

# Fort Collins City Council Agenda

Regular Meeting

6:00 p.m. Tuesday, October 25, 2022

City Council Chambers at City Hall, 300 Laporte Ave, 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.

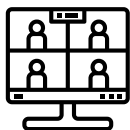
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Meetings are televised live on Channels 14 & 881 on cable television.



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



Meetings are livestreamed on the City's website, [fcgov.com/fctv](https://fcgov.com/fctv)

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*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 48 horas de aviso previo cuando sea posible.*



## There are four options for members of the public who would like to participate in Council meetings:

### Comment in real time:



In person attendees can address the Council in the Chambers. Speakers are required to sign up to speak on sign up sheets on the tables just outside the Chambers.



*During the public comment portion of the meeting and discussion items:*  
The public can join the Zoom webinar and comment from the remote meeting, joining online or via phone.

Full instructions for online participation are available at [fcgov.com/councilcomments](https://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 the call in number and meeting ID below:

Call in number: 346-248-7799

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](mailto: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:** *If residents wish to speak to a document or presentation, the City Clerk needs to be emailed those materials by 4 p.m. the day of the meeting. Persons wishing to display presentation materials using the City's display equipment under the 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 Adjourned Meeting Agenda

**October 25, 2022 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  
Shirley Peel, 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 17 and 881 on Comcast

Carrie Daggett  
City Attorney

Kelly DiMartino  
City Manager

Anissa Hollingshead  
City Clerk

### **ADJOURNED MEETING 6:00 PM**

#### **A) CALL MEETING TO ORDER**

#### **B) ROLL CALL**

#### **C) ITEMS FOR DISCUSSION**

##### **1. Resolution 2022-108 Adopting an Interim Greenhouse Gas Reduction Goal.**

The purpose of this item is to consider adoption of a Resolution setting an ambitious interim target in 2026 of 50% below 2005 levels for community greenhouse gas (GHG) reductions.

In support of Council establishing a 2026 interim goal, staff have projected the community GHG inventory for 2026 at 43% below the 2005 baseline with the inclusion of the Council Action Roadmap and other key strategies presented to Council at the October 11, 2022 work session. If Council adopts this Resolution, it will be necessary to accelerate existing strategies, identify new, or accelerate planned, City-led strategies and to invest in additional community leadership and action.

##### **2. First Reading of Ordinance No. 113, 2022, Suspending Certain Provisions of the City's Land Use Code and Building Code to Permit Temporary Use of City Property at 117 North Mason Street as a Homeless Shelter.**

This purpose of this item is to suspend certain provisions of the City's Land Use Code to allow the temporary use of 117 North Mason Street as a men's overflow shelter site from November 2022 – April 2023.

3. **First Reading of Ordinance No. 116, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Changes to the Water Supply Requirement for Nonresidential Water Service.**

The purpose of this item is to approve changes to Fort Collins Utilities (Utilities) Water Supply Requirement (WSR) in Chapter 26 of City Code. There were changes to the WSR that went into effect January 1, 2022 through Ordinance No. 119, 2021. However, after administering the WSR under that ordinance for several months, staff realized a need for further revision. The Ordinance broadened when Utilities nonresidential water customers doing redevelopment must meet WSRs, such that these customers must meet WSRs for almost any redevelopment. This also results in the assignment of an annual allotment and the potential for excess water use surcharges. This has resulted in significant staff time for previously routine matters and impacts to customers that are perceived as unfair. The proposed ordinance would return to the previous, historical requirement, where customers must only meet the WSR for new development and redevelopment that is replacing and existing meter or service with a larger size.

**D) OTHER BUSINESS**

**E) ADJOURNMENT**

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October 25, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Honoré Depew, Climate Program Manager  
John Phelan, Energy Services Manager and Policy Advisor  
Molly Saylor, Lead Specialist, Waste Reduction and Recycling  
Judy Schmidt, Legal

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### SUBJECT

**Resolution 2022-108 Adopting an Interim Greenhouse Gas Reduction Goal.**

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### EXECUTIVE SUMMARY

The purpose of this item is to consider adoption of a Resolution setting an ambitious interim target in 2026 of 50% below 2005 levels for community greenhouse gas (GHG) reductions.

In support of Council establishing a 2026 interim goal, staff have projected the community GHG inventory for 2026 at 43% below the 2005 baseline with the inclusion of the Council Action Roadmap and other key strategies presented to Council at the October 11, 2022 work session. If Council adopts this Resolution, it will be necessary to accelerate existing strategies, identify new, or accelerate planned, City-led strategies and to invest in additional community leadership and action.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution with an interim, aspirational target be set between 45% and 50%.

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### BACKGROUND / DISCUSSION

The Fort Collins community and its elected leaders have long put a high priority on being a regional, national, and global leader in addressing the climate emergency.

- 1999 – City's first Climate Action Plan adopted
- 2008 – Resolution establishing community-wide GHG goals
- 2015 – Resolution [updating GHG goals](#) and reconfirming climate commitment
- 2018 – Resolution [committing to 100% renewable electricity](#)
- 2019 – Resolution [declaring a climate emergency](#). Platte River Power Authority has also expressed commitment with the adoption of the Resource Diversification Policy and 100% non-carbon electricity goal for 2030.
- 2021 – Adoption of the [Our Climate Future](#) plan, centering equity and resilience alongside mitigation.

At the October 11, 2022 work session, Councilmembers expressed broad support for proposed action steps within the OCF framework to be considered in the coming years to help Fort Collins do its part to (Our Climate Future October 11 work session summary and Our Climate Future Council Action Roadmap October 2022):

1. Minimize the worst impacts of the Climate Emergency (emissions mitigation),
2. Adapt to climate impacts that are increasing in frequency and severity (resilience), and
3. Transition to a cleaner, healthier future in a just and fair way (equity).

OCF is a framework for accomplishing community and Council environmental priorities using a data-informed, systems-based approach. The robust modeling tool staff has developed to organize and track strategies and outcomes also maps out important decision points and milestones for Council actions along the way.

## Our Climate Future Background

Adopted by Council in April 2021, OCF is an integrated update of the Climate Action Plan, Energy Policy, and Road to Zero Waste that articulates the community's vision for a sustainable future. OCF reinforces Fort Collins' deep commitment to mitigating and adapting to climate change and meeting energy and waste goals with a people-first systems approach. This means community members' voices and priorities are at the center of solutions, summed up in 13 visionary outcomes known as Big Moves.

Our Climate Future (OCF) implementation intensifies our community efforts to achieve these primary environmental goals:

- Reduce 2030 greenhouse gas emissions by 80% below 2005 baseline levels
  - Carbon neutral by 2050
- Provide 100% renewable electricity by 2030 with grid and local sources
- Achieve zero waste, or 100% landfill diversion, by 2030

Specific strategies associated with the Big Moves are called Next Moves. These actionable strategies are evaluated for their impact on goals, benefits and costs, potential results for improving equity and resilience, and what it will take to implement them. Next Moves also have defined implementation mechanisms and defined roles for the City and other stakeholders. That modeling of the Next Moves is what informs both the Pathways to 2030 and the Council OCF Action Roadmap, described in the following sections.

## 2021 Community GHG Inventory

The Community GHG Inventory is one tool used to track climate action efforts made by the City and community. Results reflect these actions as well as external factors that influence GHG emissions (e.g., COVID-19 in 2020). For 2021, the Community Inventory shows 24% from the 2005 baseline, which is a slight loss of progress from 2020 (reported as 25% below 2005 baseline), based on the following factors:

- Vehicle use and transportation emissions increased compared to 2020, though was still below 2019 levels (*increase in emissions*)
- Utility-scale renewable electricity continued to increase (*decrease in emissions*)
- Abatement of Industrial Process and Product Use (IPPU) emissions increased (*decrease in emissions*)

GHG inventories continually evolve as sources and methodology are updated. Please note that final waste and IPPU emissions are not yet included in this estimate.

### The Pathways to 2030 GHG Reduction Goals

- Pathways are groups of Next Moves (strategies) that drive towards a specific outcome (e.g., the *transportation pathway*, which includes Next Moves for transit, active modes, and vehicle electrification). They are high-impact strategies that include, though are not limited to, Council actions.
- The current total estimated potential from all the quantified Pathways is a 70% GHG emissions reduction by 2030. See Figure 1 below.
- The gap between this projection and the 80% by 2030 target will primarily need to be addressed by additional community/partner action and will also be influenced by external factors.

The Pathways depicted below focus mainly on mitigation. At the same time, equitable processes and outcomes, community partnerships, and building community resilience are woven into the strategies and are often synergistic. Staff is also committed to using this pathways framework to explore equity and resilience focused strategies in the coming years.

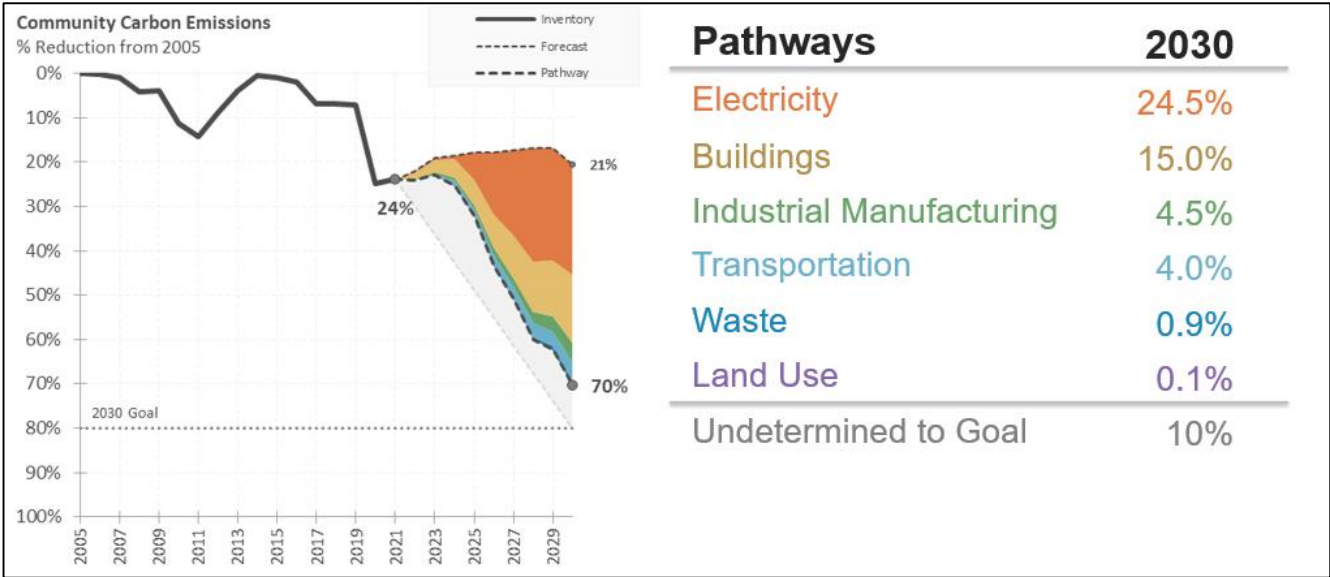


Figure 1: Pathways towards the 2030 Community Greenhouse Gas Goal

### Interim Goal Considerations

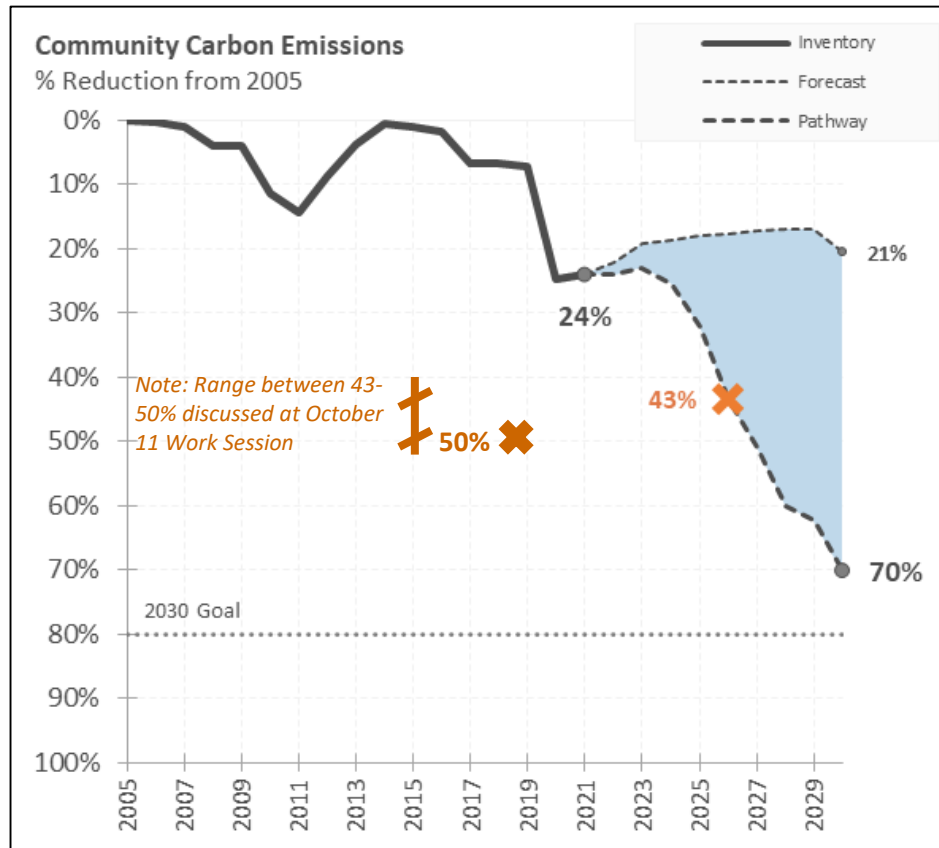
At the October 11 work session, Councilmembers expressed support for adopting an aspirational 2026 interim community greenhouse gas goal between 43% and 50% below the 2005 baseline year. This range is in turn based upon staff projection of the community GHG inventory for 2026 with the pathways at approximately 43% below 2005. Staff recommends choosing 2026 as the target year for an interim goal because it falls halfway between the current year and 2030, allowing for two full City budget cycles before and after the interim goal year.

This result assumes policy and infrastructure investments presented in the Council Action Roadmap (attached) are implemented and resourced. Pending Council’s final decision to adopt a more aspirational goal of 50% (Figure 2), the following steps will be necessary:

- Accelerate existing strategies
- Identify new, or accelerate planned, City-led strategies
- Invest in additional community leadership, partnership, and action at all levels

With the continuously evolving nature of greenhouse gas modeling, staff can estimate the potential of accelerating or identifying some new strategies in the short-term. Modeling the impacts of community-led action (likely the greatest lever to scale impact) have a longer time horizon. Staff is also exploring how

quantification of state and federal action can be incorporated into the pathways, e.g., the Inflation Reduction Act and statewide legislation.



**Figure 2: Potential 2026 Interim Community Greenhouse Gas Goal**

### CITY FINANCIAL IMPACTS

Not applicable.

### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

### PUBLIC OUTREACH

Not applicable

### ATTACHMENTS





1. Resolution for Consideration
2. Work Session Summary, October 11, 2022
3. Council Action Roadmap, October 2022
4. Presentation





**Environmental Services** Section C, Item 1.  
 222 Laporte Ave.  
 PO Box 580  
 Fort Collins, CO 80522  
**970.221.6600**  
[fcgov.com/environmental\\_services](http://fcgov.com/environmental_services)

## MEMORANDUM

**Date:** October 14, 2022  
**To:** Mayor Arndt and City Council <sup>DS</sup>  bers  
**Thru:** Kelly DiMartino, City Manager <sup>DS</sup>   
 Our Climate Future Executive Team<sup>1</sup> <sup>DS</sup>   
**From:** Our Climate Future Team Members<sup>2</sup> <sup>DS</sup>   
 Maren Bzdek, Historic Preservation Services Manager

**Re: October 11, 2022 Work Session Summary: Our Climate Future Implementation**

Attendees: All Councilmembers were present. Kendall Minor, Molly Saylor, Honore Depew, and John Phelan provided the presentation. The meeting was conducted via the zoom platform and in person.

Purpose: Staff sought feedback on the content and timing of a proposed Council action roadmap to achieve the 2030 waste, climate, and energy goals as part of Our Climate Future implementation, and what interim greenhouse gas target to consider via Resolution at the October 25 Regular Meeting.

### Discussion Summary:

- Councilmembers supported the Council roadmap, noting the following points:
  - Appreciation for transparency on how far identified strategies go and where gaps exist.
  - Curiosity if any of the actions could happen faster and accelerate mitigation outcomes.
  - City Council plays impactful roles beyond the roadmap, especially in working with community partners and at the State level.
  - Interest in whether energy efficiency program funding levels are sufficient to help offset community costs; need to balance moving quickly with not pricing people out. Rebates are important and Councilmembers encouraged staff to bring options forward when considering policy discussions for how costs could be offset in implementation.
  - Interest in further discussion of ways to accelerate both (1) construction and demolition infrastructure and policy, and (2) regional food scrap and yard trimmings composting.
    - Interest was also expressed in whether yard trimmings is the best terminology for this type of composting.
  - Roadmap would be a helpful onboarding tool for new Councilmembers and priority setting.
  - Interest expressed in making the roadmap publicly available and updated on a regular basis to respond and adapt to changing conditions locally, statewide, and beyond.
- Multiple Councilmembers expressed a preference for a 50% interim goal, with some Councilmembers referencing preferences ranging from 43%-50%.
  - Curiosity expressed around what additional efforts or mitigation strategies would be required to increase mitigation target from 43% projected in 2026 to 50%.
  - Support expressed for continuing to explore community partnerships and leadership at all levels to work toward closing the gap.
- Councilmembers asked questions about specific waste, energy, and climate strategies, with further requests to follow up, which are addressed below.

<sup>1</sup> Our Climate Future (OCF) Executive Team includes Interim Deputy City Manager Tyler Marr; Utilities Executive Director Kendall Minor; Planning, Development, & Transportation Director Caryn Champine, Equity Officer Claudia Menendez; Community Services Director (vacant); & Environmental Services Director Lindsay Ex

<sup>2</sup> OCF Team Members that contributed to this memo include Honore Depew, Climate Program Manager; John Phelan, Energy Services Manager and Policy Advisor; Brian Tholl, Energy Services Supervisor; Molly Saylor, Lead Sustainability Specialist; Caroline Mitchell, Waste Reduction and Recycling Manager; Adelle McDaniel, Senior Environmental Sustainability Specialist; and Michael Authier, Sr. Energy Services Engineer.

### Additional Information Available Now

Updates on the State's circular economy legislation and ensuring the City is leveraging opportunities to engage and influence State legislation:

- The State's Waste Diversion and Circular Economy Development Center ([HB22-1159](#)) will be in operation by 2023 and run by a third-party administrator. The first step will be a statewide, end-market gap analysis by August 2024. Importantly, this act also removed the limitation that entities could only apply for state funding for waste infrastructure once every five years, which creates significant opportunities for the Regional Wasteshed partnership to advance its priorities as well.
- The Extended Producer Responsibility Program ([HB22-1355](#)) focuses on packaging materials and paper products and will be operated by a nonprofit organization beginning in June 2023. The first step will be an analysis of the collection and infrastructure needs to bring recycling to all single unit and multi-unit households in Colorado. Producers will then fund recycling service and infrastructure and are incentivized to utilize packaging that is locally recyclable. Additional legislation may be considered in future years to expand this program to additional materials.
- Additional updates and opportunities will be discussed at the October 25 Legislative Review Committee meeting from 3-4 pm at City Hall.

Historic Preservation current practice/requirements for historic windows:

- Replacement products are allowable per City code and consistent with the Secretary of the Interior's Standards for Rehabilitation when original windows are lost or severely deteriorated, but replacement products must meet quality and character standards that typically exclude vinyl window products.
- To meet needs related to energy performance, historic preservation staff assist owners of designated landmarks and of historic resources during development and building permit review. Owners are first encouraged to order an energy audit to identify primary concerns. In energy audits, the highest impact actions are often insulating attic and walls, as historic windows (especially pre-World War II properties) are often as efficient as new windows
- This approach is consistent with national preservation guidelines, considers the contribution of windows to overall energy performance and also places a value on embodied energy of existing materials and prevention of C&D waste. It also fulfills our obligation to preserve owner access to local, state, and federal financial incentives for preservation (grants, tax credits, and loans).
- To assist with improving performance of original historic windows, Historic Preservation staff can provide small grant funds (Design Assistance Program) to conduct a window study that evaluates condition and repairability, opportunities to address leaks between sash and frame, and other additive, lower-costs retrofits such as new storm units and additional glazing.

### Additional Information to Come:

- Staff will provide a memo with the details of how the Community Diversion Rate is calculated in late October or November.
- Staff will provide a memo including if and how the City provides education and incentives for durable building materials to avoid waste.

### Next Steps:

- Council will consider a Resolution on October 25 to set an interim greenhouse gas target.
- Legislative Review Committee meeting on October 25 to discuss statewide legislation opportunities with Colorado Communities for Climate Action (CC4CA).
- Council Finance Committee meeting on November 3 will continue the Sustainable Funding conversations and will include topics on both transit and climate.
- Staff will finalize the Next Moves Plan for 2023/24, including actions from Council's roadmap.
  - Staff will incorporate a discussion on food scrap and construction and demolition material diversion infrastructure to Council's roadmap in 2023.

RESOLUTION 2022-108  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
ADOPTING AN INTERIM GREENHOUSE GAS REDUCTION GOAL

WHEREAS, the Fort Collins Community and its elected leaders have long put a high priority on being a regional, national, and global leader in addressing the climate change; and emergency recognized by Council's adoption of Resolution 2019-091; and

WHEREAS, on May 20, 2008, City Council adopted Resolution 2008-051 establishing the goals to reduce greenhouse gas emissions 20% below 2005 levels by 2020 and 80% below 2005 levels by 2050; and

WHEREAS, on December 2, 2008, City Council adopted Resolution 2008-122 approving and adopting the 2008 Fort Collins Climate Action Plan; and

WHEREAS, on March 3, 2015, City Council adopted Resolution 2015-030 updating the goals to reduce greenhouse gas emissions by 80% below 2005 levels by 2030 and achieve carbon neutrality by 2050; and

WHEREAS, on August 20, 2019, City Council adopted Resolution 2019-091 acknowledging the global climate emergency, reaffirming its commitment to reduce greenhouse gas emissions as set forth in Resolution 2015-030, directing review and reconsideration of the emissions goals established for 2030 and 2050 to remain in alignment with ongoing scientific findings at five-year intervals commencing in 2021, and calling for updates to the City's Climate Action Plan; and

WHEREAS, on March 16, 2021, City Council adopted Resolution 2021-031 approving and adopting the Our Climate Future Plan, as a combined and comprehensive update to the 2008 Climate Action Plan, accompanied by a two-year tactical plan, both of which include the goals to reduce greenhouse gas emissions by 80% below 2005 levels by 2030 and achieve carbon neutrality by 2050; and

WHEREAS, to facilitate progress and provide an additional benchmark, City Council desires to set an aspirational interim target for greenhouse gas reductions between now and the 2030 goal of 80% below 2005 levels; and

WHEREAS, the most recent projections estimate that with all known actions today, the City can achieve an approximately 70% reduction below 2005 levels by 2030 and a 43% reduction by 2026;

WHEREAS, City Council finds that setting an aspirational interim goal recognizes the climate emergency, the need for additional community partnerships and leadership at all levels to achieve Fort Collins' goals, and is in the best interest of the City and its residents.

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

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

Section 2. That the Council hereby reaffirms its goal to reduce Fort Collins's community-wide greenhouse gas emissions to 80% below 2005 levels by 2030 and achieve carbon neutrality by 2050, and affirms its commitment to meaningfully engage all community members, both residents and businesses, to partner and develop equitable solutions to reduce emissions and enhance Fort Collins' resilience to climate change.

Section 3. That Council hereby adopts an aspirational interim goal to reduce community-wide greenhouse gas emissions to 50% below 2005 levels by 2026 to facilitate progress toward and provide an additional benchmark on its path to reaching an 80% reduction below 2005 levels by 2030 and carbon neutrality by 2050, without compromising key community economic and social values.

Passed and adopted at an adjourned meeting of the Council of the City of Fort Collins this 25th day of October, A.D. 2022.

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Mayor

ATTEST:

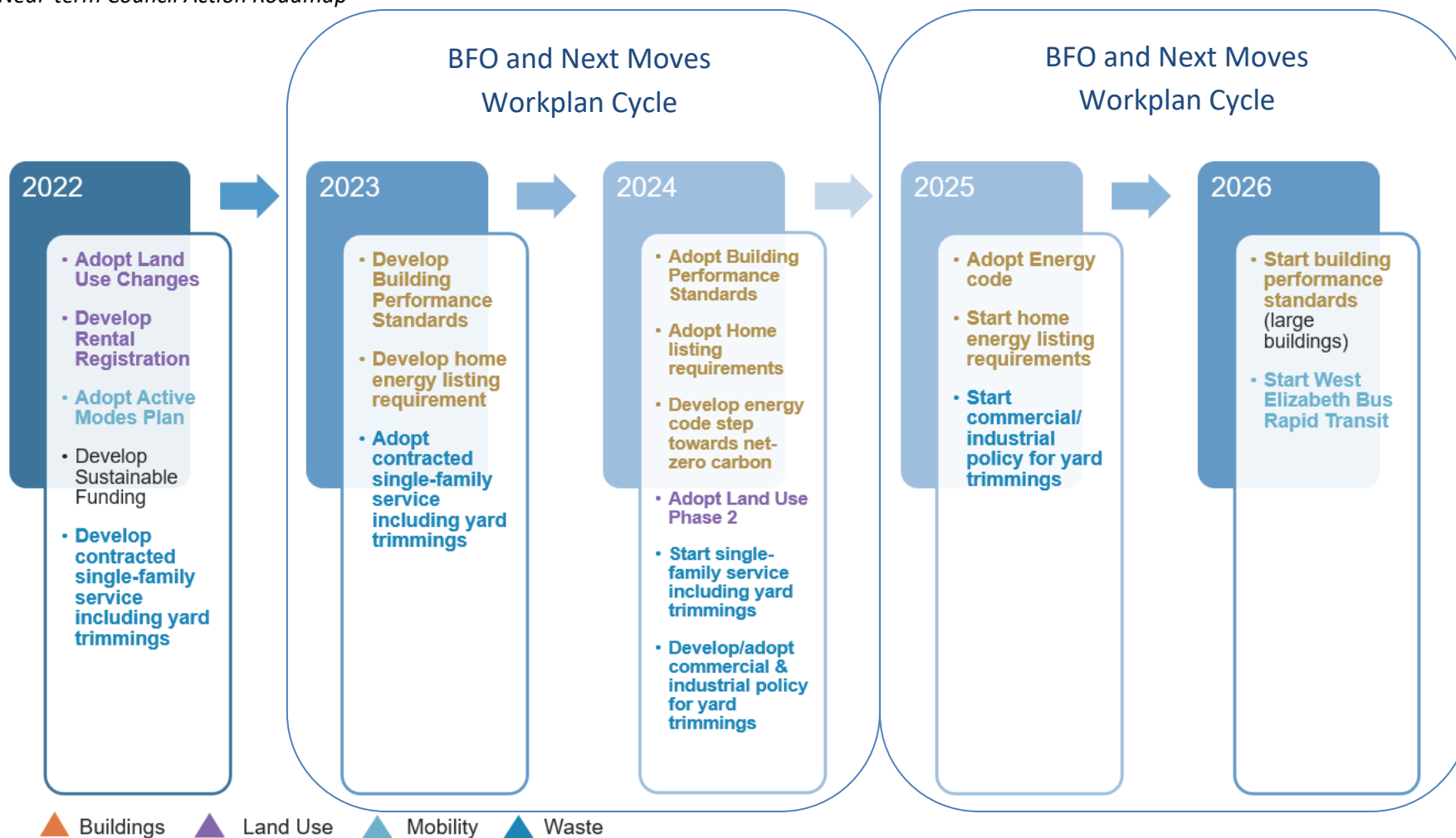
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City Clerk

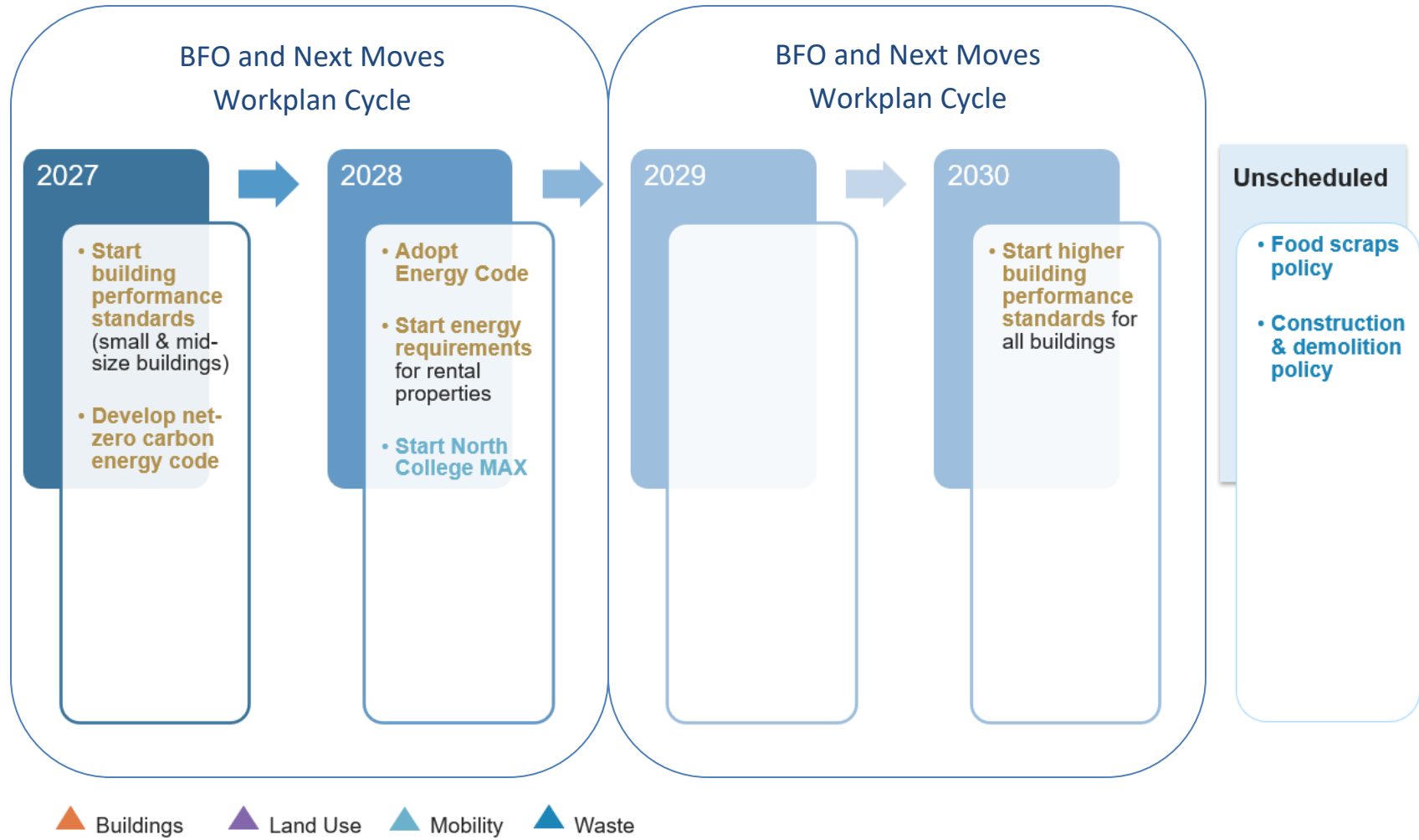
### Attachment 3: Council Action Roadmap

The Council OCF Action Roadmap is a tool for confirming, organizing, and sequencing important Council decision points. The actions on the roadmap are not exhaustive of everything Council, staff or the community will do to achieve the 2030 goals – they represent Council’s highest impact tools (policy making, infrastructure, and funding).

#### Near-term Council Action Roadmap



Medium-term Council Action Roadmap







10-25-2022

Section C, Item 1.

## Adopting an Interim Greenhouse Gas Reduction Goal

Presented by:

Honore Depew

Climate Program Manager

John Phelan

Energy Services Manager and Policy  
Advisor

Molly Saylor

Lead Specialist, Waste Reduction and  
Recycling



**Strategic Objective 4.1:** Intensify efforts to meet 2030 climate, energy and 100% renewable electricity goals that are centered in equity and improve community resilience



**Council Priority:** Explore climate emergency messaging and action

## OCF Approach in Practice – Flexible Systems Approach

Adaptive goals based on new analysis  
enabling more effective actions.





1999 – City's first Climate Action Plan adopted

2008 – Resolution establishing community-wide GHG goals

2015 – Resolution updating GHG goals and reconfirming climate commitment

2018 – Resolution committing to 100% renewable electricity

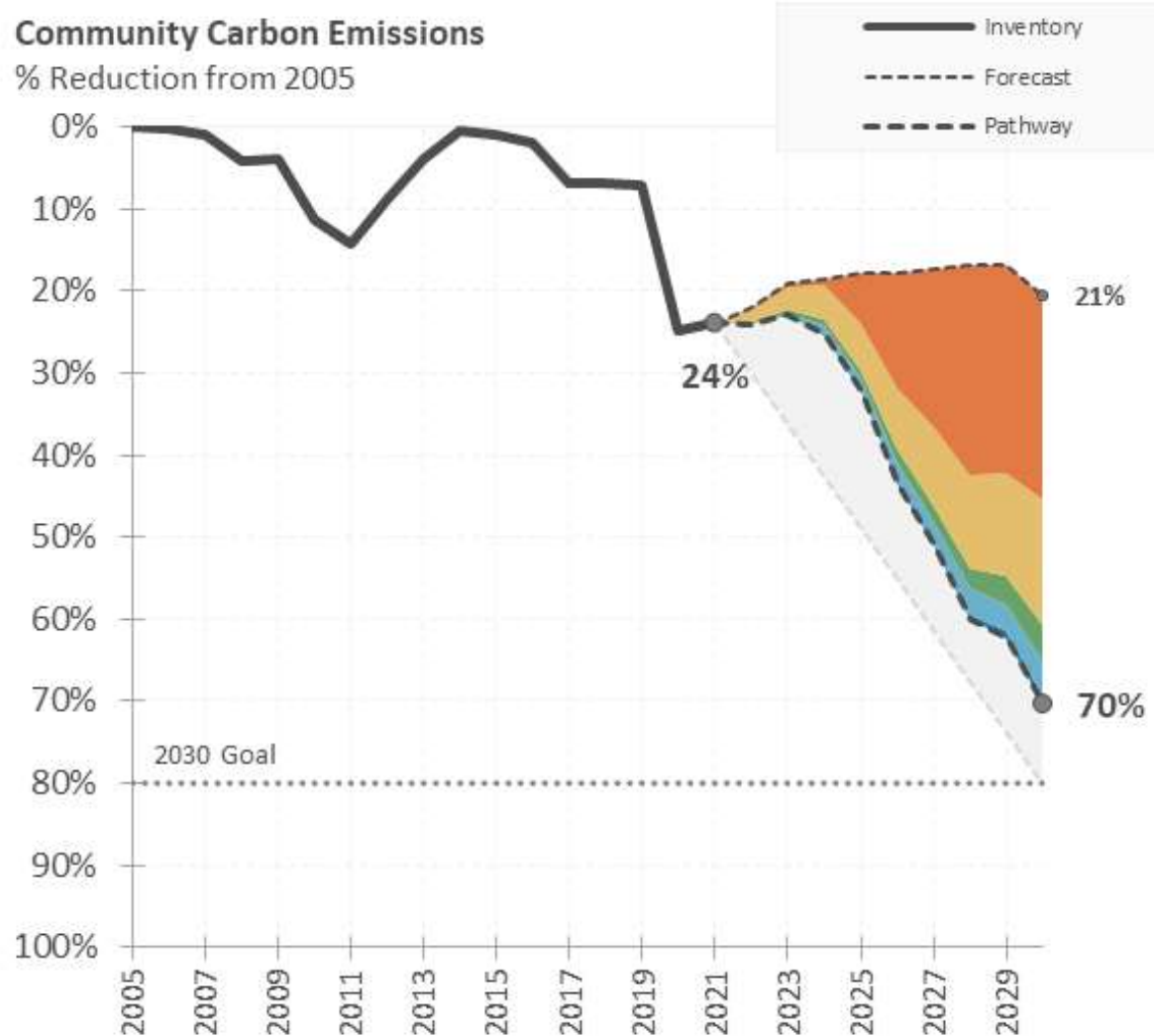
2019 – Resolution declaring a climate emergency. Platte River Power Authority adopted of the Resource Diversification Policy and 100% non-carbon electricity goal for 2030.

2021 – Adoption of the Our Climate Future plan, centering equity and climate resilience alongside mitigation.

Our Climate Future (OCF) implementation intensifies our community efforts to achieve these primary environmental goals:

- Reduce greenhouse gas emissions **80% below 2005 baseline levels by 2030**
  - Carbon neutral by 2050
- Provide **100% renewable electricity by 2030** with grid and local sources
- Achieve zero waste, or **100% landfill diversion, by 2030**





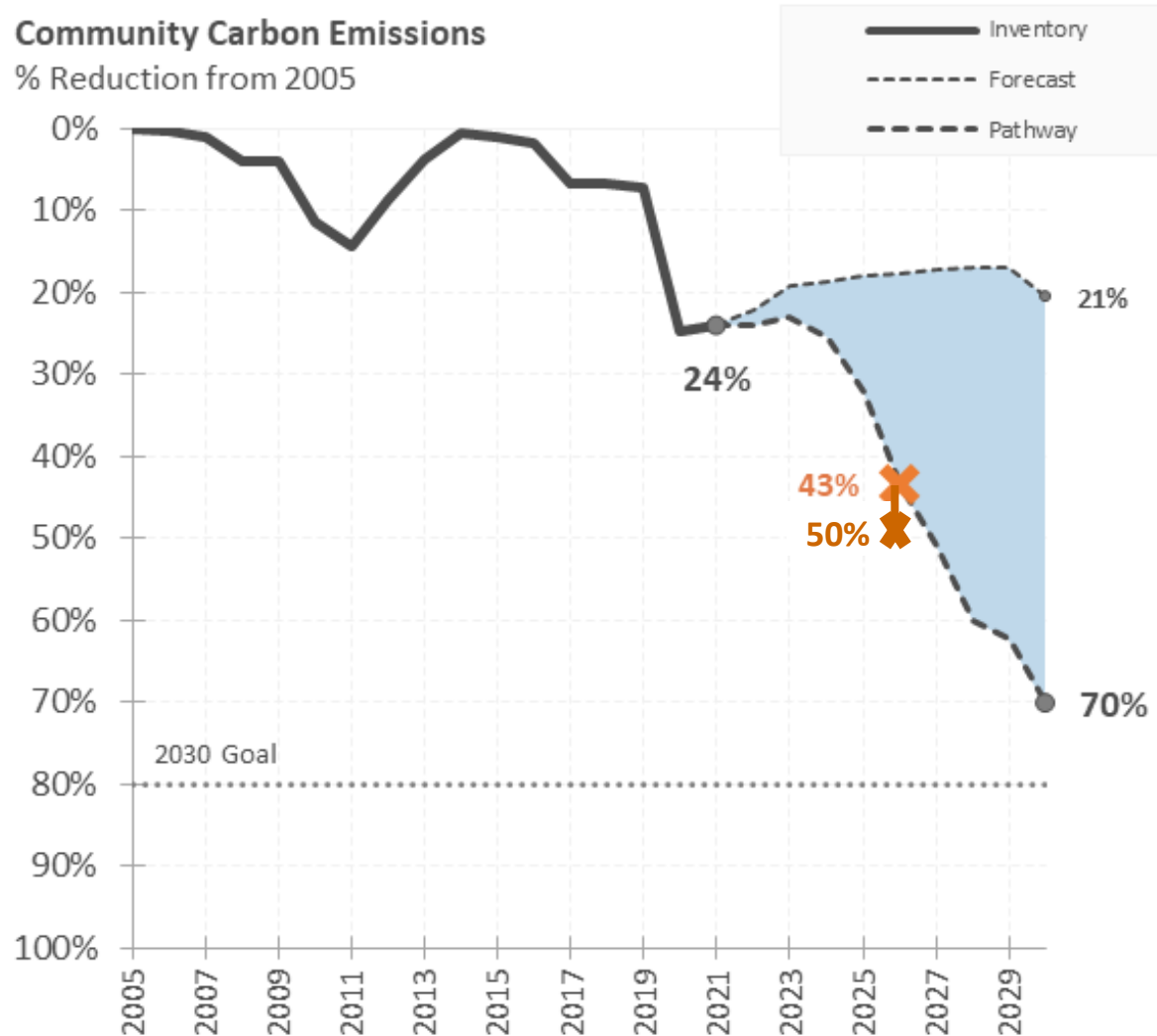
## Pathways

**2030**

Electricity	24.5%
Buildings	15.0%
Industrial Manufacturing	4.5%
Transportation	4.0%
Waste	0.9%
Land Use	0.1%
Undetermined to Goal	10%

Last 10% requires additional community leadership action

Community Carbon Emissions  
% Reduction from 2005



- **Current 2026 Forecast *with* Pathways and Council Action Roadmap  $\approx$  43% reduction**
- **Proposed aspirational goal of 50% reduction by 2026**
  - Accelerating existing strategies
  - Identifying new, or accelerate planned, City-led strategies
  - Investing in additional community leadership and action

## Resolution 2022 – 108

- Reaffirms current goals for 2030 and 2050
- Establish an aspirational interim goal of 50% below 2005 baseline levels for the year 2026
- Recognizes the importance of community partnership and leadership at all levels to achieve the goals

# Discussion

October 25, 2022

# AGENDA ITEM SUMMARY

City Council



## STAFF

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Beth Yonce, Social Sustainability Department Director  
Brittany Depew, Homelessness Lead Specialist  
Ingrid Decker, Legal

## SUBJECT

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**First Reading of Ordinance No. 113, 2022, Suspending Certain Provisions of the City's Land Use Code and Building Code to Permit Temporary Use of City Property at 117 North Mason Street as a Homeless Shelter.**

## EXECUTIVE SUMMARY

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This purpose of this item is to suspend certain provisions of the City's Land Use Code to allow the temporary use of 117 North Mason Street as a men's overflow shelter site from November 2022 – April 2023.

## STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

## BACKGROUND / DISCUSSION

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The Seasonal Overflow Shelter (SOS) program creates additional overnight shelter capacity to eliminate people being turned away from shelter due to space constraints. Last year, the overflow location identified was the City-owned building at 212 West Mountain Avenue. This year, City staff and shelter providers explored other options and made the decision to utilize the City-owned building at 117 North Mason Street for the 2022-2023 winter shelter season. This location was identified as the most viable option due to size, location, and availability.

The City is intending to enter into a lease with Fort Collins Rescue Mission for the use of the 117 North Mason Street property as a shelter. The building will be used as a secondary overflow site when the Rescue Mission's primary location (316 Jefferson Street) is over capacity.

The parameters for use of the property will be the same as last year, including the shelter being operated by Fort Collins Rescue Mission with staff present during all open hours, serving men experiencing homelessness overnight-only, having additional support from a third-party security firm, having space for up to 44 men, and operating from November 2022 – April 2023.

While a homeless shelter is a permitted use under the current zoning for the property (Downtown – Civic), the City's Land Use Code (LUC) requires review by the Planning & Zoning Board and requires development standards that would also be applied to the property as part of the review process. The temporary nature

of the proposed use of 117 North Mason Street for this season's overflow shelter, combined with the urgent need to finalize operational plans for the SOS season, are the reasons staff is seeking approval to expedite the process of securing an overflow shelter site.

This item would waive LUC requirements so that additional shelter for people experiencing homelessness can be provided as close to the start of the SOS season, November 1, as possible. Building code requirements essential to protect life and safety for the guests staying in the shelter will *not* be waived.

The projected opening date is November 11, ten days after second reading of this Ordinance.

### **CITY FINANCIAL IMPACTS**

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The City will donate use of the building to Fort Collins Rescue Mission to operate a temporary overnight homeless shelter from November 2022 – April 2023, with a one-time upfront payment requested to cover the cost of carpet replacement.

The City may also utilize a portion of its Seasonal Overflow Shelter budget (ARPA funds) to help cover costs related to shelter operations, inclement weather sheltering, and security services.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Not applicable.

### **PUBLIC OUTREACH**

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The following communications have occurred or will occur:

- Virtual neighborhood meeting on October 19.
- Direct outreach to businesses in nearest proximity to this location, to be conducted by City staff and/or collaborative partners (between October and early November).
- Mid-season check in with businesses in nearest proximity, to be conducted by City staff and/or collaborative partners.
- Post-season debrief with nearest businesses and neighbors.

### **ATTACHMENTS**

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1. Ordinance for Consideration
2. Services Agreement and Memorandum of Understanding, December 2021



ORDINANCE NO. 113, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
SUSPENDING CERTAIN PROVISIONS OF THE CITY'S LAND USE CODE AND  
BUILDING CODE TO PERMIT TEMPORARY USE OF CITY PROPERTY AT  
117 NORTH MASON STREET AS A HOMELESS SHELTER

WHEREAS, because of limited capacity there are many nights when local shelter providers do not have enough space to house all people experiencing homelessness who may be seeking shelter; and

WHEREAS, adequate shelter space will become increasingly important as fall and winter weather sets in and individuals are at risk from cold, flu and COVID viruses as well as severe cold; and

WHEREAS, the State of Colorado declared its first Emergency Disaster Declaration related to COVID-19 on March 11, 2020, and as part of its Seventh Amended Public Health Order 20-38 dated September 30, 2021, the Colorado Department of Public Health and Environment (CDPHE) strongly urged governments to make shelter available to people experiencing homelessness as soon as possible and to the maximum extent practicable; and

WHEREAS, the City's Land Use Code provides a process for operation of seasonal overflow shelters from November through April, and for many years shelter operators, with financial support from the City, were able to operate a seasonal overflow shelter on privately-owned properties; and

WHEREAS, for the winter of 2020-2021 shelter providers partnered with the City to operate a seasonal shelter in space leased from the Food Bank for Larimer County, but for the winter of 2021-2022 the only suitable space that could be located was in a City-owned building at 212 West Mountain Avenue; and

WHEREAS, City staff and shelter providers have been unable to locate a non-City property appropriate for a seasonal overflow shelter for the upcoming winter despite best efforts, so the City intends to lease the City-owned building at 117 North Mason Street (the "Property") to the Fort Collins Rescue Mission to operate as an overnight shelter for persons experiencing homelessness from November 2022 through April 2023; and

WHEREAS, while a homeless shelter is a permitted use under the current zoning for the Property (Downtown Zone – Civic Subdistrict), the City's Land Use Code ("LUC") requires review by the Planning and Zoning Board to permit the use of the Property as a homeless shelter, as such a change in use of the building is considered "development" under LUC Division 5.1.2; and

WHEREAS, LUC Article 3 and LUC Article 4, Division 4.16 set forth development standards that would also be applied to the Property as part of such a review process; and

WHEREAS, in order to provide additional shelter for persons experiencing homelessness as quickly as possible, the City Council finds it is necessary for public health, safety and welfare, and in the best interests of the City and its residents, to suspend the application of certain requirements of the LUC with respect to the Property for so long as the City is using it as a shelter for persons experiencing homelessness.

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

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

Section 2. That, with respect only to the Property and its use as a homeless shelter through April 30, 2023, the City Council hereby suspends the requirements of:

- LUC Article 3 regarding general development standards;
- LUC Division 4.16 regarding development standards and the development review process for use of the property as a homeless shelter;
- LUC Division 2.2 regarding the common development review procedures for development applications; and
- LUC Division 2.4 and 2.5 requiring a project development plan (PDP) and final plan for a proposed homeless shelter on the Property.

Section 3. That all other applicable provisions of the City Code, rules and regulations, including but not limited to health and safety requirements, will continue to apply to the Property.

Introduced, considered favorably at an adjourned meeting, on first reading, and ordered published this 25th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A. D. 2022.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 1st day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## Seasonal Overflow Shelter

117 North Mason Street

Beth Yonce, Social Sustainability Department Director

10-25-2026

The Seasonal Overflow Shelter (SOS) program provides additional shelter capacity during the winter months for people experiencing homelessness.

The City historically contributes coordination and funding support to help reduce or eliminate instances of people being turned away from shelter, and into inclement weather conditions, due to space constraints.



## Overflow Shelter Plan, 2022

- 117 N Mason
  - Identified as preferred location due to location, size, and availability
  - Proposed use from November 2022-April 2023
- Fort Collins Rescue Mission
  - To lease 117 N Mason from the City and serve as shelter operator
  - Shelter will be open overnight-only for up to 44 men experiencing homelessness
  - Collaboration with Outreach Fort Collins, Fort Collins Police Services, third-party security provider, and others to address concerns and mitigate potential impacts
  - Will continue to operate their main location at Linden & Jefferson for up to 106 men
- Catholic Charities
  - Will continue to serve women and families at their location on Linden Center Drive

## Location



## Engagement Plan

- Virtual Neighborhood Meeting October 19
- Collaborative team with representatives from various City departments, Outreach Fort Collins, Fort Collins Rescue Mission, and others, has met/will meet with nearest businesses by projected shelter opening date of November 11



## Funding Plan

- City of Fort Collins has earmarked \$200,000 in American Rescue Plan Act (ARPA) funds to support the Seasonal Overflow Shelter program
- United Way of Larimer County will fundraise an estimated additional \$25,000 to support this program
- The SOS program cost approximately \$280,000 for the 2021-2022 season

# QUESTIONS?



**THANK YOU!**



October 25, 2022



## AGENDA ITEM SUMMARY

City Council

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### STAFF

Jen Dial, Water Resources Manager  
Mariel Miller, Water Conservation Manager  
Jason Graham, Director of Water Utilities  
Eric Potyondy, Legal

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### SUBJECT

**First Reading of Ordinance No. 116, 2022, Amending Chapter 26 of the Code of the City of Fort Collins to Make Various Changes to the Water Supply Requirement for Nonresidential Water Service.**

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### EXECUTIVE SUMMARY

The purpose of this item is to approve changes to Fort Collins Utilities (Utilities) Water Supply Requirement (WSR) in Chapter 26 of City Code. Changes to the WSR went into effect January 1, 2022, through Ordinance No. 119, 2021. However, after administering the WSR under that ordinance for several months, staff realized a need for further revision. The Ordinance broadened when Utilities nonresidential water customers doing redevelopment must meet the WSR, such that these customers must meet WSRs for almost any redevelopment. The Ordinance also results in the assignment of an annual allotment and the potential for excess water use surcharges. These changes have resulted in significant staff time for previously routine matters and impacts to customers that are perceived as unfair. The proposed ordinance would return to the previous, historical requirement, where customers must only meet the WSR for new development and redevelopment that is replacing and existing meter or service with a larger size.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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### BACKGROUND / DISCUSSION

Fort Collins Utilities (Utilities) water service area covers the central portion of Fort Collins. Utilities supplies water to approximately 75% of residents and business within the Fort Collins city limits. Water service in the surrounding areas is provided by other water providers, including water districts like the East Larimer County Water District (ELCO) and Fort Collins-Loveland Water District (FCLWD). Each water service provider has their own drivers (sources of supply, water rights, development patterns) that determine their WSR calculations and the policies, options, and costs for meeting their WSR. For this proposed revision, all proposed concepts only apply to the Utilities water service area.

WSR are part of the water-related development impact fees met by developers to account for the additional demand created from new development. WSR is a requirement for water service from Utilities. A WSR accounts for the additional water demand, defined in gallons of water, brought into the Utilities water service area by a new development or redevelopment. The developer satisfies a WSR by paying cash to Utilities.

This provides the revenue to develop reliable water resources for the development, including water rights and associated infrastructure. WSRs are in line with the approach that development pays for itself. All non-residential taps (e.g., commercial businesses and irrigation taps) installed after March 1984 have an annual allotment (volume of water in gallons) that is based upon the WSR that was satisfied at the time of development or redevelopment. Only about 1,000 or 33% of non-residential customers have allotments. Customers can pay additional cash-in-lieu to increase their allotments at any time to avoid excess water use surcharges. Below is the history on how WSR has evolved:

**1960:** Initiation of WSR (previously called “raw water requirements”). Two-acre-foot equivalent of water rights is required for every one acre developed. WSRs can be met via dedication of water rights or cash-in-lieu.

**1960 - 1984:** Minor, intermittent updates reflecting changing use patterns and costs to develop water supplies and associated infrastructure.

**1984:** In response to more commercial development, WSR calculations are now based on tap size. First year that new non-residential developments are assigned allotments based on their WSR.

**1984 - 2018:** Minor updates to the fee (paid with certain water rights or cash-in-lieu of water rights), excess water use surcharge, and WSRs to reflect changing use patterns and costs to develop water supplies and associated infrastructure.

**2018:** Significant updates to WSR calculations, fee, and excess water use surcharge in response to rising cost of water resources. Included a 166% increase to the cash-in-lieu and surcharge. Customers with allotments experience an increase in surcharges from an average of \$1,500 to \$4,000 per year. Analysis reveals that some exceedances are because the original WSR and the resulting allotment being too low for the property’s water use, even if the customer is efficient. This flagged the need to improve the precision and equity of WSRs and allotments.

**2019:** Council approved the creation of the Allotment Management Program (Ordinance No. 50, 2019). This program provides existing customers a temporary waiver from surcharges while they implement a long-term water reduction project that will mitigate all or a portion of the surcharges permanently. Staff launches effort to update the WSR calculations for new developments and re-developments.

**2021-22:** Council approved changing the WSR to be based on Business category, not tap size (Ordinance No. 119, 2021) (see Exhibit 1 to AIS from September 21, 2021 meeting). This methodology followed to same approach as several other Front Range water users. The Agenda Item Summary for Ordinance No. 119, 2021, provides background on WSRs and the ordinance itself: [Water Supply Requirements Agenda Item Summary, September 21, 2021](#)

The change was driven by the fact that basing WSR on tap size was deemed problematic and inaccurate since tap size is determined by peak daily demand, which does not always correlate to annual water demand. Additionally, within a tap size, the current WSR calculation methodology is based on the average annual demand for all customers who currently have that tap size. Within any given tap size, there are many different business types, including mixed-use taps and irrigation taps that serve a variety of different sizes and types of landscapes that are all treated the same. Since it is an average, some development’s actual water use is above the WSR and some is below. This creates equity issues for developers and customers alike; it means some developments subsidize other developments. And, in situations where the WSRs are too low relative to the property’s actual water use, the allotments are also too small, placing the burden on the customers, who may have to pay substantial surcharges each year.

Because of this staff recommended and Council approved Ordinance No. 119, 2021 to change the WSR methodology to calculate WSR based on business category instead of tap size for all new development and redevelopment (including minor amendments and tenant finishes). As staff has been implementing

this code since January 1, 2022, a few issues have arisen that require the need to revise the code to minimize the burden to the city's customers and staff. These include:

1. Customers that are applying for a permit that aren't planning to increase their water use have a hard time understanding why they need to pay for a WSR, especially in situations where there is a large financial impact. It is estimated that as many as twenty-five customers could see a financial impact of over \$60,000.
2. Significant staff time has been needed to perform these more complicated calculations when customers do not fall into a clear business category, as well as provide outreach and education to customers.
3. Because WSR evaluations are taking more time, the timeline to issue a permit has been frustrating and unreasonable for many of our customers for completing projects.

### **Proposed Revisions**

The proposed Ordinance would return to the previous, historical requirement, where customers must only meet the WSR for new development and redevelopment that is replacing an existing meter or service with a larger size.

### **CITY FINANCIAL IMPACTS**

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This is unknown and dependent on growth. Revenue from WSR will continue to cover the increased demand related to increased water service.

### **BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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Staff felt this was urgent enough to not take to the Water Commission but will update them on the final decision from Council.

### **PUBLIC OUTREACH**

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Staff intends to provide improved messaging through the City's WSR website and increased outreach earlier in the application process to prepare customers for an allotment and potential WSR.

### **ATTACHMENTS**

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1. Ordinance for Consideration
2. Presentation

ORDINANCE NO. 116, 2022  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 26 OF THE CODE OF THE CITY OF FORT COLLINS  
TO MAKE VARIOUS CHANGES TO THE WATER SUPPLY REQUIREMENT FOR  
NONRESIDENTIAL WATER SERVICE

WHEREAS, the City Council is empowered and directed by Article XII, Section 6, of the City Charter to fix, establish, maintain, and provide for the collection of such rates, fees, or charges for utility services furnished by the City as will produce revenues sufficient to pay the costs, expenses, and other obligations of the water utility, as set forth therein; and

WHEREAS, the City owns and operates a water utility that provides treated water service to customers in its service area; and

WHEREAS, through various water supply furnishing and development programs, the City has required that persons desiring new or increased water service from the water utility furnish or otherwise provide to the City certain rights to use water or payments of cash in order to offset the impacts of the requested water service, which requirements are currently set forth in Sections 26-129, 26-147, 26-148, 26-149, and 26-150 of City Code as the Water Supply Requirement (“WSR”); and

WHEREAS, City staff has historically reviewed the WSR (and its predecessor water supply furnishing or development requirements) periodically to ensure that the rights to use water and cash payments received by the City are sufficient to offset the impacts from the requested new or increased water service and to ensure that they are administrable and fair for customers; and

WHEREAS, in the lead up to Ordinance No. 119, 2021, City staff completed a comprehensive and thorough review of the WSR and determined that various changes thereto were desirable and beneficial for the water utility and its ratepayers, including to ensure that, among other things, the impacts of new and increased water service were offset and that the water utility has sufficient water supplies and infrastructure to serve customers of the water utility with an adequate level of service, while doing so in a fair and equitable manner such that development through the new or increased water service pays its own way; and

WHEREAS, since Ordinance No. 119, 2021 went into effect on January 1, 2022, City staff has concluded that certain changes to the WSR are necessary to efficiently administer the WSR and for equity and fairness for customers; and

WHEREAS, the City Manager and City staff has recommended to the City Council that the following changes be enacted.

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

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

Section 2. That Section 26-41 of the Code of the City of Fort Collins is hereby amended by the deletion of the definition “*Change in use*”:

**Sec. 26-41. - Definitions.**

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

...

~~*Change in use* shall mean a material change in how City water is used on a property that requires changes to physical infrastructure, additional legal approvals, or changes to legal classifications of the property. The following circumstances are identified by way of example and not limitation:~~

~~A *change in use* would result from:~~

- ~~\_\_\_\_\_ (1) the property being included in a different use category for zoning or land use purposes;~~
- ~~\_\_\_\_\_ (2) the property being included in any development review process under the Land Use Code;~~
- ~~\_\_\_\_\_ (3) the property being served by an additional service line;~~
- ~~\_\_\_\_\_ (4) a service line or meter being relocated and applied to a different use or building on the property;~~
- ~~\_\_\_\_\_ (5) a building on the property being expanded;~~
- ~~\_\_\_\_\_ (6) the property requiring any Commercial General Alteration permit under City Code where there is an increase in fixture units or water use; or~~
- ~~\_\_\_\_\_ (7) the property being reclassified from residential to commercial in the Utility’s billing system.~~

~~A *change in use* would not result from:~~

- ~~\_\_\_\_\_ (1) ownership of a water service being transferred from one owner to another;~~
- ~~\_\_\_\_\_ (2) ownership of a property or premise being transferred from one owner to another;~~
- ~~\_\_\_\_\_ (3) more or less water being delivered under an existing water service;~~
- ~~\_\_\_\_\_ (4) an annual allotment being exceeded and excess water use surcharges are assessed;~~
- ~~\_\_\_\_\_ (5) a water meter being repaired or replaced; or~~
- ~~\_\_\_\_\_ (6) an existing water service line downstream of the curb stop being repaired or replaced.~~

...

Section 3. That Section 26-147 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-147. - Grant of water rights; required.**



All owners of premises requesting water service from the City, ~~including as a new water service or a change in use~~ replacing an existing meter or service with a larger size, shall, before being granted a water service permit, satisfy the assessed Water Supply Requirements (WSR) as determined in this Division without cost to the City. The WSR is as provided in this Division.

Section 4. That Section 26-149(g) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 26-149. - Water supply requirement (WSR); nonresidential service.**

...

(g) ~~In the case of a change in use of the existing water service to a property or a new water service permit on the property being issued, t~~The utility shall assign an annual allotment in the application of the WSR pursuant to §26-147. ~~and~~ In the case of the replacement of an existing meter with a larger size or other change to an existing water service, the utility will credit the nonresidential user towards the water service permit as follows. If an annual allotment has been assigned, the credit towards the water service shall be for the amount of the annual allotment for the property. If the credit towards the water service is greater than the annual allotment that would otherwise be assigned for the new water service permit, the credit for the water service shall establish the allotment and no cash refund or water certificates issued by the City shall be provided to the applicant. If no annual allotment has been assigned, the credit towards the water service shall be the amount set forth below for the existing meters serving the property. The credit authorized under this subsection is not transferrable to other properties.

If no annual allotment has been assigned, the credit towards the water service shall be as follows:	
<i>Meter Size (inches)</i>	<i>Annual Allotment (gallons/ year)</i>
¾	152,745
1	509,141
1½	1,018,286
2	1,629,255
3	2,443,880
Above 3	169,714 gallons per

	acre foot of WSR met for the permit or, if such amount cannot be established, the average historical use over a representative time period as determined by the Utilities Executive Director
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...

Introduced, considered favorably on first reading at an adjourned meeting, and ordered published this 25th day of October, A.D. 2022, and to be presented for final passage on the 1st day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Passed and adopted on final reading on this 1st day of November, A.D. 2022.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk