-term rentals (owner doesn't reside on property), and the impact that they have on the neighborhood. There was a good turnout of folks attending. The city wants as much feedback as possible to determine next steps.

In case you were unable to attend, you can still send your feedback, and suggestions related to STR's directly to Noah Beals (nbeals@fcgov.com), who is a Development Manager for the city. Adding your street address would be helpful, but not necessary..

[Old Town North - HOA Board.](#)

----- Forwarded message -----

From: Morgan Johnson <morgan@trademarkpmg.com>

Date: Fri, Jan 24, 2025 at 10:31 AM

Subject: OTN- communication from the city of ft collins

"Dear Old Town North,

We have received a notice from the city of fort Collins regarding an open house scheduled for 2/3/2025 concerning short term rentals in the community. Please see meeting details below.

Neighborhood Open House

Date: Monday February 3, 2025

Time: 5:00pm-7:30pm

Location: In Person (Old Town Library @ 201 Peterson Street)

The notice is attached to this email for your reference as well. Please note, this is an invitation from the City and NOT the HOA. However, a representative from Trademark will attend and we do encourage the communities involvement and attendance. Short term rentals are a big part of the community and it is important that the City of Fort Collins has as much feedback as possible from community members.

As always, let us know if you have any questions!"

Sincerely,
Morgan Johnson, CMCA, CAM
Account Manager
Trademark Property Management Group, Inc.

Email: Morgan@trademarkpmg.com

Direct line: 970-744-4962

Office phone: 970-237-6969

Mailing Address: 1014 Centre Ave, Fort Collins, CO 80526

Office Location: 100 N Mason St, Fort Collins, CO 80524

Links: [HOA Payments](#), [HOA Documents](#)

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Re: Primary STR designation OTN
Date: Wednesday, April 9, 2025 1:07:53 PM

From: jacque kinnick <jakinnick@gmail.com>
Sent: Tuesday, April 8, 2025 3:08 PM
To: Ginny Sawyer <GSawyer@fcgov.com>
Cc: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Re: Primary STR designation OTN

Good afternoon!

Thank you so much for moving forward on our request in Old Town North to no new NP-STRs. We greatly appreciate your time and attention on this issue.

Jacque Kinnick

On Mon, Mar 17, 2025 at 7:48 AM Ginny Sawyer <GSawyer@fcgov.com> wrote:

Hi Jacque,

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

As you may know, staff recently hosted an open house to hear directly from residents in Old Town North. We are taking that information and sharing with Council as we work to develop possible options to help address these issues and your perspective is very important to us. As soon as we have a time frame and options developed, we will share with the neighborhood.

Thank you again.

ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office

[City of Fort Collins](#)

300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: jacque kinnick <jakinnick@gmail.com>

Sent: Sunday, March 16, 2025 9:05 PM

To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>

Subject: [EXTERNAL] Primary STR designation OTN

Dear City of Fort Collins Leaders,

Our Choice City does a tremendous job on so many things. I want to share how much I appreciate the good decisions that have been made with so many aspects of life in Fort Collins, especially the incredible bike paths that allow us to safely bike all over town, the Mason Street corridor, and our impressive natural areas. The hard work and thoughtful decisions by our city leaders and city employees shows!

As a long time resident of Old Town North, I am confident that you'll make a good decision on Short Term Rentals. OTN asks that our neighborhood be brought into alignment with the rest of the City. We request a **Primary STR designation** in the Land Use Code.

Homes, not Hotels in OTN!

Thank you for your time and attention on this matter.

Jacque Kinnick
369 Pascal Street
970-481-6853

--

Jacque Kinnick

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Short Term Rental Survey
Date: Friday, February 7, 2025 11:06:27 AM

From: Gail Wheat <minnxgwen@yahoo.com>
Sent: Friday, February 7, 2025 10:40 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Short Term Rental Survey

In response to the City's meeting and request for feedback on Air B&B use in the City, please note the following:

I live in north Fort Collins and there are several homes in my block that are used in this manner (short term rentals). I have not experienced any disruptive behavior by guests, fortunately, but do find a major increase in trash - both in the condominium's trash and recycle containers and unfortunately, sometimes in the yards where apparently it has fallen. Although these homes are subject to applicable neighborhood fees, this extra trash and recycling has led to increase in our fees for the same, and this is somewhat concerning. I have also found that at times the streets become very congested with additional parked cars. Neither of these situations are earth shattering but they do cause some concern as they really are not regulatable items. It would be nicer if the short term rentals were discouraged.

Thank you.

Gail Wheat
826 Blondel Street
Fort Collins CO 80524
Email: minnxgwen@yahoo.com

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Short Term Rentals in Old Town North Neighborhood
Date: Monday, March 24, 2025 10:27:43 AM

From: David Gilbert <david.gilbert4879@gmail.com>
Sent: Monday, March 24, 2025 10:02 AM
To: Noah Beals <nbeals@fcgov.com>; City Leaders <CityLeaders@fcgov.com>
Subject: [EXTERNAL] Short Term Rentals in Old Town North Neighborhood

Hello,

I wanted to send a follow up email regarding a recent informational meeting about short term rentals (STR's) in the Old Town North neighborhood.

The meeting was very much appreciated by myself and I am sure many of my neighbors. It is hopefully the beginning of some much needed change for STR's in my neighborhood.

Fort Collins does lots of things very well...outdoor spaces, bike paths, schools, etc. The STR zoning approach is an unfortunate departure from the generally excellent governance afforded to our neighbors and fellow residents of Fort Collins.

Is there any follow up that you can share regarding any change on STR's? I am nearly surrounded by them as most of my neighbors have either sold and the property was purchased by an investor to operate as a STR, or my neighbors figured if you can't beat them, join them and moved and operate their old house as a STR. I moved into the Old Town North neighborhood in 2016 and now feel like I am a house nestled amongst the Old Town North hotel district (no longer a neighborhood).

Can you please bring my neighborhood in line with the rest of the city with regards to STR's? Or do something to make my neighborhood more of a neighborhood with actual residents who live here?

Homes, not hotels, please. Please?

Dave Gilbert
215 Cajetan Street
970-803-3767

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Short Term Rentals in OTN
Date: Tuesday, April 29, 2025 11:20:34 AM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Tuesday, April 29, 2025 10:35 AM
To: Marty Loughlin <marty.loughlin@gmail.com>
Cc: Noah Beals <nbeals@fcgov.com>; Em Myler <emyler@fcgov.com>
Subject: RE: [EXTERNAL] Short Term Rentals in OTN

Thank you, Marty. I am sharing this with Zoning so your comments can be included with Planning Commission materials.

ginny

Ginny Sawyer

Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Marty Loughlin <marty.loughlin@gmail.com>
Sent: Tuesday, April 29, 2025 10:31 AM
To: Ginny Sawyer <GSawyer@fcgov.com>
Subject: [EXTERNAL] Short Term Rentals in OTN

Hi Ginny,

I wanted to take a minute to reach out to you with some feedback to share about the potential consideration for removing the non-primary use (for new licenses) in Old Town North at the May 15, 2025 hearing.

I have been a resident here in Old Town North since August 2017 living at 351 Osiander Street and am an ideal resident to share feedback from my personal experience. I have 3 short term rentals on either side of me at the following addresses:

339 Osiander Street
357 Osiander Street (Next door)

369 Osiander Street

In the nearly 8 years I've lived here I've never once had a negative experience with anyone who has stayed in each of these addresses as a short term rental. On the contrary, I've actually met some wonderful people as a result of their stays as Old Town North tends to attract more desirable people who are typically coming in for their children's graduations, family events, or simply to enjoy what Fort Collins and Old Town has to offer.

The people who own these properties have kept them in impeccable shape in order to attract these types of visitors to our community. So overall, I'd have to say it's been a very positive experience from my perspective and wouldn't want to see things be changed by the Planning and Zoning Commission as a result.

Please don't hesitate to reach out to me if you have any questions regarding the matter before your May 15 hearing.

Thanks you,

--

Marty Loughlin
815-690-3810

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Short-Term Rentals feedback - OTN
Date: Wednesday, February 5, 2025 3:39:12 PM

From: Wendy Santacroce <wendysantacroce@gmail.com>
Sent: Wednesday, February 5, 2025 11:59 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Short-Term Rentals feedback - OTN

Hi Noah,

I could not attend last night's meeting but wanted to provide my input.

I reside on 532 Cajeten Street and live next door to a home that does Short-Term rentals.

While we are somewhat new to the neighborhood, I've found the short-term rental folks to be very pleasant, quiet, and respectful. They seem to bring good vibes to the neighborhood - happy they are on vacation maybe?

Happy to answer any other questions you may have.

Thanks,

Wendy

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Short-term rentals in Old Town North
Date: Wednesday, February 5, 2025 11:14:33 AM

From: Noah Beals
Sent: Wednesday, February 5, 2025 8:37 AM
To: Michael Warkander <michaelwarkander@gmail.com>
Cc: Ben Iwen <Beniwen@gmail.com>; Abby Lennox <abby.l.lennox@gmail.com>
Subject: RE: [EXTERNAL] Short-term rentals in Old Town North

Hello Michael,

Thanks for the email. The meeting did end on time we were there till 7pm. Either way thanks for the comments we will certainly add them to the others we received.

Regards,

Noah Beals, AICP

Development Review Manager | City of Fort Collins
nbeals@fcgov.com | 970.416.2313 direct

From: Michael Warkander <michaelwarkander@gmail.com>
Sent: Tuesday, February 4, 2025 1:00 PM
To: Noah Beals <nbeals@fcgov.com>
Cc: Ben Iwen <Beniwen@gmail.com>; Abby Lennox <abby.l.lennox@gmail.com>
Subject: [EXTERNAL] Short-term rentals in Old Town North

Hi Noah,

I tried to come to the Old Town North short term rental open house last night, but when I arrived at 7 it looked like the meeting had ended early. I'm hoping I can submit comments by email instead -- are you the right person to talk to, or can you pass this along?

The Old Town North HOA had a nonbinding survey on short-term rentals a few years back, and I think I voted "yes" on them then. I've since changed my mind -- short-term rentals drain the human feeling from the neighborhood.

I'd like to live in a neighborhood that feels like a community: kids riding their bikes up and down the street, young adults out running with dogs, and retired folks drinking coffee on the porch in the morning. I'd like to recognize my neighbors and wave to each other, and stop to chat with some of them as I walk by.

Instead of that, the houses across from mine (in the 200 block of Osiander St) are a wall of short-term rentals. They're mostly deserted on weekdays, and then on Friday afternoons there is a parade of rental cars bringing in whatever groups are partying there that weekend. Instead of forming relationships with neighbors, I give directions to strangers, watch them park rental cars in the grass (only sometimes), and see the overflowing trash cans and trash blowing around (only sometimes) after they've gone home. They're not really harming my life, but they're definitely not bringing a community feeling.

One of my neighbors (who does live here) says that new regulations preventing new STRs within 500 feet of each other mean we don't expect more STRs in Old Town North. I think this is a good thing, and I'd like to see many of the existing ones sunset if possible.

Thanks,
Michael

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Short-term rentals in Old Town North
Date: Friday, February 7, 2025 8:31:30 AM

From: Benjamin Iwen <beniwen@gmail.com>
Sent: Thursday, February 6, 2025 10:00 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Short-term rentals in Old Town North

Hello Noah,

Unfortunately, I wasn't able to attend the Old Town North short-term rental open house this week due to other commitments. I'm wondering if any conclusions were reached regarding the future of short-term rentals in the Old Town North neighborhood. Are there any meeting notes available that can be shared?

I live on the 200 block of Osiander, and our street is becoming increasingly saturated with short-term rentals. On weekends, the streets are filled with rental cars, and I know there are at least 15 short-term rentals on our block alone.

What's particularly concerning is the city's approval of a 24-unit project on the open lot at the corner of Blondel and Suniga Streets. This new development won't have additional on-street parking, only garage parking. With the street already full of cars on weekends, I'm not sure where visitors to these units will park.

I also wanted to ask if there are any limits set by the HOA regarding the number of short-term rentals allowed. It seems like there are no restrictions on the saturation of STRs in our neighborhood due to zoning, and whenever a unit goes up for sale, it often turns into an STR.

Having a revolving door of vacationers really takes away from the neighborhood feel, especially when people end up parking on the grass because of the parking shortage.

I would appreciate any updates or conclusions from the neighborhood meeting. Is there anything that can be done to address the growing number of short-term rentals in our area?

Thank you!

Ben Iwen

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] STR in Old Town North
Date: Monday, April 14, 2025 8:33:00 AM

From: Brenda <comama3@aol.com>
Sent: Monday, April 14, 2025 5:31 AM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] STR in Old Town North

FOCO city leaders,

I have owned a townhouse in Old town North for over 10 years and have rented it on a yearly basis during that entire time. I have never rented Short Term, nor do I intend to do so. The unit next to me is, in fact, a STR and I/my tenants have never experienced noise/parking/trash that allegedly comes with all STR's. I am a strong believer in property rights and encourage you to reject any attempts to enact restrictions on these rights at Old Town North.

Sincerely,
Brenda Dawes

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] STR issue in Old Town North
Date: Tuesday, April 22, 2025 8:58:32 AM
Attachments: [Memo - Mail Packet - 04_01_2025 - Memorandum from Ginny Sawyer re Old Town North Short – Term Rental Concerns \(2\).pdf](#)

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Monday, April 21, 2025 8:16 AM
To: A. <a40387408@gmail.com>; City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: RE: [EXTERNAL] STR issue in Old Town North

Hello,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

I have copied the open house summary, which was shared, along with a memo to Council outlining next steps.

Thanks again for writing.

Ginny

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: A. <a40387408@gmail.com>
Sent: Saturday, April 19, 2025 7:02 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] STR issue in Old Town North

City leaders,

After attending the meeting at the Old Town library regarding short term rentals, it was clear there were a vocal group of individuals capturing the majority of listening ears. Not everyone got to speak their opinion and no next steps were outlined or disclosed. It has come to my attention that the process from there has been anything but transparent, it seems that a group of individuals is calling for blanket zoning changes instead of working towards actual solutions that will alleviate the current concerns they have.

These individuals knowingly purchased in an area zoned for non-primary STRs or did not do their due diligence in learning about the area before purchasing. No one illegally started operating STRs so to ban them completely is not a fair ask. Furthermore, this group is asking for licenses to not be transferable at sale which does not follow city precedent and is not fair to those who may need or want to sell. This action may backfire on the members pushing for this action if they decide to sell because at this point some homes may have problems selling due to being by the 'problematic' Airbnbs because bottom line in everything I have read there is NO solution for problem Airbnbs. And that is the problem... A blanket zoning change and making licenses non-transferable will not remove the current owner/airbnb operator(s) who are causing the vast majority of these issues. From talking to neighbors, hearing what property the complaints are on, and from personally calling the city's STR department - the overall consensus is this - a main individual's properties continue to cause issues for neighbors. Not only is there not a department to enforce any violations- on one phone call with the STR department I was told that this individual's properties are constantly reported and have caused issues for years and since the renewal cycle is coming up maybe they would not renew this individual's licenses, yet they were renewed again and again and this person is still operating. The group pursuing this change seems to feel they are promised potential "progress" of rezoning, but rezoning will not solve the current issues they are facing or prevent new ones. It will ensure that the problems remain as without any new licenses issued and if you force licenses to expire at sale the problematic owner or owners business only gets better with less competition. It seems like the eye is on the wrong prize. The zoning isn't necessarily the issue, it is the lack of any oversight or consequences for those who do not respect their neighbors or the rules.

Solutions are certainly necessary as there are problematic Airbnbs, but taking away licenses or making licenses void at sale is not it, as it is not fair nor is it going to address the issues nor fair to those who legally obtained those licenses.

Has there been a break down of complaints by address? This is where this conversation needs to start. What is the process for addressing problematic properties? At what point is the owner no longer able to operate a non-primary STR due to the issues?

Please focus on having a system for addressing problematic properties first, without that you'll still continue to receive all the same complaints.

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] STR property
Date: Monday, February 10, 2025 8:20:11 AM

From: Ann Andre <annandre.exp@gmail.com>
Sent: Sunday, February 9, 2025 10:16 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] STR property

Good morning Noah,

I just wanted to take a moment and give you a bit of a story behind my property located at 826 BLondel #101.

My daughter and her family lived in Fort Collins so I was there often. With the kids getting a bit older I was a bit of a disruption....LOL so I decided to invest in the FOCO community. North Dakota is my state of residence however I try to spend as much time in FOCO as I can. Typically I bring my Mom and Step dad with me so they can visit my sister who lives in Denver. The condo has always made a great resting place for all of us.

When purchasing the property and knowing that I would not be there permanently for a few years it was important to me to be able to offer a wonderful environment to guests that are traveling to FOCO. We spent a lot of time and energy to make sure the property I would ultimately purchase was within the FOCO zone for STRs. It is very impressive to me how STRs are regulated, inspected and licensed in FOCO. Here in Bismarck where I live and have several properties there are NO regulations and I have to tell you that brings all kinds of issues....ugh!! With that said I do thank the city of FOCO for showing me the proper way of setting up and managing my properties wherever they are. I applaud everyone that works on this.

826 Blondel #101 is on AirBNB. Here is the link should you want to check it out.

https://www.airbnb.com/rooms/21921810?guests=1&adults=1&s=67&unique_share_id=99ca43c4-6c53-4b39-b3dd-db536e9ac717

This property is VERY important to me. We do not offer instant bookings and make sure that we review all of our guests prior to accepting their reservation. With the property being in such a close neighborhood we want our guests to have the experience of being part of the community. We have quiet hours, no parties rule, no pets, typically take up only one spot on the street and have them use the covered designated parking spot in the back of the condo. Please take a moment and read the lovely reviews from our guests as to how much they enjoyed their time in FOCO and how the condo gave them a wonderful place to relax and

unwind.

Missy Eisenach is the lovely person that helps me to maintain and keep the condo in great condition and under control. Missy lives about 5 minutes from the property and is a local Real Estate agent.

I totally understand that there are always going to be people that really are unconcerned as to how they affect things around them. Believe me that is not us or our guests. With issues that do arise with some properties wouldn't it be better for all to address them on a case by case basis and either fine those owners or take away their license? It is my hope that some day here in Bismarck we will have regulation much like FOCO does.

Thank you for taking the time for me and My Happy Place LLC.

Have a happy day

--

Ann Andre, broker associate

EXP Realty

Branch office

319 N Mandan St #1

Bismarck, ND 58501

701-220-1180

annandre.exp@gmail.com

From: [Em Myler](#)
To: [Development Review Comments](#)
Subject: Fw: [EXTERNAL] str zoning in north old town area?
Date: Wednesday, April 9, 2025 8:31:31 AM

From: Sara Hernandez <sahernandez@fcgov.com>
Sent: Wednesday, April 9, 2025 8:03 AM
To: Em Myler <emyler@fcgov.com>
Subject: FW: [EXTERNAL] str zoning in north old town area?

Hi Em,

I am forwarding you this email regarding STRs in Old Town North.

Thank you!

.....
Sara Hernandez
 Zoning Technician
[City of Fort Collins](#)
 281 North College Ave
 970-221-6248 M-F 7:00 – 3:30
sahernandez@fcgov.com

From: James Cech <jdcech1@gmail.com>
Sent: Tuesday, April 8, 2025 8:03 PM
To: Sara Hernandez <sahernandez@fcgov.com>
Subject: [EXTERNAL] str zoning in north old town area?

hi. I live at 262 Cajetan St., and have a short term rental license there.

I understand from a discussion in the HOA (North Old Town) that the city is considering ending the STR zoning for north old town. I was not in the area when the in person comment session was held in february so missed it, and unfortunately it wasn't available to phone or zoom in.

I wanted to comment that i strongly support allowing str's in this area. I bought into the neighborhood fully aware/cognizant that there are airbnb type rentals here, and in fact depended on the income from str's to be able to be able to buy the property and maintain it. My wife and I are both retired, and bought the property a few years ago depending on STR income to be able to live here in fort collins and travel in our retirement.

I don't know what the status of this decision or deliberation is, but wanted to weigh in as soon as i heard that this might happen. I understand some very vocal neighborhood residents are opposed to STRs, but hope that this somehow has not translated into the city believing that everyone in the neighborhood is opposed to STRs.

If possible, please let me know what the status of this decision is, and if it is still up for deliberation, whether or how i could contact the appropriate city staff.

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] STR's
Date: Wednesday, February 26, 2025 1:12:32 PM

-----Original Message-----

From: Kerri Watkins <kwdolphingirl@gmail.com>
Sent: Wednesday, February 26, 2025 12:44 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] STR's

Noah,

It was nice to meet you and the others at the library a few weeks ago. I am hoping desperately that something can be done and done quickly in our neighborhood.

I live at 363 Pascal. Currently, our home sits directly across the street from STR 368, *362 and 350. Please note, 362 is actually 2 different STR's in one home. They built this home specifically to rent out x2. The back part of the house is a separate listing. Within these 4 listings, on any given weekend, they can occupy 35+ individuals. These homes are large and the owners are maximizing how many people can fit in them. Typically, people looking for this large of occupancy are specifically looking to host some time of party/celebration. This also tends to mean multiple cars arriving to these homes. One weekend we counted 7 cars for just 1 home.

Pascal street is unique in that you can only park on the south side of the street. Please imagine how the above scenario creates chaos.

I love my home, when we moved here I loved my neighborhood. STR's have taken over, making it no longer feel like a neighborhood. I fear every time a for sale sign pops up that it will turn into another STR.

PLEASE put a stop that happens immediately to allow anymore STR's. (As I know another home will be coming for sale soon on Pascal) (also, these neighbors are moving partially due to STR's) Most realtors put in the listing "this home can be a STR". They are using it as a selling point which isn't helping to stop the problem.

PLEASE consider owners needing to live in the home if they are wanting to STR it. If they had to live on the property I don't see there being much of a problem with all the noise and garbage that happens with the STR's because they could handle the situations as it occurred. This would probably encourage STR owners to sell and if so, not allow the home to become another STR. This would slowly bring balance back to a better ratio of primary residence.

The homes that have been problems, don't renew their contract.

PLEASE consider changing the land use code.

I know you will get that this is how they are making their money, it's their livelihood. I understand that but it was an investment on their part. There is always risk in whatever you choose to invest your money in. This doesn't make them special. We all experience risk when investing. Rules can change. That is part of life.

Thank you for listening to my concerns. I am hopeful for some swift resolution.

Kerri Watkins

Sent from my iPhone

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] STRs in Old Town North Neighborhood, Fort Collins, CO
Date: Wednesday, February 26, 2025 9:45:42 AM

-----Original Message-----

From: David Watkins <ironheartwatkins@gmail.com>
 Sent: Wednesday, February 26, 2025 9:39 AM
 To: Noah Beals <nbeals@fcgov.com>; City Leaders <CityLeaders@fcgov.com>; cathy.kipp.senate@coleg.gov; andrew.boesenecker.house@coleg.gov
 Subject: [EXTERNAL] STRs in Old Town North Neighborhood, Fort Collins, CO

Dear Council Members and Representatives of the City of Fort Collins,

I am writing to express my deep frustration and concern regarding the ongoing and escalating issues related to Short-Term Rentals (STRs) in the Old Town North neighborhood. As a permanent resident, I, along with many others, have witnessed the gradual degradation of what was once a vibrant and peaceful community, largely due to the unchecked proliferation of STRs—many of which are owned by non-primary residents. The situation has reached a point where it feels as though both the city and STR owners have turned a blind eye to the constant disruptions that now characterize our neighborhood.

To provide specific examples of the distress we face on a near-weekly basis:

1. ****Parking Issues****: There is a consistent and widespread disregard for parking regulations in our area. We regularly observe vehicles parked on the wrong side of the street, blocking handicapped ramps, and traveling in the wrong direction. The influx of multiple vehicles associated with STR guests often takes up all available parking, leaving permanent residents with no option for parking near their homes. In the past, we've approached the city in hopes of securing a residential parking permit, only to be told that our neighborhood is not zoned for such a solution. This oversight is increasingly problematic as the volume of STR guests grows.
2. ****Noise Disturbances****: The disregard for after-hours noise ordinances has become another growing issue. Late-night drunken parties, loud music, and a general atmosphere of disruption have become commonplace. On several occasions, guests of STRs have left garbage or vomit on the streets—an experience that I personally endured when such refuse was left in my front yard. This behavior not only shows a lack of respect for the neighborhood but also highlights the inconsistency with which rules are enforced for non-residential tenants.
3. ****Safety Concerns****: Many of us who live in this area are over the age of 55, and we find ourselves increasingly vulnerable to the chaotic and often violent behavior exhibited by many of the younger, stronger, and more out-of-control STR guests. The lack of accountability for these temporary residents further compounds our safety concerns, as they are often ungoverned by any lasting sense of community or responsibility. This sense of helplessness only grows as we are outnumbered by the owners and guests of STRs, with little recourse available to us through our Homeowners Association (HOA), which is unable to intervene due to the imbalance in ownership.

As permanent residents, we find ourselves hamstrung in addressing these issues. We are outnumbered by STR owners, and our neighborhood is not zoned in such a way that would enable us to take effective action with the city. Our only option seems to be to voice complaints, but the constant response from the city has been a lack of action and an apparent indifference to the growing chaos in Old Town North. It seems as though our concerns are simply disregarded, and that the current situation will only worsen.

This community, which has the potential to be a peaceful and thriving neighborhood, is being undermined by policies that favor short-term rental interests over the well-being and quality of life of permanent residents. It is a shame that our voices appear to be silenced while the integrity of the community deteriorates before our eyes. Many see the only option being to sell their homes and attempt to relocate.

Such a shame.

I implore you to address the situation with the urgency and attention it deserves. We need stronger regulations, more active enforcement, and a reconsideration of zoning policies to restore a sense of balance and peace to our neighborhood. The time for action is long overdue.

Thank you for your attention to this matter. I trust that you will consider the legitimate concerns of the permanent residents of Old Town North and take meaningful steps to address the negative impact of Short-Term Rentals on our community.

Sincerely,
David Watkins
363 Pascal Street
Fort Collins, CO 80524
425-829-0783

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] STR's in OTN
Date: Tuesday, March 25, 2025 9:49:06 AM

From: Debi Kennison <zendebi8@gmail.com>
Sent: Monday, March 24, 2025 10:04 PM
To: Noah Beals <nbeals@fcgov.com>; Emily Francis <efrancis@fcgov.com>
Subject: [EXTERNAL] STR's in OTN

Dear City of Fort Collins,

The City does a tremendous job! I appreciate the good decisions that have been made with:

- Natural areas
- The incredible bike paths
- The Mason Street corridor

In Old Town North, we are confident that you'll make a good decision on Short Term Rentals. My husband and I live directly across the street from 3 STR's on Pascal St. and we have been dealing with issues on primarily two of them, including trash strewn on street, illegal parking, excessive number of vehicles per unit, noise pollution, parties, and the complete and utter disregard for the homeowners by one owner in particular, Eric , who owns several STR's in OTN, with plans to build two more units specifically for short term rentals.

I single him out in particular due to the fact he consistently neglects to tell his renters and staff they cannot park directly in front of the unit and they do so on a regular basis and he, himself, does it when he is in town, which is rarely. His sister-in-law appears to be "managing" this particular unit and she consistently parks on the wrong side of the street even when asked politely NOT to park there (FYI)-she is parked RIGHT IN FRONT of the "NO PARKING AT ANY TIME" sign when she does so. His renters park facing the wrong direction often, which is less of a concern than parking on the wrong side of the street, but still an issue with the police department who occasionally tickets them. As I am sure you are aware, we occasionally have emergency vehicles in this neighborhood and our street in particular is meant to have parking on one side of the street only to allow passage of these large vehicles. On at least one occasion the Fire department has been unable to pass due to their illegal parking, and luckily, this was after an emergency call, not on an actual call, but as is the case with emergencies, one does not get to choose when they happen.

This STR owner also neglects to inform his renters of the limitations on the number of cars allowed per unit, and when the renters are asked about it directly they also reply that “they were not told anything like that.” We have grown incredibly weary of being the managers of these units, policing the people who rent them (which is at least once a week if not twice a week), and trying to tell them the rules over and over and over again. There have been very respectful, kind people who stay there, and this issue is largely not about them- this is about an owner who has zero regard for anyone else in this entire neighborhood.

On an additional note, there is currently a large home on Pascal St. in our row at 339 Pascal St. which is for sale, and it is being listed with the option to turn it into a STR as well. It is unclear if they are marketing it as a Primary or Non-Primary STR, but given the history of the Non-Primary STR's in this neighborhood, we are no doubt concerned that this home will be purchased by another Non-Primary STR owner and turned into yet another hotel, and not a home. It is discouraging to say the least, and we are on the verge of looking elsewhere for a home-a REAL home, where we aren't surrounded by STR's (either Primary or Non-Primary).

OTN asks that our neighborhood be brought into alignment with the rest of the City. We request a **Primary STR designation** in the Land Use Code.

Homes, not Hotels in OTN!

Thank you for your consideration.

Debi Kennison
357 Pascal St.

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Urgent Concern: Proposed STR Zoning Change Threatens Local Investment and Livelihoods
Date: Thursday, April 10, 2025 4:24:37 PM

From: Shaun Armon <armon.shaun@gmail.com>
Sent: Wednesday, April 9, 2025 5:13 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Urgent Concern: Proposed STR Zoning Change Threatens Local Investment and Livelihoods

Dear Mayor, Councilmembers, and Planning Staff -

I'm writing to express my deep concern and strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals (STRs) in the Old Town North (OTN) neighborhood. This proposal has the potential to devastate not just individual homeowners like myself, but also a number of workers in our community who depend on these properties for income, stability, and opportunity.

I have invested a significant portion of my net worth into several properties in Old Town North, doing so in good faith under the understanding that the City had conducted its due diligence when STR zoning was originally adopted. This proposed reversal not only undermines that trust, but jeopardizes the financial security of residents like me who made long-term decisions based on existing policy.

This isn't just about property owners—it's about people. The STRs operated in the neighborhood support a number of local workers, including cleaners, maintenance professionals, and service providers, many of whom rely on this work as their primary source of income. If this zoning change is enacted, it will directly eliminate jobs and take away livelihoods from hardworking members of our community.

At the same time, the Old Town North HOA is actively and collaboratively addressing neighborhood concerns raised by a small, vocal minority. A dedicated STR Subcommittee has already implemented tangible solutions—including standardized signage, a neighborhood contact registry, and stricter communication protocols—to proactively manage noise, trash, and parking issues. We are not ignoring concerns—we are solving them.

Implementing a blanket zoning change is a disproportionate, broad-brush response that unfairly punishes compliant, responsible property owners while doing little to address

isolated bad actors. I urge you to support the neighborhood-driven efforts already underway, and to engage directly with the STR Subcommittee and HOA before taking action that could cause lasting economic and personal harm.

Thank you for your time and consideration. I strongly encourage a more balanced, collaborative approach that protects both the integrity of our community and the people whose lives are tied to it.

Sincerely,

Shaun Armon

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: City STR meeting on 2/3
Date: Friday, February 7, 2025 8:31:30 AM

From: Goldman, Earl <EGOLDMAN@wintrust.com>
Sent: Thursday, February 6, 2025 10:24 AM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] City STR meeting on 2/3

Mr. Beals:

I wanted to email with some comments on our experience as we purchased:

226 Osiander, unit c

In March 2024, after visiting Ft Collins a couple of times (we are Chicago residents) and absolutely loved the City. We worked with a great realtor, Carrie Levi, and hired Mountain Time Vacation Rentals to manage the property. As a responsible owner, these were essential items for us to buy anything and as frequent visitors to the town (and stay in our own place), we demand a clean and quality experience for all. In the 18 months we have owned, we have stayed there at least 7 times for multiple days on end, have allowed friends/family a few other times and do offer as an STR with Mountain Time controlling the entire process. In our unit and on Mountain Time's agreements, there are posted strict good neighbor rules and prohibitions on gatherings and noise. As owners/visitors we have not had any issues or experienced anything out of the ordinary from other properties in the area and enjoy our time there and the ability to earn some cash flow is essential for us to be able to maintain the property. If other residents have experienced challenges with STR owners, it is fair to impose fines/warnings on those owners as it benefits all of us.

On an related note, it is concerning to see the fenced/boarded single family homes (on Osiander) where the builder vacated these homes, and could pose ongoing risks to the area and potential neighborhood value issues.

I hope this helps and is of use as a frequent visitor and investor in the community, we don't want any decisions made that would be detrimental to property values and ownership.

Thanks and happy to offer any other comments if helpful.

Earl Goldman
Executive Vice President
Wintrust Financial
234 W Northwest Highway
Arlington Heights, IL 60004
847-385-7079 Direct Dial
866-420-0285 Fax

SEND ME SECURE FILES – [CLICK HERE](#)

WARNING/CONFIDENTIAL: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please return the message to us via return email immediately and delete the message and reply message from your system. Thank you.

CONFIDENTIALITY NOTICE: The content of this message and any files transmitted with it is a confidential and proprietary business communication, which is solely for the use of the intended recipient(s). Any use, distribution, duplication or disclosure by any other person or entity is strictly prohibited. If you are not an intended recipient or this has been received in error, please notify the sender and immediately delete all copies of this communication.

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: Non primary short term rentals, Old Town North
Date: Wednesday, April 9, 2025 1:07:53 PM

From: harry derderian <derderianharry@hotmail.com>
Sent: Tuesday, April 8, 2025 3:08 PM
To: Noah Beals <nbeals@fcgov.com>
Cc: harry derderian <DERDERIANHARRY@hotmail.com>; Nancy Derderian <nancy.derderian@gmail.com>
Subject: [EXTERNAL] Non primary short term rentals, Old Town North

Hi Noah,

I live at 508 Osiander St, Fort Collins.

I fully concur with the following sentiment:

“We received word from the City Manager's office that the city is working on preventing any new non-primary Short-term rental licences in our Old Town North neighborhood. That is great news, and a good first step to addressing the issues many have with these non-owner occupied "AirBnb's"! It will help stop additional homes being bought up by investors for that purpose. We greatly appreciate the attention the city has given to this after many have written in about it.

We also hope there will be some follow-on steps by the city to bring the number of current NP-STR's in our neighborhood further down, and/or restrictions on how they could be used. We also don't want to see the existing licences being "transferred" by investors to new addresses in the neighborhood. We eventually would like to see these residences converted back for use by owner/residents and longer-term renters. That will help bring back our residential neighborhood to what it originally was intended for.”

Harry Derderian, M.D.

Sent from my iPhone

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: Old Town North - Finding Common Ground
Date: Wednesday, April 9, 2025 1:07:53 PM
Attachments: [Memo - Mail Packet - 04_01_2025 - Memorandum from Ginny Sawyer re Old Town North Short – Term Rental Concerns \(2\).pdf](#)

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Wednesday, April 9, 2025 8:29 AM
To: Jesse Laner <jlaner@c3-re.com>; City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: RE: Old Town North - Finding Common Ground

Hi Jesse,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

I am attaching the memo that was sent to Council on this topic.

Thanks again for writing.

ginny

Ginny Sawyer
 Project and Policy Manager
 City Manager's Office
[City of Fort Collins](#)
 300 LaPorte Ave
 970-224-6094 office
gsawyer@fcgov.com

From: Jesse Laner <jlaner@c3-re.com>
Sent: Tuesday, April 8, 2025 5:03 PM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North - Finding Common Ground

Noah and Fellow City Leaders,

As I understand it, there has been an effort to address the concerns of some Old Town North (OTN) residents in regards to short term rentals (STR's).

I have a unique perspective as my primary residence is in OTN, and I also own STR's in OTN. And, I happen to live directly across the street from the property on Pascal that has likely been the impetus to spearhead the efforts to stop STR's in OTN.

Out of curiosity, has anyone spent time to discover if commonalities exist in the nature of the complaints? Something that can give some clues as to what problems we need to be solving.

Or, is it simply a blanket feeling across all property types, ownership/management types, ownership/management practices, etc that all STR's are bad? And I don't mean just taking the word of the few people that take time to write you and voice their concerns – that is just a select few and likely doesn't represent the community as a whole nor as a majority even.

Examples of things to consider when deciphering what problem(s) we are trying to solve:

1. Properties that are professionally managed vs. properties that are self-managed.
2. Properties with clear expectations to guests vs. properties without that clearly outline parking, quiet hours, trash, etc.
3. Large homes vs. small condos/townhomes.
4. Bedroom count vs. occupancy.
5. Properties that limit the number of occupants vs. properties that simply market to as many people as they have sleeping arrangements for.
6. Properties owned by certain individuals. Are there a few bad apples causing the majority of the issues for all the other owners?
7. Specific properties that complaints are continually being made?

My belief is that the focus should be to determine the actual, specific issues, find the common threads of those issues, and then address those common elements. Instead of a zero-sum game where the rallying call is to outlaw all STR's, the efforts should be focused on improvement. The goal should be working together to find a common ground. I believe most (if not all) of the STR owners whose goal is to be a good neighbor while owning a successful investment, would gladly welcome these conversations. I know I would. This type of approach would be much more accepted from the STR owners who have a long-term vision for the community. When they have a fear that there is a push to end STR's altogether (whether that is true or not), they are likely to fight back. In my opinion, we can get them onboard if they do not feel threatened.

We need to be aware, whether we like STR's or not, that these are investments for many folks. And they depend on that income. I have investments, you have investments, we all do. One thing we all have in common is that we do not want our investments, or our income, to be negatively impacted. When decisions of others negatively impact our income, it is scary. For example, think of recent stock market issues primarily caused by the action of one person.

(Not a political statement, just an observation).

Also consider this analogy: imagine you own a stock portfolio or 401K or pension plan. One that you have worked hard to invest into, sacrificed for, and planned to retire on the income it generated. Now imagine that an outside entity or person had the authority to reduce the value of your investments, and consequently reduce the income from those investments in half. Not due to normal market condition risks, but simply because someone made the decision to enact that power on your investment portfolio. How would that feel to you? Would that be fair to you? Essentially, this is exactly what would happen to the STR owners if a ban on all STR's was enacted and licenses revoked. Not only would their income drop in half (not a figure of speech), but the value of their property would immediately decline. Many owners would no longer be able to cover their mortgage payment and thus be forced to sell these homes. Thus flooding the neighborhood with supply, driving prices down.

Remember, all those who currently own an STR in OTN did nothing wrong or illegal. Can I admit that a select few properties are causing issues? Or, that there are some owners who have been running them quite loosely with no regard for their fellow neighbors? YES, without a doubt and THAT needs to stop. Is that anywhere close to the many STR's that are run appropriately? Absolutely not. A sweeping change imposed on all owners due to the poor actions of a select few is an overreaction and government overreach.

Lastly, are any of the owners who are complaining taking any responsibility for their actions and decisions? In particular, the decision they made to buy a home in OTN. STR's were allowed before they made the choice to live in OTN. Certainly not as many as there are now, but that was always a possibility. Yet, they still decided to buy a home here. While I understand it is far easier to ask others to change for your needs, it seems silly to me that they fail to recognize they too have a choice in the matter. They do not HAVE to live in OTN.

Perhaps a petition to remove all owner-occupied home owners and demand they are turned into STR's is something the STR owners should consider starting? If their argument is that we should conform to their wishes, I suppose the reverse could be argued. Forgive my sarcasm, but I think you get the irony of the matter. At the end of the day, they have a choice. No one is telling them what to do with their property. I don't think they would welcome anyone or any governing body enforcing action upon them, yet that is precisely what they are wanting you to do for STR owners.

For what it is worth, I live around a handful of STR's. All but one are just fine. Zero issues or concerns, ever. It is not the many that are the issue, it is the few.

Just my 2 cents...

Jesse Laner

Co-Founder | Broker

970.672.7212

jlaner@c3-re.com
www.JesseLaner.com







THANK YOU FOR YOUR TRUST AND REFERRALS!



From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: Old Town North STRs
Date: Tuesday, March 18, 2025 10:03:09 AM

From: Joanie Brewster <breckbrewdog@hotmail.com>
Sent: Tuesday, March 18, 2025 9:51 AM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>; Susan Gutowsky <sgutowsky@fcgov.com>
Subject: [EXTERNAL] Old Town North STRs

Good Morning:

I am writing as a resident of Old Town North to first say thank you for all you do for cycling in Fort Collins. As an avid cyclist with too many bikes to my name I so appreciate the access to so many safe bike lanes and pathways and for all the continuous improvements you make not only in the city but in the surrounding county areas as well.

I also appreciate all your hard work running the day to day operations of the city. As a former municipal employee I know the complaints come fast and furious while the compliments sometimes get lost in the shuffle.

That said, I am writing to express my concern about our neighborhood and the fact that we for whatever reason are not included in the STR regulations covering the rest of the city. While my husband and I have only lived in our neighborhood for just shy of 8 years, we have seen a large turnover of homes from owner occupied to short term rental. The impacts are intense - trash and recycling bins left out for weeks on end, lights (especially outdoor bistro lights and floodlights) left on 24-7, increased traffic and vehicles parked all over, and other impacts that are detrimental to our neighborhood feel.

Please please please change the zoning so that no more unoccupied short term rentals are allowed. Obviously we can't eliminate the ones that exist but hopefully we can change the regulations so that once those houses sell they will adhere to the same rules as the rest of the city. I am fine with primary STRs where the homeowner actually lives here and of course long term rentals are definitely needed and will still give us a sense of community.

Thank you very much for your hard work and for your prompt attention.

Homes, not hotels, in Old Town North!

Respectfully,

Joanie Brewster
392 Cajetan Street

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: Old Town North STR's
Date: Friday, February 7, 2025 8:31:30 AM

From: Rob Doyle <robertdoyle12@outlook.com>
Sent: Wednesday, February 5, 2025 5:48 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North STR's

Noah,

Sorry I could not make the meeting on the 3rd due to work commitments. I understand you are looking for feedback from property owners on STR's. I own 2 in the OTN neighborhood, and live locally here in Fort Collins. We have tried to do our best to maintain our properties in the best condition possible. We have reached out to the neighbors on both sides and given them access to communicate directly with me if there are issues. In addition, our property management group is very responsive to any issues that come forward, managing them efficiently so as not to impact our neighbors.

The STR opportunities for non-primary owned properties are already very limited by the yellow zone map. We are acutely aware of the special opportunity we have in OTN and are interested in maintaining them and being good neighbors to the full-time residents in the neighborhood.

If there are other specifics I can provide, please feel free to reach out. Thank you for listening to the owners and residents in OTN.

Kind regards,

Rob

Robert Doyle
827 Heschel Unit C
970-232-8575

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: Opposition to Proposed STR Zoning Changes in Old Town North
Date: Monday, April 14, 2025 8:35:36 AM

From: Heine, Frank [Plasma Power/US/FTC] <Frank.Heine@aei.com>
Sent: Friday, April 11, 2025 7:47 PM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed STR Zoning Changes in Old Town North

To: City of Fort Collins Planning and Zoning Department
From: Frank Heine
Re: Opposition to Proposed Zoning Changes Regarding Short-Term Rentals in Old Town North

Dear City of Fort Collins Officials,

I am writing to express my strong opposition to any proposed zoning changes that would restrict or eliminate short-term rentals (STRs) in the Old Town North neighborhood. Old Town North is one of the few areas in Fort Collins specifically zoned to allow short-term rentals. This zoning designation has been a key factor in property investment decisions for many homeowners, including myself. A significant portion of homes in this neighborhood are currently used as STRs, with more than half of the properties operating in some capacity as rental homes. Many of us purchased our properties here precisely because of this flexibility and the city's long-standing recognition of STRs as a compatible use within the neighborhood.

I understand that a small, vocal group of residents has petitioned the city to change the zoning and ban STRs. While they are entitled to their opinions, this is not a matter for city intervention. This is a neighborhood governance issue, and it should remain as such. Our HOA has the established legal authority to restrict or ban short-term rentals through a formal amendment to the covenants. However, such a change would require a majority vote of the homeowners—a threshold that is unlikely to be met.

The city should not override this self-governing process based on the activism of a vocal minority. Doing so would disregard the intent of the current zoning, infringe on homeowner rights, and undercut the investments made by those who purchased properties in good faith under the existing rules.

Additionally, many residents who support STRs—or at the very least do not wish to see

them banned—are not fully aware and engaged in the discussion. The city should not act on incomplete or one-sided feedback. If the city is to entertain changes that would drastically alter the rights of property owners in Old Town North, then at a minimum, it should ensure that all voices are heard through a formal vote or structured community engagement process.

In summary, I urge the City of Fort Collins to:

- Respect the neighborhood's existing authority to regulate STRs through its HOA structure.
- Recognize that many property owners purchased homes in Old Town North because STRs were allowed.
- Acknowledge that the petition does not represent the will of the majority of residents.
- Refrain from taking zoning action based on the demands of a vocal minority.
- Encourage the HOA to pursue a formal vote if changes are truly supported by the broader community.

Thank you for your time and for considering the broader implications of this proposed zoning change. I trust the City will make a balanced and fair decision that respects both individual property rights and the established processes already in place.

Sincerely,

Frank Heine

239 Cajetan St, Fort Collins CO 80524

Frank.heine@aei.com

(970) 214-2202

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: Opposition to Proposed Zoning Change Affecting STRs in Old Town North
Date: Wednesday, April 9, 2025 1:25:40 PM

From: Andi Rose <andi@rockymountainoliveoil.com>
Sent: Wednesday, April 9, 2025 1:24 PM
To: City Leaders <CityLeaders@fcgov.com>
Cc: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Opposition to Proposed Zoning Change Affecting STRs in Old Town North

Dear Mayor, City Council Members, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals (STRs) in the Old Town North (OTN) neighborhood.

As a business owner invested in the vitality of Old Town, I am deeply concerned about the potential economic impact this change could bring. STRs play a vital role in Fort Collins' hospitality landscape—welcoming families, couples, relocators, and other diverse groups who seek to stay in unique homes within walking distance of our vibrant downtown. By eliminating this option, we risk discouraging tourism and reducing critical foot traffic to local businesses like mine.

Blanket zoning changes are a disproportionate response that unfairly penalize responsible property owners who follow regulations, rather than addressing the few who do not. I urge the City to support the collaborative efforts already underway within our community to find thoughtful, balanced solutions—rather than implementing a sweeping policy that could have lasting negative consequences.

Thank you for your time and consideration.

Sincerely,
Andi Rose
Owner, Rocky Mountain Olive Oil

From: [Em Myler](#)
To: [Development Review Comments](#)
Subject: Fw: Request for Moratorium on STR's in Old Town North neighborhood
Date: Friday, April 4, 2025 4:26:14 PM

From: Noah Beals <nbeals@fcgov.com>
Sent: Friday, April 4, 2025 2:15 PM
To: Em Myler <emyler@fcgov.com>
Subject: FW: Request for Moratorium on STR's in Old Town North neighborhood

From: Tony Cheng <chengt714@gmail.com>
Sent: Thursday, March 27, 2025 9:53 PM
To: Noah Beals <nbeals@fcgov.com>; Susan Gutowsky <sgutowsky@fcgov.com>
Subject: [EXTERNAL] Request for Moratorium on STR's in Old Town North neighborhood

Dear Susan Gutowsky and Noah Beals,

I am an 18-year homeowner in the Old Town North neighborhood. I'm writing to request that the City issue a temporary moratorium on new, non-primary short-term rental (STRs) permits in the Old Town North neighborhood until a more permanent solution can be put in place.

The rapid rise of non-primary residence short-term rentals caught the world off guard and the City of Fort Collins was no exception. Even as the City eventually passed rules restricting the proportion of STR's, our neighborhood is the only one in Fort Collins that has no restrictions on NP-STR's. As a consequence, investors are buying most of the homes that have gone on the market in recent years. I am not opposed to NP-STR, but I am opposed to completely unregulated STRs.

I, along with the vast majority of homeowners in the neighborhood, understand that a more durable approach is to work with the city to put a land use code overlay over our current, commercial zoning, but in the interim, it is crucial for us to have an immediate, temporary moratorium on new NP-STRs.

Please let me know steps my fellow homeowners and I can take to accelerate the City's attention and actions to address this matter by putting a moratorium on NP-STR permits in our neighborhood.

Thank you,
Tony Cheng, Owner and Resident of 214 Pascal Street for 18 years

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: SHORT TERM RENTALS (Old Town North) - Thank You!
Date: Thursday, April 10, 2025 4:24:16 PM

From: Bill Kennison <billk@jbiconstruction.com>
Sent: Wednesday, April 9, 2025 6:16 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Cc: otnresidents@gmail.com
Subject: [EXTERNAL] SHORT TERM RENTALS (Old Town North) - Thank You!

City of Fort Collins Leadership,

I wanted to drop a quick note to thank you for providing a forum that has allowed all Old Town North residents the opportunity to voice our concerns regarding the problems with Short Term Rentals (STRs) that currently exist in our neighborhood. Based on recent news, it appears we have been heard! As a 10+-year resident of OTN, I fully support your decision to eliminate the non-primary STRs in OTN. The fact that this relatively small/quaint neighborhood includes 75 STRs (68 of which are non-primary) is unbelievable to me. I live directly across the street from a non-primary STR (**362 Pascal Street**). I find it somewhat ironic that, as I sit here writing this email, I am watching a group of guests unload a truckful of suitcases, coolers, and people for what appears to be at least a 3-4 day temporary stay in our neighborhood. I am not sure what kind of guests they will be but, in what has become normal operating procedures I will keep an eye on the place and report any inappropriate behavior (parties, parking, trash, noise, etc) for the next couple of days. **I hate that I have to do that!**

I hope we can continue the progress we have made regarding these issues and appreciate the attention the Fort Collins City Leadership has provided.

Simply put, we want our neighborhood back!

HOMES NOT HOTELS

Best Regards,

Bill Kennison
357 Pascal Street
Fort Collins, CO 80524

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: STR in Old Town North - Suggestions to resolve issues
Date: Wednesday, April 16, 2025 1:03:36 PM

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Wednesday, April 16, 2025 12:31 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: FW: STR in Old Town North - Suggestions to resolve issues

She had a typo in your email.

Ginny Sawyer
Project and Policy Manager
City Manager's Office
[City of Fort Collins](#)
300 LaPorte Ave
970-224-6094 office
gsawyer@fcgov.com

From: Ginny Sawyer <GSawyer@fcgov.com>
Sent: Wednesday, April 16, 2025 12:29 PM
To: Marianne Payne <marianne@concentrate.com>; City Leaders <CityLeaders@fcgov.com>
Cc: nbeals@fcgov.co
Subject: RE: STR in Old Town North - Suggestions to resolve issues

Hi Marianne,

Thank you for your email to City Leaders. Your email has been received by each member of City Council.

City Council and City Manager Kelly DiMartino appreciate you sharing your thoughts. Due to the high volume of emails received by City Council, you may not receive an additional response, but if Councilmembers have personal thoughts or additional requests based on your email, you may hear from them directly.

Thanks again for writing

ginny

Ginny Sawyer

Project and Policy Manager
 City Manager's Office
[City of Fort Collins](#)
 300 LaPorte Ave
 970-224-6094 office
gsawyer@fcgov.com

From: Marianne Payne <marianne@concentrate.com>
Sent: Wednesday, April 16, 2025 9:00 AM
To: City Leaders <CityLeaders@fcgov.com>
Cc: nbeals@fcgov.co
Subject: [EXTERNAL] STR in Old Town North - Suggestions to resolve issues

Dear Mayor, Councilmembers, and Planning Staff,

I am writing to express my firm opposition to the proposed zoning change that would eliminate non-primary short-term rentals (STRs) in the Old Town North neighborhood. As a homeowner who has invested a significant portion of my savings into my property—and who has consistently complied with all STR regulations and HOA covenants—I am deeply concerned about the consequences of this proposal. I purchased and operated my STR in good faith, adhering to the clear guidelines established by the City. To now alter those rules retroactively not only erodes that trust but also jeopardizes the financial security of responsible property owners like myself.

It is important to emphasize that a newly elected board is now leading the Old Town North HOA and is actively addressing concerns raised by a small, though vocal, group of neighbors. In addition, a Special STR Committee has been formed specifically to address key issues such as noise, trash, and parking—demonstrating a clear commitment to finding community-based solutions.

Implementing a blanket zoning change is a sweeping response that penalizes compliant owners while failing to address the actual sources of concern. We respectfully urge the City to support and allow time for the internal, collaborative efforts already underway in our neighborhood before moving forward with such a consequential decision.

Furthermore, the upcoming City Council discussion on May 15 regarding STRs in Old Town North comes amid concerns that this process has moved forward too quickly and without sufficient outreach to ensure all homeowner perspectives are considered. We ask that the City pause any decisions until a more inclusive and transparent process can be undertaken.

I have never had an issue with guest at my STR guests . In fact, Fort Collins community and businesses greatly benefit from the availability of STR's. I have a four bedroom house and find that often only a couple or two couples will rent the house and not use the other two bedrooms, I'd like to share the profiles of my most recent guests.

- A Couple came for a week for a surgery for their dog and needed a yard for the dog and convenience post surgery and our planning on a follow up surgery
- A retired couple from Washington returns twice a year to spend a week with their family in Fort Collins. We have developed a great relationship.
- A couple from Denver comes up three times a year because they love the Fort Collins environment and my house. It's their "staycation." They bring their bikes and enjoy the Fort Collins lifestyle.

- On Thanksgiving I had a stay for a week because their daughter could is in the Veterinary School at CSU and could not leave for the holiday so the family came to be with her.
- In September I had a week long guest that came to be with their freshman son who was not adapting well to the college transition- she was thankful for a safe space for her family to hang out and get back on track.

I feel that my house is a attribute to the community and brings business to the Fort Collins Community. There are so many solutions to address any problems that might be occurring. Not solutions to address specific issues have been discussed or implemented. For example, each STR is register but a local contact number list should be available to all homeowners so any problems can be addressed immediately. I have never been provided with this type of information. I feel that there are multiple steps that should be taken to remediate any problems before any conversation of changing the zoning is even discussed.

Thank you for your time and attention to this matter. I strongly encourage you to work in partnership with our HOA and the STR Committee to pursue a more balanced, constructive, and community-driven path forward.

Regards,

Marianne Payne

949-351-1492

208-918-5500

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: STR Zoning changes
Date: Monday, April 14, 2025 8:35:43 AM

From: Rob Doyle <robertdoyle12@outlook.com>
Sent: Friday, April 11, 2025 6:52 PM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] STR Zoning changes

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals in the Old Town North neighborhood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that a new board has been elected for the Old Town North HOA and is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Committee has also been formed to tackle key issues like noise, trash, and parking. This group will be working on solutions so that issues can be resolved quickly and directly within the community.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Additionally, the City Council is scheduled to discuss STRs in Old Town North at the May 15 meeting. Many residents feel this process has been rushed and lacked proper outreach to ensure all homeowner voices were heard. We respectfully request that the City pause any decisions until a more inclusive, transparent process can take place.

Thank you for your time and consideration. I urge you to work with the STR Committee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,

Robert and Suzanne Doyle

City Council Members
 City of Fort Collins
 300 Laporte Avenue
 Fort Collins, CO 80521

Dear Mayor Arndt and City Council Members,

While waiting to speak to Planning and Zoning today, I was able to review the Report to the Community 2024 and was struck by the increase in activities and visitors to Fort Collins. As a resident in Old Town, I am familiar with the hotels in and around Old Town and had a moment to ponder the rationale between the increase in Visitors and the possible limit to short-term Rentals (STRs) in Old Town North.

In addition, I am writing as a Fort Collins resident, Realtor and community advocate to express concern regarding discussions and meetings on the proposed limitations on short-term rentals (STRs) in Old Town North.

While I understand the City's desire to preserve neighborhood character and support long-term housing goals, I respectfully urge you to consider a more balanced approach—one that also honors the important role STRs play in supporting our local economy, property values, and homeowner flexibility.

A Cultural Destination with Limited Lodging

As reflected in your 2024 Report to the Community:

- The Lincoln Center welcomed **229,000 visitors**, hosted **1,119 events**, and sold **128,447 tickets** last year.
- The Fort Collins Museum of Discovery drew **113,311 visitors**.
- Old Town offers only **227 Reputable and Safe hotel rooms in the Downtown area**.

These numbers clearly show a thriving cultural scene—but also a significant lodging shortage. Short-term rentals, particularly in neighborhoods like Old Town North, help absorb this demand in a way that blends seamlessly into the fabric of our community.

STRs Fill the Gaps—Without Replacing the Neighborhood

Unlike hotels, STRs provide a home-like environment ideal for visiting families, multi-generational groups, university-related guests, and others who want to stay together while experiencing Fort Collins more personally. These visitors frequently support nearby businesses and enjoy walkable access to shops, trails, and arts venues—enhancing the vitality of our local economy.

Importantly, many STRs in Old Town North are **owner-occupied or locally managed**. These homes are not commercial hotels—they are part of the neighborhood. When thoughtfully

regulated, STRs complement our community and offer valuable lodging flexibility without disrupting residential life.

STR Owners Often Invest More in Property Upkeep

Another important distinction is that **short-term rental owners typically maintain their properties at a higher standard** than long-term rentals. Because STRs rely heavily on guest reviews and frequent bookings, owners are incentivized to keep their homes clean, safe, attractive, and well-furnished. This includes ongoing landscaping, timely repairs, updated interiors, and regular professional cleaning.

In contrast, long-term rentals often do not have the same level of care. Many STR owners are hands-on, present, and highly responsive contributing to improved curb appeal and neighborhood quality overall.

The Economic and Property Value Impact of STRs

Cities that have implemented strict STR bans have seen unintended consequences:

- In **Palm Springs, CA**, home prices dropped by **4.5%** after STR restrictions, and **22% of sellers** reduced their asking price in 2023—the highest rate since 2019.
- In **Los Angeles County**, jurisdictions with STR bans saw an **18% decrease in residential building permits**, reflecting lowered investment and future value.
- In **Washington, D.C.**, each additional STR within 200 feet of a property correlated with a **0.78% increase in sale price**.

Short-term rentals also contribute significantly to the broader economy. In **Summit County, CO**, for example, STRs accounted for nearly **29% of the county's GDP**, generating **\$1.7 billion in economic activity**. While Fort Collins may not match these figures directly, it's clear that STRs drive meaningful local revenue and help preserve housing stability for homeowners who rely on occasional rental income.

A Smarter Way to Address Concerns

I understand that noise and disruption are valid concerns for some residents, however, rather than broad limitations, Fort Collins can adopt **targeted enforcement policies** that ensure STRs operate responsibly, such as:

- 24/7 local contact requirements
- Occupancy and quiet hour enforcement
- “Three-strike” systems for problem properties
- Annual licensing and guest education standards

These are proven tools used successfully by cities nationwide—and they strike the right balance between protecting neighborhood quality and supporting responsible homeowners.

Finding a Fort Collins Solution

Prior to selling real estate, I was a police officer for the City of Fort Collins and often responded to noise complaints or disturbances. Why is the City stepping in to control a noise ordinance or disturbances through STR regulation or restrictions? Isn't this something that can be given back to the entity who is able to enforce the City Ordinances, Police Services?

Fort Collins is a city that values innovation, inclusivity, and local stewardship. Rather than restrict STRs in Old Town North entirely, let's lead with thoughtful regulations supporting long-term housing goals without limiting tourism, harming property values, or removing opportunities for residents to remain financially secure.

Thank you for your time and dedication to our community. I ask that you consider these perspectives in your deliberations and work with the public to craft STR policies that are fair, flexible, and forward-thinking.

Sincerely,

Jennifer Kelly
Old Town Resident
Broker Associate – Keller Williams

From: danmorgan747@gmail.com
To: devreviewcomments@fcgov.com
Subject: [EXTERNAL] Request for Restrictions on Non-Primary Short-Term Rentals in Old Town North
Date: Saturday, February 15, 2025 3:23:35 PM

To Whom It May Concern,

My wife and I reside at 474 Osiander Drive in Old Town North, Fort Collins. It has come to our attention that there is a possibility for restrictions on the use of units for non-primary short-term rentals in our neighborhood. We would like to express our support for such restrictions to ensure the high quality of life in the area.

I am sending this message to this email address, since there is still on-going development in Old Town North. So hopefully any housing code changes would apply to both existing housing and new housing.

As I understand it, Fort Collins generally does not allow or heavily restricts non-primary short-term rentals. It seems appropriate for Old Town North to adopt similar policies to protect the character and livability of the community.

I would appreciate your assistance in addressing this oversight in the Old Town North housing code.

Regards,
Dan Morgan

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North - Short Term Rentals
Date: Wednesday, April 9, 2025 1:08:00 PM

From: Kay Osentowski <kayos160@yahoo.com>
Sent: Wednesday, April 9, 2025 10:37 AM
To: City Leaders <CityLeaders@fcgov.com>; Noah Beals <nbeals@fcgov.com>; Spencer Douthit <spencerdouthit@yahoo.com>
Subject: [EXTERNAL] Old Town North - Short Term Rentals

Dear Mayor, Councilmembers, and Planning Staff,

I'm writing to express my strong opposition to the proposed zoning change that would eliminate non-primary short-term rentals (STRs) in the Old Town North (OTN) neighborhood.

As the developer of Old Town North, I feel it is imperative to recognize some important issues: OTN was in bankruptcy. The development fell on a difficult time for real estate and the subdivision languished for years. My husband and myself made the decision to take on the bad debt of the former developer and begin to salvage this beautiful neighborhood. We were very happy to learn, that the former developer had provided in the development agreement the right to build short term rentals. This became a very important piece to this development in getting motivated sales activity. Investors were excited and encouraged by this zoning allowance and was the primary reason for this development to sell out. Most people put major parts of their portfolios into this development and it has proven to be very good for all that did this. The tax dollars that were created by these new homes and finishing this development has been a tremendous windfall for the city. To change the zoning would potentially cause a reduction in values, and peoples livelihood.

As a homeowner who has invested a significant portion of my retirement savings into my property—and who has fully complied with all STR regulations and HOA covenants—I am deeply concerned about the potential impact of this change. I purchased and operate my STR in good faith, under a clear set of rules that the City put in place. Changing the zoning now undermines that trust and creates financial uncertainty for responsible homeowners like myself.

It's important to note that the Old Town North HOA is actively engaged in addressing the concerns raised by a small but vocal group of neighbors. A Special STR Subcommittee has been formed to tackle key issues like noise, trash, and parking. This group is implementing tangible solutions, including standardized signage and a local contact registry for STR owners, so that any concerns can be quickly resolved at the neighborhood level.

Blanket zoning changes are a disproportionate response that punish compliant property owners rather than addressing individual bad actors. We ask that the City support the collaborative efforts already underway in our community before taking such a sweeping and potentially damaging action.

Thank you for your time and consideration. I urge you to work with the STR Subcommittee and our HOA to find a more balanced, neighbor-driven approach.

Sincerely,

Kay Osentowski
NCREB
160 Fairway Lane
Fort Collins, CO 80525

970-420-9005

From: [Sarah Payne](#)
To: [City Leaders](#); [Noah Beals](#)
Subject: [EXTERNAL] Old Town North STR limit - Homes not hotels, please!
Date: Thursday, April 17, 2025 7:13:16 PM

Dear City Council, Mayor, and Managers,

We are very pleased to hear that the city is more formally considering limiting non-primary STR's in our Old Town North (OTN) neighborhood. Thank you for listening to our concerns. We hope that these changes will be expedited to prevent further uncontrolled growth of these STR's, and that steps will be taken soon to reduce the existing ones to the same level as other residential neighborhoods in the city. Our residential neighborhood is currently burdened with 20% of all STR's in the city, a majority of those being non-primary which cause the biggest impact.

We have lived on Osiander street for 12 years. In that time we have seen our neighborhoods on either side of us leave and be replaced with STRs. This has caused numerous issues for us. From lack of parking, loud parties, trash in yards, illegal alley parking, loud music and TV, and so much more. One night, a drunk man climbed the fence between our houses and into our yard in the middle of the night in an attempt to get into the AirB&B next door he locked himself out of. The most adverse effect of so many STRs in Old Town North, however, is a lack of community. This is not a neighborhood, it is mostly strangers coming and going. There are few people on our block who are permanent residents. With new construction finally being completed across the street, we fear all these problems will be exacerbated if a limit on STRs is not imposed in this neighborhood.

As you know, our neighborhood is dense, with residences close to each other and streets narrower than other residential neighborhoods. Osiander is barely wide enough for two cars to pass with parking on the South side of the street. Streets department told me once it doesn't meet the city standards for a two way street. Illegal parking on the north side of Osiander is a constant problem with temporary guest to our neighborhood. We have about 236 properties in the size of 14 football fields combined in OTN. As a result, the impact of this high number of NP-STR's is much larger and a nuisance to many who live here full time. Primary STR's and long-term rentals are not the issue.

What we are requesting:

- Immediate moratorium on new non-primary STR licences until the vote by city council. 72 STR licences in our neighborhood is already way too high. Investors/owners will rush to add new ones to beat the anticipated Land Use changes.
- Prevent existing licences from being moved/sold to other addresses.
- A fair process to reduce the existing number of NP-STR's to a level that is consistent with other residential neighborhoods in the city.

Thank you!

Sarah Payne
 363 Osiander Street

From: [Noah Beals](#)
To: [Walter Abercrombie](#)
Cc: [Em Myler](#); [Development Review Comments](#)
Subject: RE: [EXTERNAL] Old Town North neighborhood..
Date: Thursday, January 30, 2025 3:06:12 PM

Hello Walter & Linda,

Thanks for the email. The meeting will be an open house event. Meaning individuals can come and ask questions and provide comments at their own pace. We will have some boards on display to help start any conversations but there will not be formal presentation. We certainly do take comments and question outside of events and those can be sent to emyler@fcgov.com. Again we are not proposing any changes at this time, we are collecting information.

Regards,

Noah Beals, AICP

Development Review Manager | City of Fort Collins
nbeals@fcgov.com | 970.416.2313 direct

From: Walter Abercrombie <walt.abercrombie@gmail.com>
Sent: Wednesday, January 22, 2025 7:22 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] Old Town North neighborhood..

Hi Noah. We currently own a home and reside in the Old Town North neighborhood. We just received the attached letter from the city about an Open House to discuss STR (Short-term Rentals) in our neighborhood on February 3rd. I know that a lot of folks are interested to hear about this, but might not be able to attend in person. Is there a way for them to get more information and provide feedback? I assume that your team will be presenting a plan/proposal about STR's on OTN, or will it be a feedback gathering event? I am on the HOA board as well and we would like to let folks know about this, and how to get more information and provide feedback in the event they can't be at the meeting.

My wife and I are personally hoping that the city will put some more regulations in place for STR's since they seem to have "expanded" recently. We want to have this more as a true residential neighborhood without the added disruptions that STR's often bring (parking issues, noise, etc.).

Thank You.

Walter & Linda Abercrombie
Pascal St, Fort Collins

From: [Noah Beals](#)
To: [Kate Penning](#)
Cc: [Dan Roarty](#); [Development Review Comments](#)
Subject: RE: Old Town North STR
Date: Thursday, April 17, 2025 9:30:43 AM
Attachments: [image001.png](#)

Hello Kate,

Thanks for the email. We appreciate the input that has been given on this issue. We will include these comments to both Planning and Zoning Commission when they discuss a recommendation and then City Council as they contemplate a decision.

For what it is worth, at this time the only thing being proposed is to eliminate the ability to issue any new non-primary STRs.

Regards,

Noah Beals, AICP
 Development Review Manager | City of Fort Collins
nbeals@fcgov.com | 970.416.2313 direct

From: Kate Penning <Kate.Penning@clarkenersen.com>
Sent: Wednesday, April 16, 2025 4:12 PM
To: Noah Beals <nbeals@fcgov.com>
Cc: Dan Roarty <roartysa@gmail.com>
Subject: [EXTERNAL] Old Town North STR

Hi Noah,
 Hope you're doing well. It was great seeing you at the Southeast Community Center meeting—thanks for being involved in helping move that project forward.

I wanted to reach out and share some personal thoughts on the discussions surrounding short-term rentals in Old Town North.

My husband and I purchased our first home in the neighborhood, and after our family grew, we moved to a larger home nearby. We chose to keep our original house as a long-term investment for our daughter, and we've been able to do so by operating it as a non-primary short-term rental. We've followed all city regulations and have always strived to be responsible, compliant operators.

The potential zoning change is deeply concerning to us. Eliminating non-primary STRs would significantly devalue homes in the area and create serious financial challenges for families like ours who have made plans based on the current, established rules.

I understand that some concerns have been raised, but I also know that a new HOA board and a dedicated STR Committee are now actively working on constructive solutions—addressing issues like noise, trash, and parking—within the community. A broad zoning change feels premature and overly punitive, especially when local efforts are already underway to find better balance.

Please share our concerns with those involved in shaping the future of this policy. We urge the City to pause any decisions until a more transparent and inclusive process takes place—one that values the input of all homeowners, not just a vocal few.

Thank you for your time and consideration.

Best,

Kate Penning AIA, NCARB

Architect

Associate Principal

o 970.818.8999

e kate.penning@clarkenersen.com

w clarkenersen.com

123 N College Ave, Suite 200, Fort Collins, CO 80524

CLARK &
ENERSEN

From: [Noah Beals](#)
To: [Linda Ripley](#)
Cc: [Development Review Comments](#)
Subject: RE: SRTs Old Town North
Date: Monday, February 24, 2025 1:24:59 PM

Hello Linda,

The following are responses to your questions.

Of the 42 active short term rentals in OTN, how many are non-primary?

- The neighborhood is zoned Community Commercial North College and allows both primary and non-primary STRs
- Almost 20 percent (75) of Fort Collins STRs are in the Old Town North neighborhood. Seven are primary and 68 are non primary
- Almost 30 percent (48) of complaints about STRs from 2019 to present have been in the Old Town North neighborhood. The two main complaints topics are noise/parties and parking/vehicles

Are licenses renewed annually?

- STRs also require a STR license. This license is \$150 with a \$100 annual renewal fee.

Are licenses ever revoked?

- Yes, we have revoked licenses in past under the criteria mentioned below.

Under what circumstances can a license be revoked?

- The Director may suspend, revoke, or not renew any license issued pursuant to this Article if the Director determines that any of the following have occurred:
 - (1) Fraud, material misrepresentation or false statement in the initial application for the license or any renewal application;
 - (2) Failure to obtain a sales and use tax license and lodging tax license or failure to remit taxes pursuant to [Chapter 25](#), Art. IV, of the Code of the City of Fort Collins;
 - (3) Failure to comply with the terms of the license, the provisions of this Article, or any other applicable provision of federal, state, or local law including, but not limited to, the Code of the City of Fort Collins and Land Use Code.
 - (4) Failure to comply with conditions imposed on any license pursuant to [§ 15-647\(c\)](#) and [§ 15-649\(b\)](#).

Can the criteria to revoke be changed or expanded?

- Council could add or change the criteria.

Let us know if you have more questions.

Regards,

Noah Beals, AICP

Development Review Manager | City of Fort Collins
nbeals@fcgov.com | 970.416.2313 direct

From: Linda Ripley <linda.ripley@ripleydesigninc.com>

Sent: Monday, February 24, 2025 10:16 AM

To: Noah Beals <nbeals@fcgov.com>

Subject: [EXTERNAL] SRTs Old Town North

Noah ,

I have a few questions:

Of the 42 active short term rentals in OTN, how many are non-primary?

Are licenses renewed annually?

Are licenses ever revoked?

Under what circumstances can a license be revoked? Can the criteria to revoke be changed or expanded?

Some of my neighbors are very concerned about the proliferation of SRTs. Personally I am neutral on the subject, but would like to keep informed.

Thanks!

Linda

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: OTB STR
Date: Friday, February 14, 2025 1:27:07 PM

From: Robertson, Gregory <Gregory.Robertson@colostate.edu>
Sent: Friday, February 14, 2025 1:26 PM
To: Noah Beals <nbeals@fcgov.com>
Subject: [EXTERNAL] OTB STR

To Noah Beals

My name is Greg Robertson. I have been a full-time resident at 233 Osiander St in the Old Town North Neighborhood since 2016, when I purchased my home. Over that time, I have witnessed a dramatic increase in non-primary short-term rentals [STRs] (6 in total in direct proximity to my home). The continued support of non-primary short-term rentals has led to increased issues with garbage cans being left unattended in alleyways – often for weeks and all the other nuisance complaints that you have probably heard at length. However, the 2017 land use code allowing non-primary STRs has broader impact. First, it allows companies and individuals to profit from the cities inequitable and selective “continued allowance” of non-primary STRs in OTN which is not aligned with the rest of the city. Second, it negatively impacts the already critical housing shortage for those looking to purchase and establish full time residence in Fort Collins. Indeed, as many of the non-primary STRs are modern single-family homes often with separate “mother-in-law” suite additions, re-aligning the land use code for OTN with the rest of the city, would open up a large number of mostly unoccupied non-primary STR properties for purchase, long-term rentals, or a combination of homes for purchase + primary STRs – which is acceptable and encouraged. Such measures would continue to keep the OTN neighborhood strong and encourage continued growth of families and property upkeep to keep property values and hence, property tax values high for Fort Collins. It will also help with the housing shortage issues the city is facing for those wanting single family homes for their families.

In conclusion, I am joining my neighbors in asking that the OTN neighborhood be brought into alignment with the rest of the City. We request a Primary STR designation in the Land Use Code.

Thank you for your Consideration
Greg Robertson, OTN resident

From: [Noah Beals](#)
To: [Development Review Comments](#)
Subject: FW: [EXTERNAL] Old Town North
Date: Friday, February 14, 2025 10:55:08 AM

-----Original Message-----

From: Lorna Yoder <ljy517@gmail.com>
Sent: Thursday, February 13, 2025 5:32 PM
To: Susan Gutowsky <sgutowsky@fcgov.com>
Subject: [EXTERNAL] Old Town North

Hello, my husband and I live at 502 Osiander Street in Old Town North and we are very concerned about the number of short-term rentals in our neighborhood. Several months ago we were awakened at two-thirty a.m. to very loud music, which was actually rattling our windows. I finally called the police to report the loud noise. I had my eight year old grand daughter here that night and it even woke her up. The people next door were obviously very drunk and their music was intolerable. It was very upsetting to say the least. We are really tired of all the noise and cars and loud people doing this to our neighborhood. They let their animals run around doing their duty on lawns and park in front of our house heading the wrong way and seem not to care one bit about us. It is not the neighborhood I thought I was moving into and it is very disheartening to say the least.

When the neighborhoods are inhabited by many short-term renters the neighborhood becomes less of a neighborhood.

No other neighborhoods in Fort Collins allow this to happen so I am wondering why Old Town North allows it. I encourage you to please try to get the city to do something about this issue as there are several lots around our house that could possibly have short term rentals built. One was just built last year!

Thank you for your time.

Lorna and Richard Yoder

Non-primary Short Term Rentals in the CCN zone district

Noah Beals

Development Review Manager



2017 Short Term Rental Regulations were adopted

Two Types of Short Term Rentals (STR)

- Primary STR, the owner must reside on the lot for 9 months of the year
- Non-primary STR, the owner does not have to reside on the lot

Vrbo

Where to?
Fort Collins, Colorado, United States of A...

Dates
May 10 - May 24

Filters Popular Price Rooms & spaces Sort by recommended Compare properties

Members always get our best prices when signed in [Sign in](#)

Fort Collins is popular!
Only 13% of properties are available on our site for your dates.

Within Old Town North
Old Town Swank - Brand New To Brewery District!
House · Sleeps 10 · 4 bedrooms · 3 bathrooms
9.8 Exceptional
44 reviews

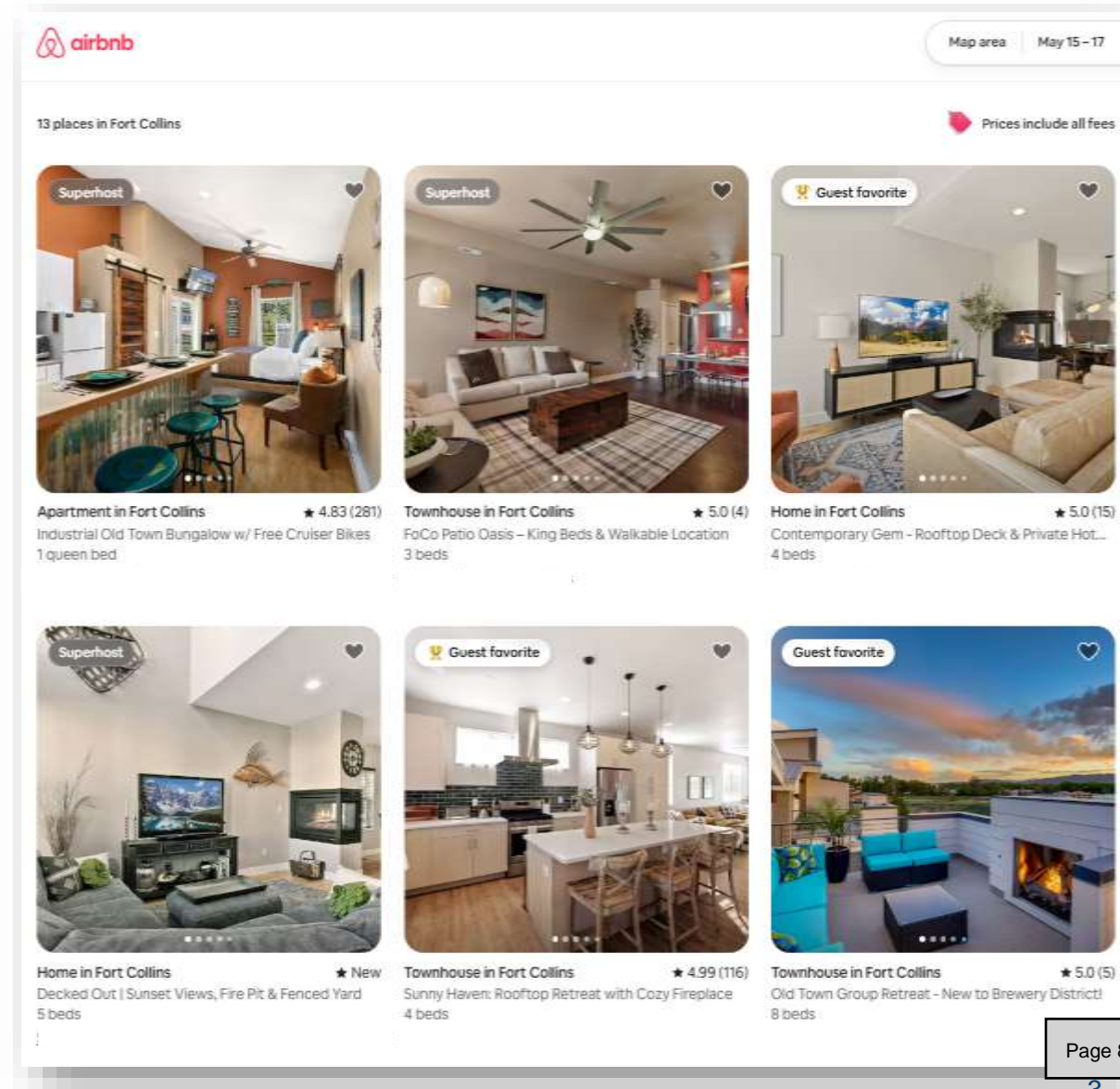
Within Old Town North
Peaceful Patio & King Comfort 1mi to Old Town
Apartment · Sleeps 6 · 2 bedrooms · 1 bathroom
9.0 Wonderful
2 reviews

Within Old Town North
Comfortable 3 BR home with garage and fenced yard, walking distance to Old Town.
House · Sleeps 8 · 3 bedrooms · 3 bathrooms
9.4 Exceptional
6 reviews

2017 Short Term Rental Regulations were adopted

Two Types of Short Term Rentals (STR)

- Primary STRs were permitted in zone districts that already allowed Bed & Breakfast use.
- Non-primary STR were permitted in zone districts that already allowed lodging establishments such as hotels and motels

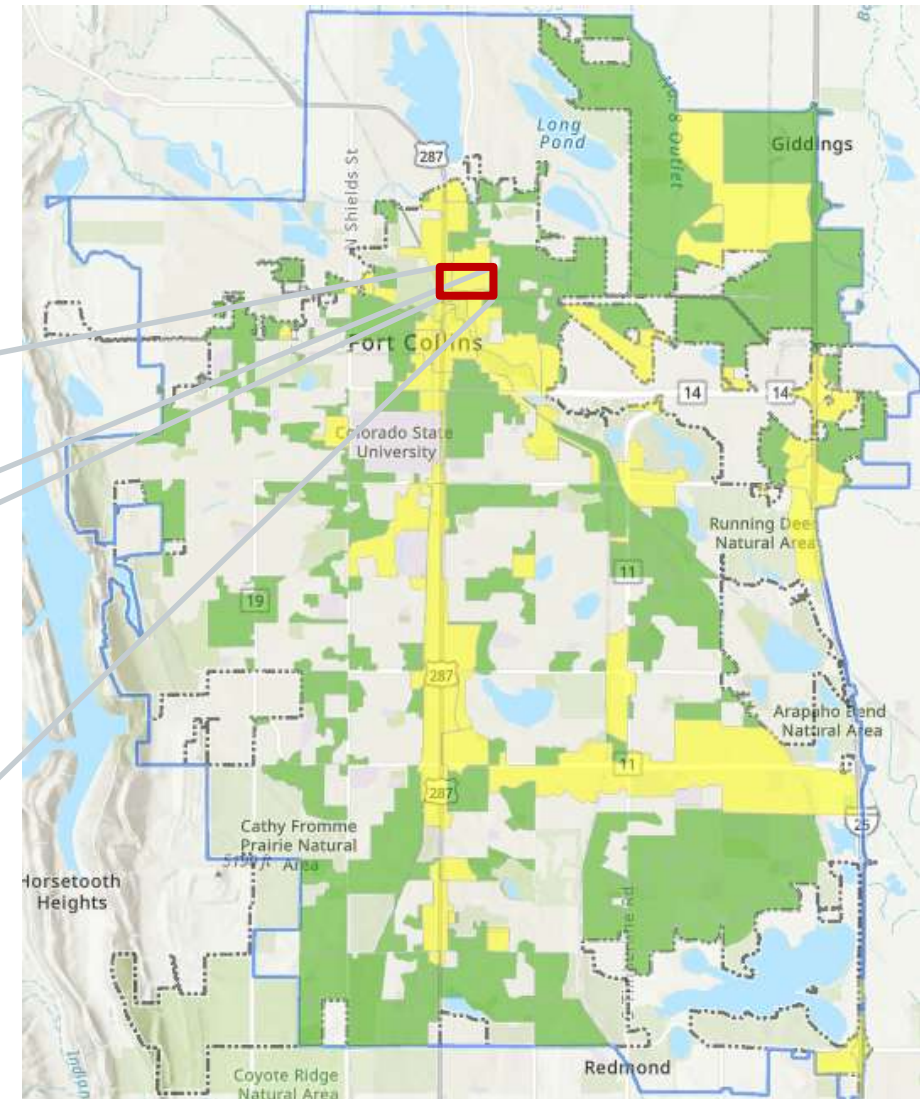


Community Commercial North College (CCN) Zone District

- Allowed for Lodging establishments.
- Today allows for Primary and Non-primary STRs

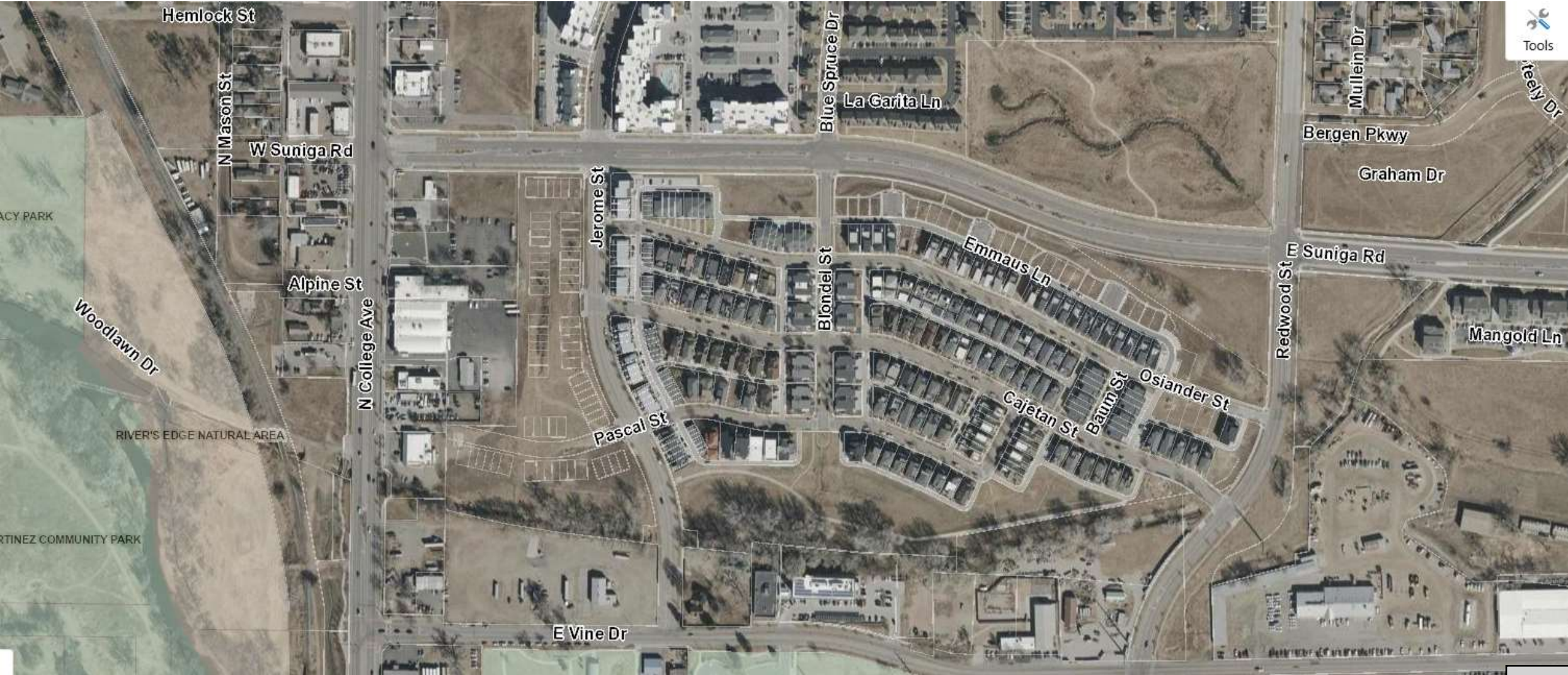


- Old Town North (OTN) developed as mostly a residential neighborhood
- It is one of the only residential neighborhood that allows for Non-primary STRs as a licensed use.

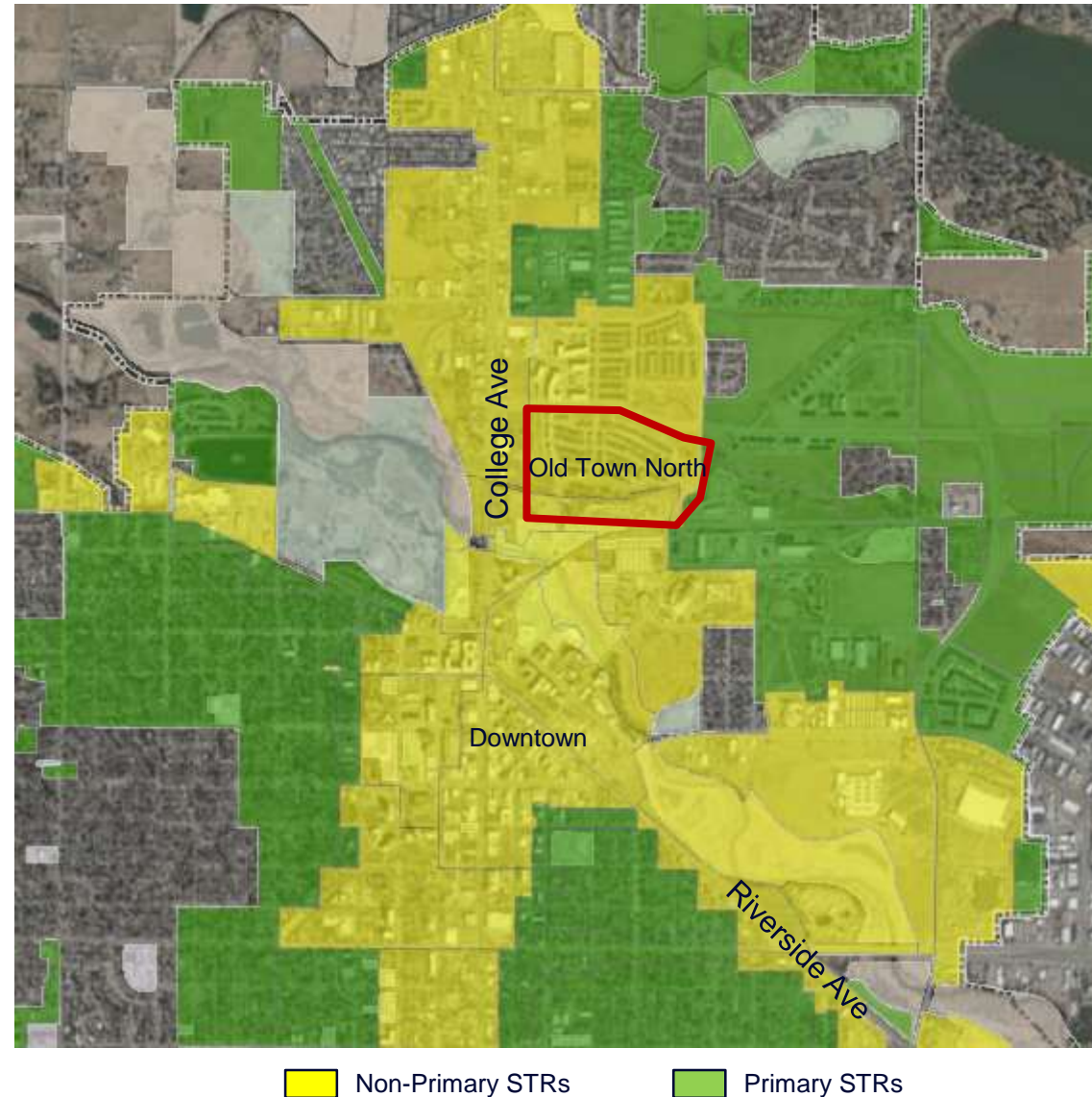


Primary STRs

Short Term Rentals

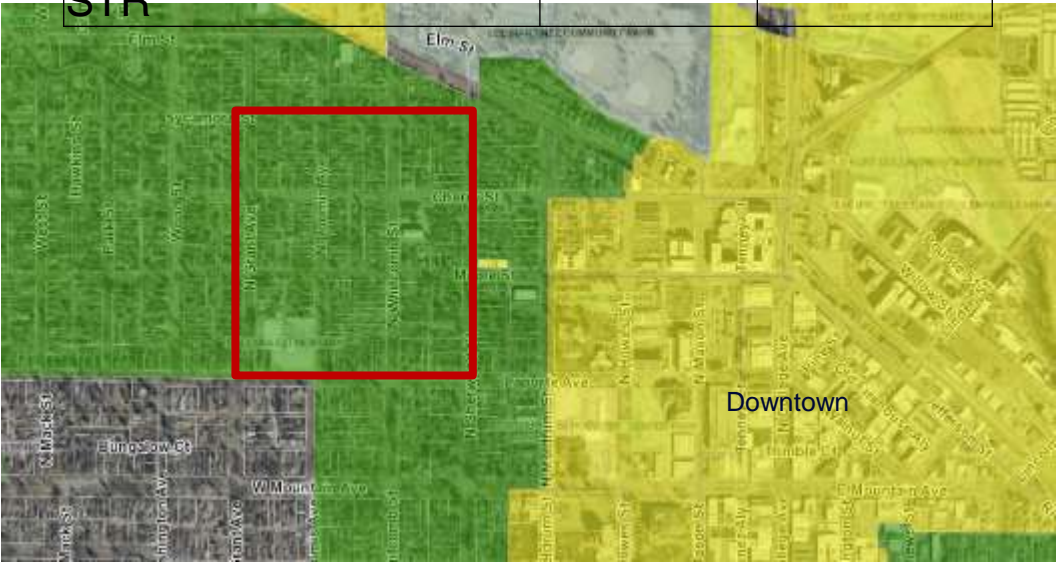


Short Term Rentals



Short Term Rentals

	Old Town North	Area West of Downtown
Zone District	CCN	OT-B
Dwelling Units	385 apprx.	575 apprx.
Non-Primary STR	73	3
Primary STR	3	16
Complaints Specific to STR	63	2

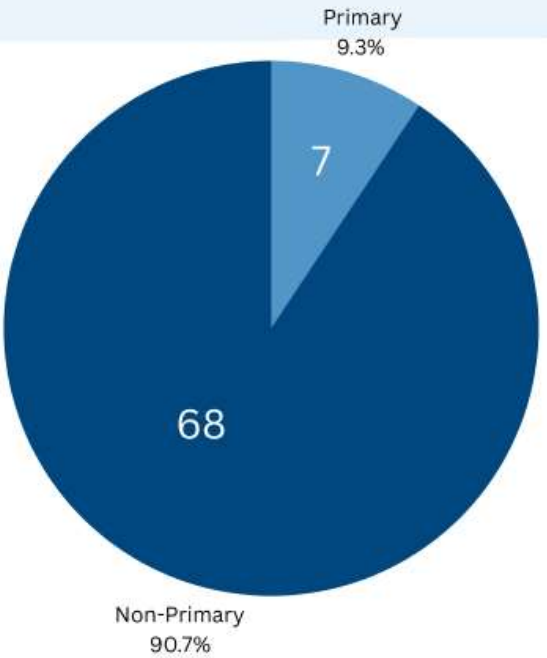
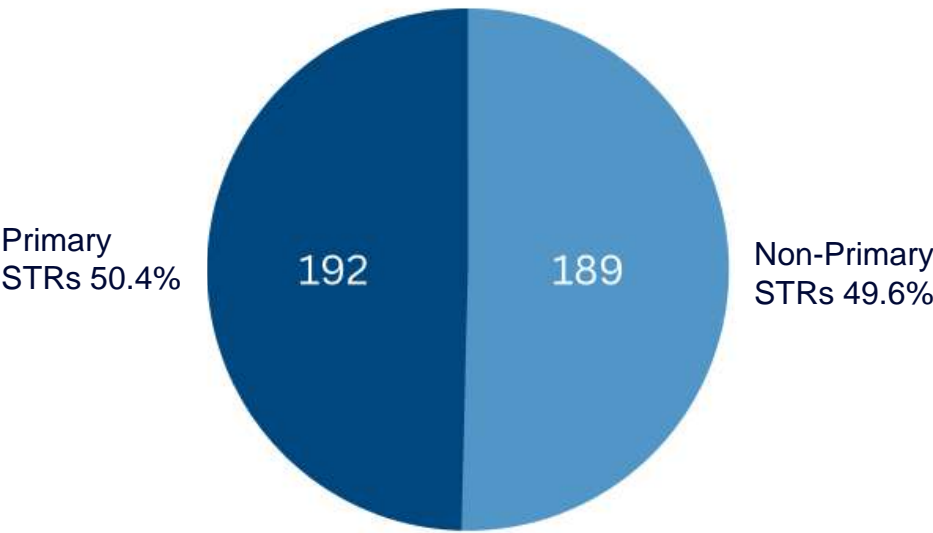


Open House for Old Town North

Current STRs in Fort Collins

STRs in Fort Collins: 381

STRs Old Town North: 75

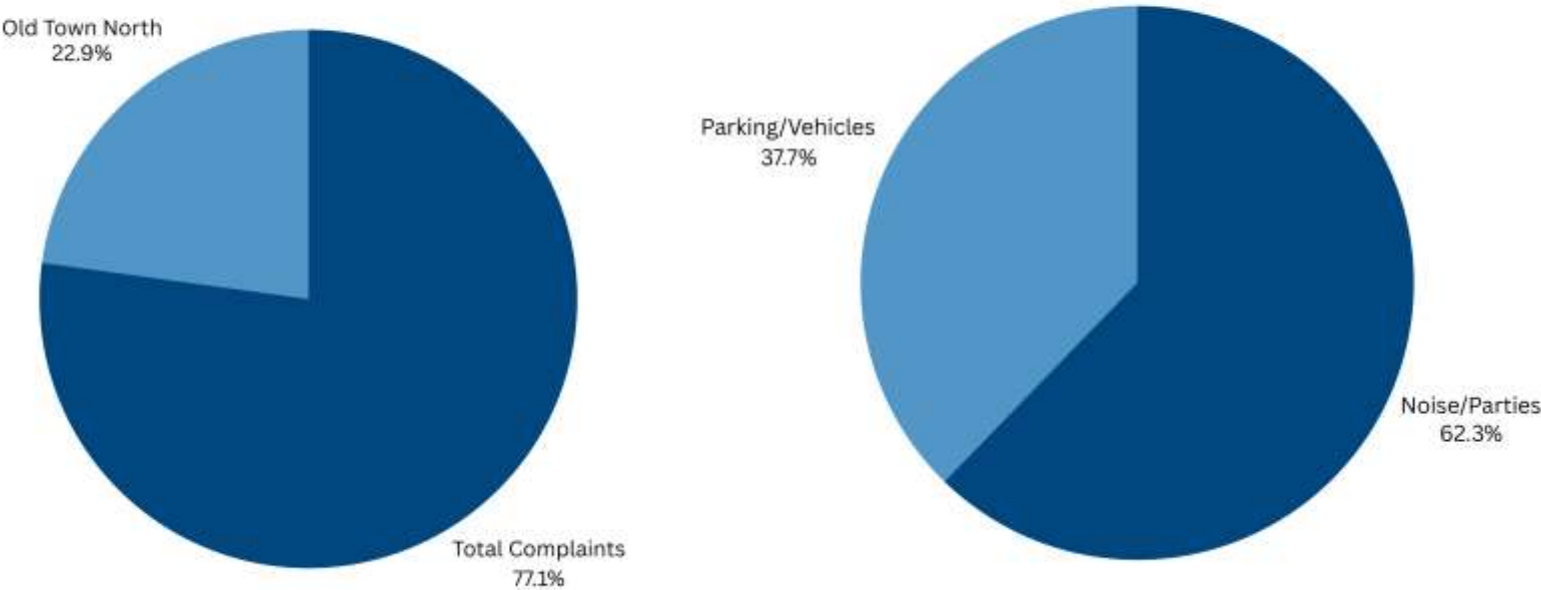


- 20% of all STRs
- 35% of Non-primary STRs in the City

Open House for Old Town North

Why Are We Talking About This?

Complaints about STRs 2019 - Today:



STR Proposed Changes to Land Use Code

TABLE OF PRIMARY USES 4.2. Residential Uses

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H.CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T	
RESIDENTIAL USES																																
Single Unit Dwelling	■	■	▨	■	■		■	■		■	■		■	▨			■		■	■	▨						■	▨				
Single Unit Attached Dwelling	▨	▨	▨				■	■		▨	■	■	■	■			■	■	■	■	▨		■	■		■	■/■	▨				
Two Unit Dwelling	▨	■	▨				■	■		▨	■	■	■	■			■	■	■	■	▨		■			■	■/■	▨				
Multi-Unit Dwelling							▨	▨	▨	▨	▨	■	■	■	■		■	■	■	▨	▨	■/■	■	■		■	▨	▨				
Mixed-Use Dwelling Units							■	▨	▨		▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	▨	■	■	■		■	■	▨				
Accessory Dwelling Unit	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
Short-Term Primary Rentals		■					■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■		■	■	■	■		
Short-Term Non-Primary Rentals													■	■	■	■			■	■	■	■	■	■		■	■	■	■			
Fraternity & Sorority Houses								▨	■		▨	▨		▨					■	■												
Manufactured Housing Community						■	▨																				▨					
Shelter for victims of domestic violence	■	■	■	■	■	■	■	■	■	■	■	■	■	■					■	■	■	■	■	■		■/■	■/■	■				

(a) Licenses issued pursuant to this Article shall be valid from the time of issuance through the following June 30. Licenses must be renewed annually and a renewed license shall be valid for the period from July 1 through the subsequent June 30.

(b) Renewal applications shall be reviewed by the Financial Officer in consultation with the Director, are subject to [§ 15-648](#), [§ 15-649](#), and must meet the standards set forth in [§ 15-644](#).

(b.5) For any license issued in a zone district that allowed such use at the time of issuance but such use is no longer allowed at the time of renewal, the licensee is eligible to apply to annually renew the issued license pursuant to the requirements of this Article provided that from the effective date of the ordinance that eliminated the licensed use, the license has not been revoked, suspended, or lapsed for any period of time, or denied renewal by the City.

(1) Any license eligible for renewal pursuant to this Subsection (b.5) shall automatically expire at the time the ownership of the licensed premises changes.

(2) The new owner of the previously licensed dwelling unit is eligible to apply for a license identical in scope to the previously issued license provided the previously issued license was continuously valid from the effective date of the ordinance that eliminated the licensed use and the new owner applies for a license within thirty (30) calendar days of the date of transfer of ownership of the dwelling unit.

Renewal of Existing Licenses

Consistent with existing non-conforming licenses proposed code change in the Municipal code would allow both:

- Existing licenses in CCN to be renewed and
- Transferred to a new owner up to 30 days after the sale of the property

P&Z Recommends approval of the proposed Land Use Code Change
Split vote 3 to 2



Dissenting votes:

- Sympathy to the negative impacts but found the changes unfair to those who invested in properties and are following the existing rules.
- Believed there are other options that could be explored to mitigate impacts.



Thank You

ORDINANCE NO. 106, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE TO REMOVE NON-PRIMARY
SHORT TERM RENTALS FROM THE COMMUNITY
COMMERCIAL – NORTH COLLEGE DISTRICT

A. In 2017, the City adopted short term rental (“STR”) licensing regulations in the Code of the City of Fort Collins (“City Code”) and associated Land Use Code text amendment regarding STRs.

B. The licensing regulations and zoning use restrictions adopted in 2017 were in response to community concerns regarding STRs and were adopted for the purposes described in City Code Section 15-640 as follows:

1. Ensuring the safety of renters of short term rentals;
2. Mitigating the impacts of short term rentals on neighborhoods;
3. Maintaining and enhancing neighborhood livability;
4. Promoting a fair operating environment for all persons in the business of providing lodging or transient accommodation; and
5. Facilitating ongoing data collection to further evaluate the impact of STRs on the neighborhoods in which they are located and on affordable housing.

C. Consistent with the purposes for adopting short term rental regulations and in response to further City evaluation of short term rentals and changing conditions, the short term rental regulations were subsequently amended in 2017, 2019, and 2024.

D. To achieve the stated purposes, the City established both primary STRs and non-primary STRs with the principal difference being that the former requires the license holder to reside on the lot where the STR is located while the latter does not.

E. The determination of where to initially allow primary or non-primary STRs, or both, was made with the intent of mitigating the negative impacts of STRs by preventing STRs from being established in strictly residential zones and allowing them in zones with a greater mix of uses.

F. In initially determining where to allow each type of STR, the City reviewed the existing use list for each zoning district. Primary STRs were similar to the bed and breakfast use which requires an on-site manager residing on the property and were determined to be appropriate in zones with mixed uses but tending towards a more residential character. In contrast, non-primary STRs were similar to lodging establishments that do not need a residential on-site manager and were determined to be appropriate in zones with mixed uses but tending towards a more retail or commercial character.

G. The Community Commercial – North College (“CCN”) zone district was designed for the fringes of retail/commercial core areas and corridors and intended for

moderate intensity uses that support the commercial core or corridor and help to create a transition and link between the commercial areas and surrounding residential areas. The CCN includes two areas in the City, one of which is the Old Town North neighborhood located east of North College Avenue and north of East Vine Drive.

H. In 2017 when the STR regulations were adopted, the areas zoned CCN were less developed but had the potential to develop with a greater mix of commercial uses. Based upon these conditions in 2017, allowing both primary and non-primary STRs as allowed uses subject to licensing in the CCN district was consistent with the purpose of the adopted STR regulations.

I. Since 2017, the Old Town North neighborhood has developed a greater mix of residential uses instead of the anticipated commercial uses, resulting in an area that is residential but still supports the retail core areas of North College Avenue and serves as a transition and link between surrounding neighborhoods.

J. The City averages between 375 and 400 STR licenses each year, with three primary STR licenses and 73 non-primary STR licenses issued in the Old Town North neighborhood. Approximately 25% of the dwellings in the Old Town North neighborhood are licensed for STR use and this is proportionately high in comparison to any other neighborhood in the City.

K. Since 2017, the City has continued to receive numerous complaints from residents in the Old Town North neighborhood regarding nuisance issues, including noise, parking, and trash, and regarding the overall lack of community and ability to build community due to the transient occupancy of STRs in the neighborhood.

L. Based upon the ongoing complaints regarding STRs, City staff conducted neighborhood outreach, including a neighborhood meeting, in 2025 to better understand and discuss the concerns of Old Town North neighborhood residents and STR owners. Based upon this outreach and discussion, City staff is recommending a Land Use Code text amendment to eliminate non-primary STRs in the CCN to mitigate the negative impacts and achieve the purposes of the City's STR regulations. City staff is also recommending an amendment to the City Code STR regulations to allow existing non-primary STR licensees to continue to be eligible for renewal.

M. At its May 15, 2025, regular meeting, the Planning and Zoning Commission on a 3 to 2 vote recommended that Council adopt the proposed Land Use Code change to amend the Land Use Code to remove non-primary STRs as a use in the CCN.

N. In order to achieve the purposes of the City's adopted STR regulations, especially mitigating the impacts of short term rentals on neighborhoods and maintaining and enhancing neighborhood livability, and in consideration of the proportionately high concentration of non-primary STR licenses in the Old Town North neighborhood, the development pattern since 2017 of a greater mix of residential uses instead of the anticipated commercial uses in the Old Town North neighborhood, and the comments of

Old Town North neighborhood residents regarding the negative impacts of non-primary STRs in their neighborhood, City Council finds that a Land Use Code text amendment to remove non-primary STRs in the CCN is justified.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the Table of Residential Uses contained in Division 4.2 of the Land Use Code is hereby amended to read as shown on Exhibit A, attached hereto and incorporated herein by this reference.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025

Approving Attorney: Brad Yatabe

Exhibits: Exhibit A – Table of Residential Uses contained in Division 4.2 of the Land Use Code, as amended

EXHIBIT A TO ORDINANCE NO. 106, 2025

Item 19.

Table of Residential Uses contained in Division 4.2 of the Land Use Code, as revised

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER					
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H. CORE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T		
RESIDENTIAL USES																																	
Single Unit Dwelling	■	■	■	■	■		■	■		■	■		■	■			■		■	■	■						■	■					
Single Unit Attached Dwelling	■	■	■				■	■		■	■	■	■	■			■	■	■	■	■			■	■		■	■	■	■	■		
Two Unit Dwelling	■	■	■				■	■		■	■	■	■	■			■	■	■	■	■			■			■	■	■	■	■		
Multi-Unit Dwelling							■	■	■	■	■	■	■	■			■	■	■	■	■	■	■	■	■		■	■	■	■	■		
Mixed-Use Dwelling Units							■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■		
Accessory Dwelling Unit	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Short Term Primary Rentals		■					■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	
Short Term Non-Primary Rentals												■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■		
Fraternity & Sorority Houses								■	■		■	■		■					■	■													
Manufactured Housing Community						■	■																					■					
Shelter for victims of domestic violence	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■				■	■	■	■	■	■	■	■	■	■	■	■	■		

ORDINANCE NO. 107, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS TO
CLARIFY THE CONDITIONS OF RENEWAL OF EXISTING NON-
PRIMARY SHORT TERM RENTAL LICENSES

A. In 2017, the City adopted short term rental (“STR”) licensing regulations in the Code of the City of Fort Collins (“City Code”) and associated Land Use Code text amendment regarding STRs.

B. The licensing regulations and zoning use restrictions adopted in 2017 were in response to community concerns regarding STRs and were adopted for the purposes described in City Code Section 15-640 as follows:

1. Ensuring the safety of renters of short term rentals;
2. Mitigating the impacts of short term rentals on neighborhoods;
3. Maintaining and enhancing neighborhood livability;
4. Promoting a fair operating environment for all persons in the business of providing lodging or transient accommodation; and
5. Facilitating ongoing data collection to further evaluate the impact of STRs on the neighborhoods in which they are located and on affordable housing.

C. Consistent with the purposes for adopting short term rental regulations and in response to further City evaluation of short term rentals and changing conditions, the short term rental regulations were subsequently amended in 2017, 2019, and 2024.

D. To achieve the stated purposes, the City established both primary STRs and non-primary STRs with the principal difference being that the former requires the license holder to reside on the lot where the STR is located while the latter does not.

E. The determination of where to initially allow primary or non-primary STRs, or both, was made with the intent of mitigating the negative impacts of STRs by preventing STRs from being established in strictly residential zones and allowing them in zones with a greater mix of uses.

F. In initially determining where to allow each type of STR, the City reviewed the existing use list for each zoning district. Primary STRs were similar to the bed and breakfast use which requires an on-site manager residing on the property and were determined to be appropriate in zones with mixed uses but tending towards a more residential character. In contrast, non-primary STRs were similar to lodging establishments that do not need a residential on-site manager and were determined to be appropriate in zones with mixed uses but tending towards a more retail or commercial character.

G. The Community Commercial – North College (“CCN”) zone district was designed for the fringes of retail/commercial core areas and corridors and intended for

moderate intensity uses that support the commercial core or corridor and help to create a transition and link between the commercial areas and surrounding residential areas. The CCN includes two areas in the City, one of which is the Old Town North neighborhood located east of North College Avenue and north of East Vine Drive.

H. In 2017 when the STR regulations were adopted, the areas zoned CCN were less developed but had the potential to develop with a greater mix of commercial uses. Based upon these conditions in 2017, allowing both primary and non-primary STRs as allowed uses subject to licensing in the CCN district was consistent with the purpose of the adopted STR regulations.

I. Since 2017, the Old Town North neighborhood has developed a greater mix of residential uses instead of the anticipated commercial uses, resulting in an area that is residential but still supports the retail core areas of North College Avenue and serves as a transition and link between surrounding neighborhoods.

J. The City averages between 375 and 400 STR licenses each year, with three primary STR licenses and 73 non-primary STR licenses issued in the Old Town North neighborhood. Approximately 25% of the dwellings in the Old Town North neighborhood are licensed for STR use and this is proportionately high in comparison to any other neighborhood in the City.

K. Since 2017, the City has continued to receive numerous complaints from residents in the Old Town North neighborhood regarding nuisance issues, including noise, parking, and trash, and regarding the overall lack of community and ability to build community due to the transient occupancy of STRs in the neighborhood.

L. Based upon the ongoing complaints regarding STRs, City staff conducted neighborhood outreach, including a neighborhood meeting, in 2025 to better understand and discuss the concerns of Old Town North neighborhood residents and STR owners. Based upon this outreach and discussion, City staff is recommending a Land Use Code text amendment to eliminate non-primary STRs in the CCN to mitigate the negative impacts and achieve the purposes of the City's STR regulations. City staff is also recommending an amendment to the City Code STR regulations to allow existing non-primary STR licensees to continue to be eligible for renewal.

M. In order to achieve the purposes of the City's adopted STR regulations, especially mitigating the impacts of short term rentals on neighborhoods and maintaining and enhancing neighborhood livability, and in consideration of the proportionately high concentration of non-primary STR licenses in the Old Town North neighborhood, the development pattern since 2017 of a greater mix of residential uses instead of the anticipated commercial uses in the Old Town North neighborhood, and the comments of Old Town North neighborhood residents regarding the negative impacts of non-primary STRs in their neighborhood, City Council finds that a Land Use Code text amendment to remove non-primary STRs in the CCN is justified.

N. In connection with City Council's decision to adopt a text amendment to the LUC to remove non-primary STRs as a use in the CCN, City Council is adopting amendments to City Code Section 15-647 to allow non-primary STR license holders in the CCN to continue to be eligible to renew such licenses with certain restrictions as set forth in this Ordinance finding that this change is consistent with the purposes for adopting STR regulations described in City Code Section 15-640.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 15-647 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (c) which reads in its entirety as follows, with all subsequent Subsections to be re-lettered accordingly and any cross references corrected as needed:

Sec. 15-647. - Term of license and renewal.

(a) Licenses issued pursuant to this Article shall be valid from the time of issuance through the following June 30. Licenses must be renewed annually and a renewed license shall be valid for the period from July 1 through the subsequent June 30.

(b) Renewal applications shall be reviewed by the Financial Officer in consultation with the Director, are subject to § 15-648, § 15-649, and must meet the standards set forth in § 15-644.

(c) For any license issued in a zone district that allowed the licensed use at the time of issuance but that no longer allows such licensed use at the time of renewal, the licensee is eligible to apply to annually renew the issued license pursuant to the requirements of this Article provided that from the effective date of the ordinance that eliminated the licensed use, the license must not have been revoked, suspended, or lapsed for any period of time, or denied renewal by the City.

(1) Any license eligible for renewal pursuant to this Subsection (c) shall automatically expire at the time the ownership of the licensed premises changes.

(2) The new owner of the previously licensed dwelling unit is eligible to apply for a license identical in scope to the previously issued license provided the previously issued license was continuously valid from the effective date of the ordinance that eliminated the licensed use and the new owner applies for a license within thirty (30) calendar days of the date of transfer of ownership of the dwelling unit.

...

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025

Approving Attorney: Brad Yatabe

Exhibits: None

File Attachments for Item:

20. Items Related to a Proposed Charter Amendment Amending Regarding Vacancies and Application of Term Limits to Partial Terms.

A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 108, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

The purpose of this item is to set ballot language regarding a proposed amendment to the City Charter resulting from the Charter Update Project and submit the question to the voters at the November 4, 2025, election. The Council has considered and taken action on five amendments, and this item completes action on the Charter amendments that have been identified as part of the Charter Update Project.

The Ordinance does not include an amendment number for the proposed ballot question. The Council will establish the order of the amendments to be presented on the ballot by separate action.

Any protest of the proposed ballot language must be received no later than Monday, June 16, 2025, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Carrie Daggett, City Attorney
Delynn Coldiron, City Clerk

SUBJECT

Items Related to a Proposed Charter Amendment Amending Regarding Vacancies and Application of Term Limits to Partial Terms.

EXECUTIVE SUMMARY

A. Possible Public Hearing and Motion(s) Regarding Protest(s) of Ballot Language.

B. First Reading of Ordinance No. 108, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

The purpose of this item is to set ballot language regarding a proposed amendment to the City Charter resulting from the Charter Update Project and submit the question to the voters at the November 4, 2025, election. The Council has considered and taken action on five amendments, and this item completes action on the Charter amendments that have been identified as part of the Charter Update Project.

The Ordinance does not include an amendment number for the proposed ballot question. The Council will establish the order of the amendments to be presented on the ballot by separate action.

Any protest of the proposed ballot language must be received no later than Monday, June 16, 2025, at noon. Protest(s) shall be heard, considered, and resolved by the Council prior to adoption of the related Ordinance. If protests are received, copies will be included in Council's "Read Before the Meeting" packet.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

On February 27, 2024, Council adopted eleven resolutions establishing 2024-2026 Council Priorities. Among the adopted resolutions is Resolution 2024-024, Adopting a 2024-2026 Council Priority to Modernize and Update the City Charter. The Resolution describes the Priority as follows:

Modernize and Update the City Charter

Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not

been done in a comprehensive way in over 25 years.

The Council further discussed this Priority at the May 14, 2024, Work Session, identifying as the objectives for this work:

1. Comprehensive review of City Charter to align with state law and legal developments;
2. Update language in Charter to be inclusive;
3. Focus on cleanup and modernization rather than policy changes;
4. Evaluate form and timing options for presenting updates to voters; and
5. Fresh look at how Charter language is presented for ease of reading and clarity.

Staff from the City Attorney's Office, City Clerk's Office and City Manager's Office worked with special legal counsel retained for this project, Geoff Wilson of the law firm Wilson Williams Fellman Dittman LLP, to identify aspects of the City Charter to be modernized, reconciled with statutory and other legal changes, simplified and revised for readability.

The Council discussed concepts for and approaches to the Charter Updates at Work Sessions on December 10, 2024, and January 28, 2025, and in April adopted Ordinances Nos. 063, 2025, through 067, 2025. At that time, a sixth item, related to Charter amendments to update the Council vacancy provisions, was postponed to allow for additional Council discussion.

The Council discussed the vacancy process amendment and related concepts at its June 3, 2025, Work Session and provided feedback regarding the provisions. Taking the Councilmember feedback into account, Charter revisions have been prepared and incorporated into the Ordinance to propose amendments as follows:

- Amend Section 1 of Article II to clarify that any person, whether appointed or elected to fill a vacancy on the Council, is considered to have served a term in that office for purposes of applying the term limit in Section 1 if they serve in total more than one-half of the term of office.
- Amend Section 18 to update the process for filling vacancies in the office of the Mayor and district Councilmember in light of state and related local law changes to election processes and timing, and provide that:
 - a. If a district Councilmember office becomes vacant, the vacancy will be publicly and promptly announced on the City's website; and
 - b. If a district Councilmember office becomes vacant, Council then has 35 business days to choose a new member; and
 - c. The office that has been vacated will appear on the next regular municipal election ballot for which the process requirements can be met.
 - d. If that office is already set for an upcoming ballot, it will proceed regardless of the vacancy.
 - e. If the office of Mayor becomes vacant, the Mayor Pro Tem will become the acting Mayor upon the date of vacancy and the Council will elect a new Mayor Pro Tem at their next meeting; and
 - f. The Council will fill the district Council seat temporarily open due to the assumption of the office of Acting Mayor by the Mayor Pro Tem; and
 - g. The term of the appointed replacement district Councilmember will continue through the earlier of the return of the Acting Mayor to their original district Councilmember office or the end of the original term of office.

If approved, related Ordinance No. 108, 2025, will submit to a vote of the Registered Electors in the City of Fort Collins a proposed Charter Amendment Amending the City Charter regarding the vacancy process as follows:

CITY-INITIATED

PROPOSED CHARTER AMENDMENT NO. ____

Shall the Charter of the City of Fort Collins be amended to revise Section 1 and Section 18 of Article II to update the process for filling a vacant district Councilmember or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy, by:

- Adding a new subsection (e) to Section 1 of Article II providing that if a person serves a total of more than one-half a term in office, this will count as a term when determining term limits; and
- Revising Section 18 of Article II to:
 - Add procedural steps including public announcement of a vacancy and acceptance of applications to the process for filling vacancies;
 - Require Council to appoint a replacement to fill a District Councilmember vacancy within 35 business days;
 - Retain the provision that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor and Council selects a new Mayor Pro Tem during the time there is an Acting Mayor;
 - Require the Council to fill the district Councilmember seat that is vacant for the time the Mayor Pro Tem serves as Acting Mayor using the vacancy filling process;
 - Provide that any vacated office will appear on the next regular municipal election ballot for which process requirements can be met; and
 - State that if there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after the election will then appoint a qualified person to fill the resulting vacancy?

_____ Yes/For

_____ No/Against

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Ordinance reflects the Council's June 3, 2025, Work Session discussion.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Presentation
2. Ordinance No. 108, 2025

ORDINANCE NO. 108, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF
THE CITY OF FORT COLLINS A PROPOSED CHARTER
AMENDMENT AMENDING SECTIONS 1 AND 18 OF ARTICLE II
OF THE CITY CHARTER RELATED TO VACANCIES AND
APPLICATION OF TERM LIMITS TO PARTIAL TERMS

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-24 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. At its May 14, 2024, work session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

F. At its December 10, 2024, and January 28, 2025, and June 3, 2025, work sessions, the Council provided positive feedback to staff in support of addressing the Charter provisions about filling vacancies on Council.

G. In the past, questions have arisen about the process for filling a Council office vacancy and Council wishes to revise the Charter to clarify and update that process.

H. Questions also have arisen about whether a partial term of a person who is either appointed or elected to fill a vacant Council seat will be considered to have served a term in that office. The proposed amendment to Section 1 of Article II clarifies that any person, whether appointed or elected to fill a vacancy on the Council, is considered to

have served a term in that office for purposes of applying the term limit if they serve in total more than one-half of the term of office.

I. The proposed amendments to Section 18 update the process for filling vacancies in the office of the Mayor and district Councilmember in light of state and related local law changes to election processes and timing, and provide that:

- a. If a district Councilmember office becomes vacant, the vacancy will be publicly and promptly announced on the City's website; and
- b. If a district Councilmember office becomes vacant, Council then has 35 business days to choose a new member; and
- c. The office that has been vacated will appear on the next regular municipal election ballot for which the process requirements can be met.
- d. If that office is already set for an upcoming ballot it will proceed regardless of the vacancy.
- e. If the office of Mayor becomes vacant, the Mayor Pro Tem will become the acting Mayor upon the date of vacancy and the Council will elect a new Mayor Pro Tem at their next meeting; and
- f. The Council will fill the district Council seat temporarily open due to the assumption of the office of Acting Mayor by the Mayor Pro Tem; and
- g. The term of the appointed replacement district Councilmember will continue through the earlier of the return of the Acting Mayor to their original district Councilmember office or the end of the original term of office.

J. The Council finds that these proposed revisions to Article II of the City Charter, regarding filling vacancies in a City Council or Mayor office and the application of a term limit to a partial term, are for the benefit of the people of Fort Collins, and the Council desires to present the amendments to Article II set forth below to the voters for approval at the November 4, 2025, municipal election.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The following proposed changes to Article II, of the Charter of the City of Fort Collins shall be submitted to the registered electors of the City as a Proposed Charter Amendment at the municipal election to be held on Tuesday, November 4, 2025:

ARTICLE II. City Council

. . .

Section 1. Membership, Terms.

. . .

(e) *Application of term limit to partial term.*

Any person appointed or elected to fill a vacancy on the City Council and who serves a total of at least one-half of the term of office shall be considered to have served that term in that office for the purposes of applying the applicable term limit.

. . .

Section 18. Vacancies.

(a) *Vacancy.* A vacancy exists when a Councilmember:

. . .

(b) *Vacancy announcement.* The City Clerk will promptly announce a vacancy to the public on the City's website upon receipt of notice of the vacancy.

(c) *Qualifications.* Any person appointed to office must have all qualifications for that office described in Section 2 of this Article. In the case of a person appointed to fill a vacant district Councilmember seat, they must be from the same District, as such District is constituted at the time of the appointment. In order to be considered for appointment an applicant must submit all application materials as may be required.

(d) *Appointment assistance.* At City Council's direction, the City Clerk will solicit and receive appointment applications any time after the vacancy announcement.

(e) *Filling a district Councilmember vacancy.*

(1) In the event of a vacancy, the seated City Council will make diligent efforts to appoint within thirty-five (35) business days of announcement a qualified candidate to serve in the vacated office until a successor is elected.

(2) The Council's appointment will continue until the swearing in of a qualified elected candidate for the vacated office.

(3) The vacated office will appear on the first regular municipal election for which the requirements for candidacy can be met, either to elect an officeholder to complete the original term of office or to elect a new officeholder to begin a new term of office pursuant to the regular alternating schedule pursuant to Section 1(b).

(f) *Lack of candidate.* If there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after such election will then appoint a qualified person to serve until the next regular election.

(g) *Mayoral vacancy.* If a vacancy occurs in the office of the Mayor:

- (1) The Mayor Pro Tem will become Acting Mayor when the vacancy is effective.
- (2) Council will elect an Interim Mayor Pro Tem at the next regular or special Council meeting after the vacancy is effective.
- (3) The Council will fill the district Councilmember seat temporarily open due to the assumption of Acting Mayor by the Mayor Pro Tem by appointment using the process set forth in this Section. The term of such appointed district Councilmember replacement will continue through the earlier of the return of the Acting Mayor to their original office, or the end of their original term of office.
- (4) Nothing herein shall preclude the Mayor Pro Tem or any Councilmember from standing for election to the office of Mayor.

~~Except for the office of Mayor, any vacancy on the Council must be filled within forty-five (45) days by appointment of the Council. The person so appointed shall serve until the next regular election, when the electors will select a person to fill the vacancy for the remainder of the term, if any. This selection process shall be subject to the following exception: If the time for filling the vacancy by appointment would fall within forty-five (45) days prior to any regular election, and the remaining unexpired term of the Councilmember to be replaced is more than two (2) years, then the vacancy shall be filled by the newly constituted Council following their election, within forty-five (45) days after their terms of office begin.~~

~~Under this exception, the term of office of the Councilmember appointed shall run for the remainder of the replaced Councilmember's term. Any person appointed to fill a Councilmember's vacated position shall have all the qualifications required of regularly elected Councilmembers. In the case of a vacancy representing a member elected from a District, any person appointed or elected to fill such vacancy shall be from the same District, as such District is constituted at the time of the appointment or election.~~

~~(b) The following shall apply to filling vacancies in the office of Mayor:~~

- ~~(1) If the position of Mayor becomes vacant more than forty-five (45) days prior to the next regular election, the Mayor Pro Tem shall become Acting Mayor, and the Council shall elect a new Mayor Pro Tem. Both the Acting Mayor and Mayor Pro Tem shall serve until the next regular election, at which time the office of Mayor shall be filled by the electors for a new term, and the Acting Mayor and Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any. The vacancy on the Council created by the Mayor Pro Tem assuming the office of Mayor shall be filled in accordance with the provisions of Section 18(a) above.~~
- ~~(2) If the position of Mayor becomes vacant within the forty-five (45) days prior to any regular election, the duties of the Mayor shall be immediately assumed by the Mayor Pro Tem, who shall serve as Acting Mayor until said regular election,~~

~~at which time the office of Mayor shall be filled by the electors for a new term. Pending the election and the commencement of the term of the newly elected Mayor, the Council shall consist of six (6) members, and the Council shall elect an interim Mayor Pro Tem. After the election, the Acting Mayor and Interim Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any.~~

~~(3) Nothing herein shall preclude the Mayor Pro Tem or any Councilmember from standing for election to the office of Mayor.~~

Section 2. The following ballot title and submission clause are hereby adopted for submitting a Proposed Charter Amendment to the voters at said election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. ____**

Shall the Charter of the City of Fort Collins be amended to revise Section 1 and Section 18 of Article II to update the process for filling a vacant district Councilmember or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy, by:

- Adding a new subsection (e) to Section 1 of Article II providing that if a person serves a total of more than one-half a term in office, this will count as a term when determining term limits; and
- Revising Section 18 of Article II to:
 - Add procedural steps including public announcement of a vacancy and acceptance of applications to the process for filling vacancies;
 - Require Council to appoint a replacement to fill a District Councilmember vacancy within 35 business days;
 - Retain the provision that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor and Council selects a new Mayor Pro Tem during the time there is an Acting Mayor;
 - Require the Council to fill the district Councilmember seat that is vacant for the time the Mayor Pro Tem serves as Acting Mayor using the vacancy filling process;
 - Provide that any vacated office will appear on the next regular municipal election ballot for which process requirements can be met; and

- State that if there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after the election will then appoint a qualified person to fill the resulting vacancy?

_____ Yes/For
 _____ No/Against

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

 Mayor

ATTEST:

 City Clerk

Effective Date: July 11, 2025
 Approving Attorney: Carrie Daggett

Exhibit: None

Ordinance No. 108, 2025 Ballot Title and Submittal Clause – Council Vacancies Charter Amendment

**Carrie Daggett
City Attorney**



City Council Resolution 2024-024, Adopted a 2024-2026 Council Priority to Modernize and Update the City Charter:

Goals:

- Modernize language
- Simplify & clarify
- Adjust to current practices and timelines

To date: 5 ordinances adopted for November 2025 ballot

This item: Amendment of vacancy process

Current Charter requires:

- Council must appoint replacement to fill vacancy within 45 days, BUT
- Council must hold off on filling a vacancy until after the new Council is seated if it comes within 90 days of an upcoming municipal election

These requirements:

- Don't reflect election calendar changes
- Don't reflect the longer window between the election and new Council swearing in
- Limit the Council from filling a vacancy for up to 160+ days.

Proposed changes:

- Reorganize and restate the requirements and process for ease
- Require Clerk to announce vacancy via website and solicit and receive applications
- Specify any person appointed or elected to fill a vacancy who serves a total of more than half of the term has served a full term for term limits purposes

Proposed changes/clarification:

- Require Council to appoint district Councilmember replacement within 35 business days (with no exceptions)
- Require vacant office to appear on regular election ballot if the process requirements can be met for the election
- Shift Mayor Pro Tem to Acting Mayor and replace Mayor Pro Tem assignment
- Require Council to appoint replacement district Councilmember to replace Acting Mayor while in that role

Shall the Charter of the City of Fort Collins be amended to revise Section 1 and Section 18 of Article II to update the process for filling a vacant district Councilmember or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy, by:

- Adding a new subsection (e) to Section 1 of Article II providing that if a person serves a total of more than one-half a term in office, this will count as a term when determining term limits; and

(continued on next slide)

- Revising Section 18 of Article II to:
 - Add procedural steps including public announcement of a vacancy and acceptance of applications to the process for filling vacancies;
 - Require Council to appoint a replacement to fill a District Councilmember vacancy within 35 business days;
 - Retain the provision that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor and Council selects a new Mayor Pro Tem during the time there is an Acting Mayor;
 - Require the Council to fill the district Councilmember seat that is vacant for the time the Mayor Pro Tem serves as Acting Mayor using the vacancy filling process;
 - Provide that any vacated office will appear on the next regular municipal election ballot for which process requirements can be met; and
 - State that if there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after the election will then appoint a qualified person to fill the resulting vacancy?



Questions?

File Attachments for Item:

21. First Reading of Ordinance No. 109, 2025, Establishing the Charter Amendments to Appear on the November 4, 2025, Municipal Election Ballot and the Related Ballot Order.

The purpose of this item is to finalize the Charter Amendments to be placed on the November 4, 2025, ballot and to set the preferred order for them.

June 17, 2025

AGENDA ITEM SUMMARY

City Council



STAFF

Delynn Coldiron, City Clerk
Carrie Daggett, City Attorney

SUBJECT

First Reading of Ordinance No. 109, 2025, Establishing the Charter Amendments to Appear on the November 4, 2025, Municipal Election Ballot and the Related Ballot Order.

EXECUTIVE SUMMARY

The purpose of this item is to finalize the Charter Amendments to be placed on the November 4, 2025, ballot and to set the preferred order for them.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

On February 27, 2024, Council adopted eleven resolutions establishing 2024-2026 Council Priorities. Among the adopted resolutions is Resolution 2024-024, Adopting a 2024-2026 Council Priority to Modernize and Update the City Charter. The Resolution describes the Priority as follows:

Modernize and Update the City Charter

Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not been done in a comprehensive way in over 25 years.

The Council further discussed this Priority at the May 14, 2024, Work Session, identifying as the objectives for this work:

1. Comprehensive review of City Charter to align with state law and legal developments;
2. Update language in Charter to be inclusive;
3. Focus on cleanup and modernization rather than policy changes;
4. Evaluate form and timing options for presenting updates to voters; and
5. Fresh look at how Charter language is presented for ease of reading and clarity.

Staff from the City Attorney's Office, City Clerk's Office and City Manager's Office worked with special legal counsel retained for this project, Geoff Wilson of the law firm Wilson Williams Fellman Dittman LLP, to identify aspects of the City Charter to be modernized, reconciled with statutory and other legal changes, simplified and revised for readability.

At its December 10, 2024, Work Session, Council considered various categories of changes, including:

1. Clean Up Items which included modernization of language, ensuring alignment with State law, adding clarification, and making corrections; and
2. Clarifications that raised some policy questions which included qualifications of candidates and members, vacancies, conflicts of interest, and sales to the City.

At its January 28, 2025, Work Session, Council considered reformatting the existing Charter and replacing outdated or unclear language as well as suggestions on topical groupings and prioritization for presentation to voters. The groupings considered included:

1. Group and Priority 1 - Corrections;
2. Group and Priority 2 – Alignment with amended or further developed laws and removing inconsistencies;
3. Group and Priority 3 – Modernizing publication requirements;
4. Group and Priority 4 – Modernizing conflicts of interest;
5. Group and Priority 5 – Vacancies; and
6. Group and Priority 6 – Repeal provisions made unnecessary due to changes in law or circumstances.

Additional items discussed included campaign contributions and absences from Council meetings.

The Council has adopted the following Ordinances:

A. Ordinance No. 063, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024. This includes:

- Clarifying in Section 2(d) of Article II that a registered elector must notify the City Clerk before seeking a court determination to challenge the qualifications of any member of the Council; and
- Updating language in Section 2(e)(1) of Article IX about determining the number of votes cast in a specific race to work with the new ranked voting rules that were approved in November 2024; and
- Changing language in Section 2(e)(1) of Article X to restore the number of days for a signature gatherer to circulate an initiative petition by increasing it from 63 days to 77 days;

B. Ordinance No. 064, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Articles II, IV and XIII of the City Charter Related to Alignment with Amended or Further Developed Laws and Removing Inconsistencies. This includes:

- Changing Section 8 of Article II about contributions to City Council elections to:
 - Specify which city employees are prohibited from contributing to Council elections for consistency with state law;
 - Continue to prohibit a political party, public service corporations, and persons or entities with city contracts from contributing to any City Council election, while recognizing that some speech is protected by the U.S. or Colorado constitution;

- Adding definitions to Article XIII to correspond to the changes to Article II; and
- Adding language to Section 11 of Article II incorporating state law provisions regarding City Council executive sessions; and
- Clarifying language in Section 5 of Article IV that City records are available for public inspection and disclosure consistent with state open records laws;

C. Ordinance No. 065, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins A Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions. This includes:

- Revising Section 6 of Article II about adopting ordinances, resolutions, and motions to:
 - Make the provision easier to read and understand by adding subsections, subsection titles and better organizing them;
 - Remove language entitling any Councilmember to request that an entire ordinance be read aloud at a Council meeting; and
- Revising Section 7 of Article II about publication and effective date of ordinances to:
 - Allow an ordinance to proceed to adoption if publication of the ordinance before adoption was not timely, so long as all other notice requirements have been met; and
 - Cure late publication of ordinance after final passage if publication completed within a reasonable period of time; and
 - Delay the effective date of the ordinance until publication requirements are met; and
 - Toll the deadline to file a notice of referendum protest; and
- Revising Section 7 of Article IV to require notice be published on the City's website and posted at City Hall, instead of publishing formal legal notices in a local newspaper; and
- Adding a new Section 17 to Article IV of the Charter of the City of Fort Collins about how to apply deadlines throughout the Charter in the manner already enacted for Articles VIII, IX and X;

D. Ordinance No. 066, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest. This includes:

- Allowing City Councilmembers or the Mayor to sell real property to the city if the property is needed for a city project or public use, while retaining all requirements for disclosure and refraining from involvement that otherwise apply in the case of a conflict of interest; and
- Allowing City employees to rent property from the city with City Manager approval, if it is for the city's benefit and related to the employee's performance of their job; and

E. Ordinance No. 067, 2025, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions. This includes:

- Changing the words " shall" to " will,"" must" or "may," or other words to improve clarity; and
- Making the language more inclusive by taking out words " he" and " she" and related word forms; and

- Dividing sections into subsections and adding titles to subsections to make them easier to read and understand; and
- Eliminating transitional provisions that:
 - Address residency requirements for City department heads appointed prior to March 6, 1985 (Section 3 of Article IV); and
 - Set a mill levy cap on Council's adoption of taxes (Section 6 of Article IV), which Council must now adopt only with voter approval; and
 - Provide for transition from the prior Charter when the Charter was adopted (Article XIV); and
- Renumbering and updating section cross- references throughout the Charter.

These Ordinances were adopted on second reading on April 15, 2025.

At its June 3, 2025, Work Session, Council discussed changes related to vacancies and supported staff bringing back a related Charter Amendment for consideration on June 17, 2025. If approved, related Ordinance 109, 2025, will submit to a vote of the Registered Electors in the City of Fort Collins a proposed Charter Amendment Amending the City Charter regarding the vacancy process. This includes:

- Adding a new subsection (e) to Section 1 of Article II providing that if a person serves a total of more than one-half a term in office, this will count as a term when determining term limits; and
- Revising Section 18 of Article II to:
 - Add procedural steps including public announcement of a vacancy and acceptance of applications to the process for filling vacancies;
 - Require Council to appoint a replacement to fill a District Councilmember vacancy within 35 business days;
 - Retain the provision that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor and Council selects a new Mayor Pro Tem during the time there is an Acting Mayor;
 - Require the Council to fill the district Councilmember seat that is vacant for the time the Mayor Pro Tem serves as Acting Mayor using the vacancy filling process;
 - Provide that any vacated office will appear on the next regular municipal election ballot for which process requirements can be met; and
 - State that if there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after the election will then appoint a qualified person to fill the resulting vacancy.

At the June 3, 2025 Work Session, Council was supportive of the following order for the Charter Amendment ballot questions:

- Ordinance No. 063, 2025, Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024.
- Ordinance No. 067, 2025, Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions.
- Ordinance No. 065, 2025, Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions.
- Ordinance No. 064, 2025, Proposed Charter Amendment Amending Articles II, IV and XIII of the

City Charter Related to Alignment with Amended or Further Developed Laws and Removing Inconsistencies.

- Ordinance No. 066, 2025, Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest.
- Ordinance No. 108, 2025, Proposed Charter Amendment Amending Sections 1 and 18 of Article II of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms.

Each of the above-referenced Ordinances included the ballot language as stated.

Approval of this item will confirm the Charter Amendments that will be placed on the November 4, 2025 ballot in Council's preferred order.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Ordinances reflect the recommendations of the Election Code Committee and Council.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Presentation
2. Ordinance No. 109, 2025

ORDINANCE NO. 109, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ESTABLISHING THE CHARTER AMENDMENTS TO APPEAR ON
THE NOVEMBER 4, 2025, MUNICIPAL ELECTION BALLOT AND
THE RELATED BALLOT ORDER

A. The City of Fort Collins Charter is the governing document that defines the City organization and the powers and functions of the City. The Charter was first created by a vote of the people of Fort Collins in 1954 and can only be amended by a vote of the people.

B. Over time, Charter provisions may become obsolete, contradictory, or warrant change to address current needs or trends.

C. Article IV, Section 8 of the Charter provides the Charter may be amended as provided by the laws of the State of Colorado. Colorado Revised Statutes Section 31-2-210 provides that charter amendments may be initiated by the adoption of an ordinance by the City Council submitting a proposed amendment to a vote of the registered electors of the City.

D. On February 27, 2024, the City Council adopted Resolution 2024-024, which adopted a Council priority to modernize and update the City Charter. Resolution 2024-24 noted that although small parts of the Charter are reviewed and updated on a regular basis, there is a need to modernize and update the City Charter, which has not been done in over 25 years.

E. At its May 14, 2024, Work Session, the Council provided positive feedback to staff in support of conducting a comprehensive review of the City Charter to align with state law and legal developments; update language in the Charter to be inclusive; focus on cleanup and modernization rather than policy changes and to make changes for ease of reading and clarity.

F. City staff presented various options, including the possible groupings of amendments, to City Council at Work Sessions held on December 10, 2024, January 28, 2025, and June 3, 2025.

G. On April 15, 2025, Council adopted on second reading Ordinances No. 063, No. 064, No. 065, No. 066 and No. 067, setting ballot titles and submittal clauses for the Charter amendments as set forth in those Ordinances.

H. At its June 3, 2025, Work Session, Council discussed potential Charter revisions to update the Council vacancy process, and discussed the Council's preferred order of the various ballot questions on the November 4, 2025, regular municipal election ballot.

I. The Council continues to desire that the ballot titles and submittal clauses set forth below in this Ordinance be submitted to the registered electors of the City of Fort Collins at the November 4, 2025, regular municipal election, in the order provided below.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. The following ballot title and submission clause, as set out in Ordinance No. 063, 2025, are hereby adopted as Proposed Charter Amendment No. 1 to be submitted to the registered electors of the City of Fort Collins at the November 4, 2025, regular municipal election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 1**

Shall Articles II, IX, and X of the Charter of the City of Fort Collins, be amended to correct errors and eliminate outdated or unnecessary language in light of the Charter amendments adopted in November 2024, by:

- Clarifying in Section 2(d) of Article II that a registered elector must notify the City Clerk before seeking a court determination to challenge the qualifications of any member of the Council; and
- Updating language in Section 2(e)(1) of Article IX about determining the number of votes cast in a specific race to work with the new ranked voting rules that were approved in November 2024; and
- Changing language in Section 2(e)(1) of Article X to restore the number of days for a signature gatherer to circulate an initiative petition by increasing it from 63 days to 77 days?

_____ Yes/For
_____ No/Against

Section 2. The following ballot title and submission clause, as set out in Ordinance No. 067, 2025, are hereby adopted as Proposed Charter Amendment No. 2 to be submitted to the registered electors of the City of Fort Collins at the November 4, 2025, regular municipal election:

**CITY-INITIATED
PROPOSED CHARTER AMENDMENT NO. 2**

Shall the Charter of the City of Fort Collins be amended to modernize and update it by reformatting and updating language usage for ease of reading and clarity, and eliminating inapplicable and invalid provisions, without undoing any

substantive Charter amendments approved by the voters at the Tuesday, November 4, 2025, municipal election, by:

- Changing the words "shall" to "will," "must" or "may," or other words to improve clarity; and
- Making the language more inclusive by taking out words "he" and "she" and related word forms; and
- Dividing sections into subsections and adding titles to subsections to make them easier to read and understand; and
- Eliminating transitional provisions that
 - Address residency requirements for City department heads appointed prior to March 6, 1985 (Section 3 of Article IV); and
 - Set a mill levy cap on Council's adoption of taxes (Section 6 of Article IV), which Council must now adopt only with voter approval; and
 - Provide for transition from the prior Charter when the Charter was adopted (Article XIV); and
- Renumbering and updating section cross-references throughout the Charter?

_____ Yes/For
 _____ No/Against

Section 3. The following ballot title and submission clause, as set out in Ordinance No. 065, 2025, are hereby adopted as Proposed Charter Amendment No. 3 to be submitted to the registered electors of the City of Fort Collins at the November 4, 2025, regular municipal election:

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 3

Shall Articles II and IV of the Charter of the City of Fort Collins, be amended to modernize publication requirements and requirements for adopting ordinances, by:

- Revising Section 6 of Article II about adopting ordinances, resolutions, and motions to:
 - Make the provision easier to read and understand by adding subsections, subsection titles and better organizing them;
 - Remove language entitling any Councilmember to request that an entire ordinance be read aloud at a Council meeting; and
- Revising Section 7 of Article II about publication and effective date of ordinances to:
 - Allow an ordinance to proceed to adoption if publication of the ordinance before adoption was not timely, so long as all other notice requirements have been met; and

- Cure late publication of ordinance after final passage if publication completed within a reasonable period of time; and
- Delay the effective date of the ordinance until publication requirements are met; and
- Toll the deadline to file a notice of referendum protest; and
- Revising Section 7 of Article IV to require notice be published on the City's website and posted at City Hall, instead of publishing formal legal notices in a local newspaper; and
- Adding a new Section 17 to Article IV of the Charter of the City of Fort Collins about how to apply deadlines throughout the Charter in the manner already enacted for Articles VIII, IX and X?

_____ Yes/For
 _____ No/Against

Section 4. The following ballot title and submission clause, as set out in Ordinance No. 064, 2025, are hereby adopted as Proposed Charter Amendment No. 4 to be submitted to the registered electors of the City of Fort Collins at the November 4, 2025, regular municipal election:

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 4

Shall Articles II, IV, XIII of the Charter of the City of Fort Collins be amended to improve consistency with amended or further developed laws and removing inconsistencies, in order to minimize conflicts between the Charter legal developments, by:

- Changing Section 8 of Article II about contributions to City Council elections to:
 - Specify which city employees are prohibited from contributing to Council elections for consistency with state law;
 - Continue to prohibit a political party, public service corporations, and persons or entities with city contracts from contributing to any City Council election, while recognizing that some speech is protected by the U.S. or Colorado constitution;
- Adding definitions to Article XIII to correspond to the changes to Article II; and
- Adding language to Section 11 of Article II incorporating state law provisions regarding City Council executive sessions; and
- Clarifying language in Section 5 of Article IV that City records are available for public inspection and disclosure consistent with state open records laws?

_____ Yes/For
 _____ No/Against

Section 5. The following ballot title and submission clause, as set out in Ordinance No. 066, 2025, are hereby adopted as Proposed Charter Amendment No. 5 to be submitted to the registered electors of the City of Fort Collins at the November 4, 2025, regular municipal election:

**CITY-INITIATED
 PROPOSED CHARTER AMENDMENT NO. 5**

Shall Section 9 of Article IV of the Charter of the City of Fort Collins, regarding conflicts of interest, be amended to:

- Allow City Councilmembers or the Mayor to sell real property to the city if the property is needed for a city project or public use, while retaining all requirements for disclosure and refraining from involvement that otherwise apply in the case of a conflict of interest; and
- Allow City employees to rent property from the city with City Manager approval, if it is for the city's benefit and related to the employee's performance of their job?

_____ Yes/For
 _____ No/Against

Section 6. The following ballot title and submission clause, as set out in Ordinance No. 108, 2025, are hereby adopted as Proposed Charter Amendment No. 6 to be submitted to the registered electors of the City of Fort Collins at the November 4, 2025, regular municipal election:

**CITY-INITIATED
 PROPOSED CHARTER AMENDMENT NO. 6**

Shall the Charter of the City of Fort Collins be amended to revise Section 1 and Section 18 of Article II to update the process for filling a vacant district Councilmember or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy, by:

- Adding a new subsection (e) to Section 1 of Article II providing that if a person serves a total of more than one-half a term in office, this will count as a term when determining term limits; and

- Revising Section 18 of Article II to:
 - Add procedural steps including public announcement of a vacancy and acceptance of applications to the process for filling vacancies;
 - Require Council to appoint a replacement to fill a District Councilmember vacancy within 35 business days;
 - Retain the provision that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor and Council selects a new Mayor Pro Tem during the time there is an Acting Mayor;
 - Require the Council to fill the district Councilmember seat that is vacant for the time the Mayor Pro Tem serves as Acting Mayor using the vacancy filling process;
 - Provide that any vacated office will appear on the next regular municipal election ballot for which process requirements can be met; and
 - State that if there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after the election will then appoint a qualified person to fill the resulting vacancy?

_____ Yes/For
 _____ No/Against

Section 7. The Council hereby directs the City Clerk to publish all required notices for these proposed Charter amendments including such corrections and editorial adjustments as may be needed.

Section 8. The Council hereby directs the City Clerk submit to the Larimer County Clerk and Recorder the foregoing ballot titles and submission clauses, as set forth herein, including such corrections and editorial adjustments as may be needed.

Introduced, considered favorably on first reading on June 17, 2025, and approved on second reading for final passage on July 1, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: July 11, 2025
Approving Attorney: Carrie Daggett

Exhibit: None

Charter Amendments Established for the November 4, 2025 Municipal Election Ballot and Related Ballot Order

Delynn Coldiron, City Clerk



Adopted Ordinances In Order of Council Preference

- Ordinance No. 063, 2025 -- Proposed Charter Amendment Amending Articles II, IX, and X of the City Charter to Correct Errors and Conform to Amendments Adopted in November 2024.
- Ordinance No. 067, 2025 -- Proposed Charter Amendment Amending the City Charter to Modernize and Update It by Reformatting and Updating Language Usage for Ease of Reading and Clarity and Eliminating Inapplicable and Invalid Provisions.
- Ordinance No. 065, 2025 -- Proposed Charter Amendment Amending Articles II and IV of the City Charter to Modernize Certain Provisions.
- Ordinance No. 064, 2025 -- Proposed Charter Amendment Amending Articles II, IV and XIII of the City Charter Related to Alignment with Amended or Further Developed Laws and Removing Inconsistencies.
- Ordinance No. 066, 2025 -- Proposed Charter Amendment Amending Article IV of the City Charter Related to Conflicts of Interest.
- [Ordinance No. 108, 2025 -- Proposed Charter Amendment Amending Sections 1 and 18 of Article I of the City Charter Related to Vacancies and Application of Term Limits to Partial Terms].

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 1

Shall Articles II, IX, and X of the Charter of the City of Fort Collins, be amended to correct errors and eliminate outdated or unnecessary language in light of the Charter amendments adopted in November 2024, by:

- Clarifying in Section 2(d) of Article II that a registered elector must notify the City Clerk before seeking a court determination to challenge the qualifications of any member of the Council; and
- Updating language in Section 2(e)(1) of Article IX about determining the number of votes cast in a specific race to work with the new ranked voting rules that were approved in November 2024; and
- Changing language in Section 2(e)(1) of Article X to restore the number of days for a signature gatherer to circulate an initiative petition by increasing it from 63 days to 77 days?

_____ Yes/For
_____ No/Against

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 2

Shall the Charter of the City of Fort Collins be amended to modernize and update it by reformatting and updating language usage for ease of reading and clarity, and eliminating inapplicable and invalid provisions, without undoing any substantive Charter amendments approved by the voters at the Tuesday, November 4, 2025, municipal election, by:

- Changing the words “ shall” to “ will,”“ must” or “may,” or other words to improve clarity; and
- Making the language more inclusive by taking out words “ he” and “ she” and related word forms; and
- Dividing sections into subsections and adding titles to subsections to make them easier to read and understand; and
- Eliminating transitional provisions that
 - Address residency requirements for City department heads appointed prior to March 6, 1985 (Section 3 of Article IV); and
 - Set a mill levy cap on Council’ s adoption of taxes (Section 6 of Article Iv), which Council must now adopt only with voter approval; and
 - Provide for transition from the prior Charter when the Charter was adopted (Article XIV); and
- Renumbering and updating section cross- references throughout the Charter?

_____ Yes/For
_____ No/Against

Ordinance No. 065 Ballot Language

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 3

Shall Articles II and IV of the Charter of the City of Fort Collins, be amended to modernize publication requirements and requirements for adopting ordinances, by:

- Revising Section 6 of Article II about adopting ordinances, resolutions, and motions to:
 - Make the provision easier to read and understand by adding subsections, subsection titles and better organizing them;
 - Remove language entitling any Councilmember to request that an entire ordinance be read aloud at a Council meeting; and
- Revising Section 7 of Article II about publication and effective date of ordinances to:
 - Allow an ordinance to proceed to adoption if publication of the ordinance before adoption was not timely, so long as all other notice requirements have been met; and
 - Cure late publication of ordinance after final passage if publication completed within a reasonable period of time; and
 - Delay the effective date of the ordinance until publication requirements are met; and
 - Toll the deadline to file a notice of referendum protest; and
- Revising Section 7 of Article IV to require notice be published on the City's website and posted at City Hall, instead of publishing formal legal notices in a local newspaper; and
- Adding a new Section 17 to Article IV of the Charter of the City of Fort Collins about how to apply deadlines throughout the Charter in the manner already enacted for Articles VIII, IX and X?

_____ Yes/For
_____ No/Against

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 4

Shall Articles II, IV, XIII of the Charter of the City of Fort Collins be amended to improve consistency with amended or further developed laws and removing inconsistencies, in order to minimize conflicts between the Charter legal developments, by:

- Changing Section 8 of Article II about contributions to City Council elections to:
 - Specify which city employees are prohibited from contributing to Council elections for consistency with state law;
 - Continue to prohibit a political party, public service corporations, and persons or entities with city contracts from contributing to any City Council election, while recognizing that some speech is protected by the U.S. or Colorado constitution;
- Adding definitions to Article XIII to correspond to the changes to Article II; and
- Adding language to Section 11 of Article II incorporating state law provisions regarding City Council executive sessions; and
- Clarifying language in Section 5 of Article IV that City records are available for public inspection and disclosure consistent with state open records laws?

_____ Yes/For
_____ No/Against

CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 5

Shall Section 9 of Article IV of the Charter of the City of Fort Collins, regarding conflicts of interest, be amended to:

- Allow City Councilmembers or the Mayor to sell real property to the city if the property is needed for a city project or public use, while retaining all requirements for disclosure and refraining from involvement that otherwise apply in the case of a conflict of interest; and
- Allow City employees to rent property from the city with City Manager approval, if it is for the city's benefit and related to the employee's performance of their job?

_____Yes/For
_____No/Against

Ordinance No. 108 Ballot Language (if adopted)

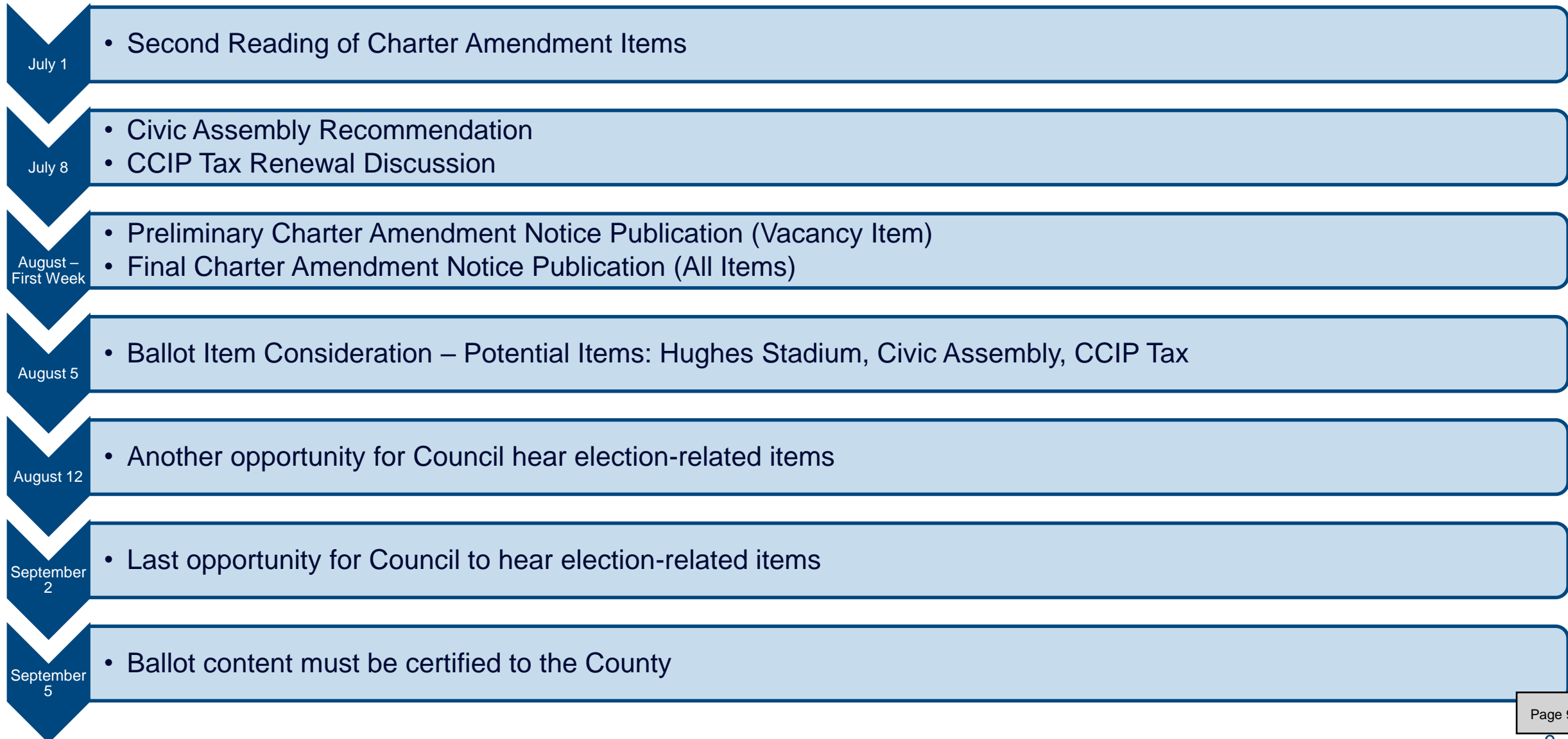
CITY-INITIATED PROPOSED CHARTER AMENDMENT NO. 6

Shall the Charter of the City of Fort Collins be amended to revise Section 1 and Section 18 of Article II to update the process for filling a vacant district Councilmember or Mayoral office and to clarify how existing term limits apply to partial terms to fill a vacancy, by:

- Adding a new subsection (e) to Section 1 of Article II providing that if a person serves a total of more than one-half a term in office, this will count as a term when determining term limits; and
- Revising Section 18 of Article II to:
 - Add procedural steps including public announcement of a vacancy and acceptance of applications to the process for filling vacancies;
 - Require Council to appoint a replacement to fill a District Councilmember vacancy within 35 business days;
 - Retain the provision that if the Mayor office is vacated, the Mayor Pro Tem becomes the Acting Mayor and Council selects a new Mayor Pro Tem during the time there is an Acting Mayor;
 - Require the Council to fill the district Councilmember seat that is vacant for the time the Mayor Pro Tem serves as Acting Mayor using the vacancy filling process;
 - Provide that any vacated office will appear on the next regular municipal election ballot for which process requirements can be met; and
 - State that if there is no qualified candidate for an elected office on a municipal election ballot, the Council organized after the election will then appoint a qualified person to fill the resulting vacancy?

_____ Yes/For
_____ No/Against

Election Timeline





Questions?