

Fort Collins City Council Work Session Agenda

6:00 p.m. Tuesday, April 11, 2023

Colorado River Community Room, 222 Laporte Ave, Fort Collins, CO 80521

NOTICE:

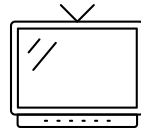
Work Sessions of the City Council are held on the 2nd and 4th Tuesdays of each month in the Colorado Room of the 222 Building. Meetings are conducted in a hybrid format, however there is no public participation permitted in a work session.

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 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.



While work sessions do not include public comment, mail comments about any item on the agenda to cityleaders@fcgov.com





City Council Work Session Agenda

April 11, 2023 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

Colorado River Community Room
222 Laporte Avenue, Fort Collins

Cablecast on FCTV
Channel 14 on Connexion
Channel 14 and 881 on Comcast

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Anissa Hollingshead
City Clerk

CITY COUNCIL WORK SESSION 6:00 PM

A) CALL MEETING TO ORDER

B) ITEMS FOR DISCUSSION

1. Staff Report – Graduate Management Assistant Program

The purpose of this staff report is to update Council on the Graduate Management Assistant Program.

2. Consideration of a Local Minimum Wage.

The purpose of this item is to review work to date and provide additional information based on further analysis and outreach. Staff will also be requesting direction on ordinance considerations scheduled for May 16, 2023.

3. Land Use Code Extended Discussion.

The purpose of this item is to update Council on the approach and timeline for engagement around housing-related Land Use Code (LUC) changes, seek input from Council about engagement topics that should be included, and share a preliminary approach to exploration of potential alternatives and code revisions for Council consideration.

C) ANNOUNCEMENTS

D) ADJOURNMENT

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April 11, 2023



WORK SESSION AGENDA ITEM SUMMARY

City Council

STAFF

Megan Valliere, Graduate Management Assistant

SUBJECT FOR DISCUSSION

Staff Report – Graduate Management Assistant Program

EXECUTIVE SUMMARY

The purpose of this staff report is to update Council on the Graduate Management Assistant Program.

ATTACHMENTS

1. Graduate Management Assistant Program Presentation



04/11/2023

Graduate Management Assistant Program Report

Megan “Meggs” Valliere

Graduate Management Assistant, City
Manager’s Office

- One-year fellowship program in the City Manager's Office, designed to help fellows strengthen local government and city management acumen
- Full-time, salaried, and contractual role that has been part of the CMO on and off since the 1980s (breaks in the program between 1992-2000 and 2003-2011).
- Notable alumni include:
 - **Wendy Williams**, former Fort Collins Assistant City Manager
 - **Heather Brooks**, current City Manager for the City of Alamosa
 - **Kelly Houghteling**, current Deputy Town Administrator for the Town of Wellington
 - **Pam Davis**, current Assistant City Manager for the City of Boulder
 - **Travis Machalek**, current Deputy Town Administrator for the Town of Estes Park
 - **Tyler Marr**, current Fort Collins Deputy City Manager
 - And many more!

- Member of Budget Lead Team or Strategic Planning Team (depending on the year)
- Support Executive Leadership Team as directed
- Member of the City Manager's Office's policy team
- Legislative Review Committee support
- Assist with special projects and policy work as assigned based on interests and unique skillsets
- Conduct program evaluation and analysis
- Attend weekly City Council meetings and facilitate Zoom technology and public participation
- And more!



Related to Council Priorities

- Supported local minimum wage benefit cliff analysis and engagement efforts
- Within pandemic recovery efforts:
 - Currently working with Cultural Services to develop and administer the ARPA Art to Live Grant program
 - Served on grant panels for small business recovery and homelessness sheltering and resource navigation
- Collecting data related to safe parking program as a potential policy option to reduce homelessness
- Core team member for climate subgroup within the sustainable revenue topic

Additional Policy/Project Work

- Firearm regulation research/memo
- Board/Commission manual revisions
- Core team member for rental registration and occupancy ordinance team
- Supported signature verification for LDC referendum petition
- Helped coordinate Trans Day of Remembrance proclamation and celebration
- Working with ESD, CDNS, and ERA on organizational assessment related to local regulatory compliance
- Northern Colorado Regional Airport performance metrics
- Employee survey quantitative analysis
- And more!



- Last day in June 2023
- Currently looking for roles in housing/homelessness policy area to continue work related to decreasing incidences of unsheltered homelessness and housing insecurity for low-income earners
- Next GMA recruitment process underway
- The program will continue its legacy of providing invaluable exposure to city management, executive local government functions, and City Council policy priorities for the next generation of municipal leaders

QUESTIONS?



April 11, 2023

WORK SESSION AGENDA ITEM SUMMARY

City Council



STAFF

Ginny Sawyer, Policy and Project Manager
Ted Hewitt, Legal

SUBJECT FOR DISCUSSION

Consideration of a Local Minimum Wage.

EXECUTIVE SUMMARY

The purpose of this item is to review work to date and provide additional information based on further analysis and outreach. Staff will also be requesting direction on ordinance considerations scheduled for May 16, 2023.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What additional information does Council need?
2. Does Council support moving forward with a May 16, 2023 first reading?
3. What wage and wage schedule would Council like to consider?

BACKGROUND / DISCUSSION

Local Minimum Wage Work to Date

In 2019, the Colorado State legislature passed a bill (HB19-1210) allowing municipalities to adopt their own minimum wage and in 2021, City Council adopted a priority to increase the local minimum wage.

The state house bill limits the number of municipalities establishing a local minimum wage to 10-percent of all local governments in the state and requires those considering a local wage to engage with stakeholders including chambers of commerce, small and large businesses, businesses that employ tipped workers, workers, labor unions, and community groups and consult with surrounding local governments. Currently, only the City and County of Denver has implemented a local minimum wage law.

The bill also states that any local wage adjustment must take effect on the same date as the statewide adjustment and that if a local government adopts a wage that is higher than the statewide minimum, the local government can only increase the wage each year by \$1.75 or 15%, whichever is higher until the local wage reaches the amount enacted by the local government.

In 2022, The City project team engaged in outreach and analysis in the following ways:

- Meeting with Fort Collins Chamber of Commerce and the Latino Chamber of Commerce.
- Utilizing the scheduled National Business Survey to incorporate questions on minimum wage.
- Distributing and making available a general questionnaire for anyone interested in participating.
- Sharing plans for minimum wage considerations through regional managers group.
- One on one meetings, small group conversations, direct emails to non-profit and health sector contacts, presentation to Economic Advisory Board.

An ordinance was brought to Council in November 2022. Due to the short timeframe to implement (January 1, 2023) and the lack of outreach representation from the lowest-income earners, Council delayed ordinance consideration to May 16, 2023, with direction to engage more low-income earners.

2023 Outreach Efforts

Through one-on-one interactions, small meetings, and tabling events, and emails or brief presentations to regional groups and partners staff has worked to engage housing providers, housing program residents, the Larimer County Workforce Center, Larimer County Health and Human Services, Denver County Health and Human Services, and non-profit grant managers. In an effort to avoid the binary question of yes/no to a higher minimum wage, staff expanded the conversation to include what policy tools and other interventions would be of most benefit to low-income earners.

Feedback received included:

- Continuing and improving skill up programs
- Direct cash payments
- Securing and ensuring fulltime hours for those working minimum wage jobs

Engagement efforts with low-income earners did not result in high numbers of participants, however the conversations were valuable. Much of the conversation in this space focused on housing and the difficulty to qualify for an apartment when working minimum wage jobs. Other comments included:

- Wages need to be higher, but even the increases proposed by the City don't reach living wage by 2030.
- The group discussed concerns related to housing affordability and incidences of youth/college student homelessness.
- There was a lot of discussion about missing middle housing in our community, with suggestions for City programs that support people who are trying to purchase their own homes.
- Helping people find places to live that are close to the places they work is one additional way to support them while the minimum wage is below what would be considered a living wage in our community.
- Additionally, folks commented that the rapidly increasing cost of natural gas places additional strain on lower-income earners and their households.

This group also suggested a slower wage increase for businesses with fewer than 20 employees and encouraging restaurants to move toward a non-tipped base wage. There was also mention that engagement opportunities with the City tend to be limited to those who possess the time, transportation, and means to attend meetings. Bus schedules often do not enable folks to attend Council meetings and work sessions in person as desired.

Staff also continued to hear concerns from the business community regarding a wage increase. 2023 has been the first year of the FAMLI act and the second year of mandatory sick leave. Business representatives have provided a breakdown of employer cost to every dollar paid:

At an hourly rate of \$13.65 employers will contribute approximately \$15.12 after contributions to Social Security, Medicare, FAMILI, Potential Unemployment, and Work Comp Insurance.

Benefit Cliff

To gain some insight into benefit cliff risks, staff selected 5 benefits and 3 family types (single adult, 1adult/1child, and 1 adult/2 children) See Attachment

Benefit criteria are likely to change each year but looking at just 2022 requirements and wages varying from \$15-\$19/hour, the most impacted earner is the single adult. These individuals experience ineligibility starting at \$15 and see continued benefit loss at \$17/hr.

Single adults with 1 child also have ineligibility at \$15/hr and then see additional benefit loss at \$18/hr.

Adults with 2 children have the most benefit eligibility, although they lose the Health First Colorado (Medicaid) benefit at \$16/hr.

Non-profit providers did share stories of being very careful in promoting their employees who receive benefits to ensure they did not experience negative consequences from a wage increase.

Regional Wage Efforts

Staff continued to reach out and inform local partners and regional elected officials about the local minimum wage consideration. No direct feedback or questions have been provided to date.

The Boulder Consortium of Cities continues to meet and to include Fort Collins. Their efforts regarding the local minimum wage are focused on IGAs between all Boulder County communities as they determine and standardize their desired local wages. Staff will stay engaged in this space and has encouraged the Consortium to work with Larimer County as well.

This group met on March 31, 2023. The overall goal is to develop an outreach plan, create and finalize IGAs between all Consortium communities, and implement local minimum wages by 2024. It is unclear what wage they may propose or the data they will use to determine the wage.

Possible Implementation Scenarios

HB19-1210 allows an increase of no more than \$1.75 or 15%. The following tables have not changed since the November 2022 meeting.

Year	CPI	State Minimum Wage	Annual Salary 40hrs/wk & 2 holidays	Increase	Local Minimum Wage	Annual Salary 40 hrs/wk & 2 holidays	Difference
2023	9%	\$13.65	\$28.2K	\$0.00	\$13.65	\$28.2K	\$0.00
2024	5%	\$14.33	\$29.6K	\$1.50	\$15.15	\$31.3K	\$0.82
2025	3%	\$14.76	\$30.5K	\$1.75	\$16.90	\$34.9K	\$2.14
2026	3%	\$15.21	\$31.4K	\$1.60	\$18.50	\$38.2K	\$3.29

Year	CPI	State Minimum Wage	Annual Salary 40hrs/wk & 2 holidays	Increase	Local Minimum Wage	Annual Salary 40 hrs/wk & 2 holidays	Difference
2027	3%	\$15.66	\$32.3K	3%	\$19.06	\$39.3K	\$3.39
2028	3%	\$16.13	\$33.3K	3%	\$19.63	\$40.5K	\$3.50
2029	3%	\$16.62	\$34.3K	3%	\$20.22	\$41.7K	\$3.60
2030	3%	\$17.11	\$35.3K	3%	\$20.82	\$43.0K	\$3.71

Year	CPI	State Minimum Wage	Annual Salary 40hrs/wk & 2 holidays	Increase	Local Minimum Wage	Annual Salary 40 hrs/wk & 2 holidays	Difference
2023	9%	\$13.65	\$28.2K	\$0.00	\$13.65	\$28.2K	\$0.00
2024	5%	\$14.33	\$29.6K	\$1.00	\$14.65	\$30.2K	\$0.32
2025	3%	\$14.76	\$30.5K	\$1.00	\$15.65	\$32.3K	\$0.89
2026	3%	\$15.21	\$31.4K	\$1.00	\$16.65	\$34.4K	\$1.44
2027	3%	\$15.66	\$32.3K	3%	\$17.15	\$35.4K	\$1.49
2028	3%	\$16.13	\$33.3K	3%	\$17.66	\$36.5K	\$1.53
2029	3%	\$16.62	\$34.3K	3%	\$18.19	\$37.6K	\$1.58
2030	3%	\$17.11	\$35.3K	3%	\$18.74	\$38.7K	\$1.63

NEXT STEPS

A first reading for local minimum wage consideration is scheduled for May 16, 2023.

A local ordinance will need to state a targeted minimum wage, an implementation timeline, an ongoing annual adjustment strategy, and enforcement specifications and actions including:

- Requiring employers to maintain employment and payroll records for a specific number of years;
- Giving City staff authority to investigate credible complaints;
- Giving City staff authority to subpoena or obtain such records;
- Description of fines, penalties and other relief available to the employee and the City; and
- Prohibiting retaliation against employees who file complaints.

ATTACHMENTS

1. Previous Council Materials, November 15, 2023
2. Benefit Cliff Analysis
3. Presentation

November 15, 2022

AGENDA ITEM SUMMARY

City Council



STAFF

Ginny Sawyer, Project and Policy Manager
DeAngelo Bowden, Sr. Specialist, Environmental Services
Ted Hewitt, Legal

SUBJECT

First Reading of Ordinance No. 140, 2022, Establishing a Fort Collins Minimum Wage and Associated Recordkeeping and Enforcement Provisions.

EXECUTIVE SUMMARY

The purpose of this item is to bring forth an ordinance setting a local minimum wage in compliance with HB19-1210.

STAFF RECOMMENDATION

Should Council move forward with adoption of a local minimum wage, staff recommends adopting the Ordinance on First Reading with option 2.

BACKGROUND / DISCUSSION

In 2019, the Colorado General Assembly passed House Bill 19-1210 allowing municipalities to adopt their own minimum wage. Following the passage of the bill, Council inquired regarding a plan to analyze the possibility of Fort Collins adopting a local minimum wage. The responding memo outlined a thorough plan and resources that were estimated at \$85K-110K and a 6-month process. The effort did not move forward at that time.

In 2021, following the Council election, "Raising the Minimum Wage" was identified as a Council priority and staff outlined a timeline to move forward. The initial RFP seeking both engagement and data analysis work did not garner any responses resulting in separate requests being reissued and a delay to the project.

Priorities

Following a mid-cycle check-in with Council, plans for extensive engagement were reconsidered. Much of the engagement with businesses, employees, and community groups was funneled through an on-line survey and the National Business Survey. To provide a number to react to when responding to survey questions, a \$15/hour minimum wage was utilized by the survey. The use of this number may have proved misleading as Council's direction following a September work session was in the \$18-\$19/hour range. Data analysis has shown the local living wage to be \$18.39 for a single adult and \$19.92 for 2 adults (both working) and 1 child.

Other engagement efforts included meetings and correspondence with community members, the Fort Collins Chamber, the Latino Chamber, local labor unions, outreach to health sector organizations, non-profits, and neighboring communities (through a meeting of regional elected officials and the Boulder County Consortium of Cities.)

The survey efforts did receive approximately 1500 responses and yet it has proven difficult to develop data-driven rationale to help identify a local minimum wage where benefits outweigh concerns and perceived or real unintended consequences. In an October memo update, staff attempted to identify ranges based on other communities with higher local wages and the wage as a percent of the living wage. This methodology offers a range of \$14.34 to \$17.79 for Fort Collins.

House Bill 19-1210 limits the number of municipalities that may establish a local minimum wage to 10-percent of all local governments in the state. Currently, only the City and County of Denver has implemented a local minimum wage law. The bill also states that any local wage adjustment must take effect on the same date as the statewide adjustment and that if a local government adopts a wage that is higher than the statewide minimum, the local government can only increase the wage each year by \$1.75 or 15%, whichever is higher until the local wage reaches the amount enacted by the local government.

The Ordinance brought forward includes two options. The first option (**Option 1**) was developed based on Council feedback in September which asked for a wage in the \$18-\$19 range within 3-4 years while offering a slower ramp in the first few years.

Year	CPI	State MW	Annual Salary		Increase	LMW	Annual Salary		Difference
			40hrs/wk & 2 holidays				40hrs/wk & 2 holidays		
2023	9%	\$13.65	\$28.2K		\$0.00	\$13.65	\$28.2K	\$0.00	
2024	5%	\$14.33	\$29.6K		\$1.50	\$15.15	\$31.3K	\$0.82	
2025	3%	\$14.76	\$30.5K		\$1.75	\$16.90	\$34.9K	\$2.14	
2026	3%	\$15.21	\$31.4K		\$1.60	\$18.50	\$38.2K	\$3.29	
2027	3%	\$15.66	\$32.3K		3%	\$19.06	\$39.3K	\$3.39	
2028	3%	\$16.13	\$33.3K		3%	\$19.63	\$40.5K	\$3.50	
2029	3%	\$16.62	\$34.3K		3%	\$20.22	\$41.7K	\$3.60	
2030	3%	\$17.11	\$35.3K		3%	\$20.82	\$43.0K	\$3.71	

The second option (**Option 2**) was developed following more resident and restaurant engagement and results in a slower ramp and an overall lesser wage in the time frame.

Year	CPI	State Minimum Wage	Annual Salary	Increase	LMW	Annual Salary	Difference
			40hrs/wk & 2 holidays			40hrs/wk & 2 holidays	
2023	9%	\$13.65	\$28.2K	\$0.00	\$13.65	\$28.2K	\$0.00
2024	5%	\$14.33	\$29.6K	\$1.00	\$14.65	\$30.2K	\$0.32
2025	3%	\$14.76	\$30.5K	\$1.00	\$15.65	\$32.3K	\$0.89
2026	3%	\$15.21	\$31.4K	\$1.00	\$16.65	\$34.4K	\$1.44
2027	3%	\$15.66	\$32.3K	3%	\$17.15	\$35.4K	\$1.49
2028	3%	\$16.13	\$33.3K	3%	\$17.66	\$36.5K	\$1.53
2029	3%	\$16.62	\$34.3K	3%	\$18.19	\$37.6K	\$1.58
2030	3%	\$17.11	\$35.3K	3%	\$18.74	\$38.7K	\$1.63

Each option includes an eventual CPI annual adjustment with a 2% floor (to avoid a wage decrease) and a 5% ceiling (to provide some consistency for employers.)

Staff has confirmed that any wage related complaints can be accepted and investigated by the Colorado Department of Labor and Employment.

CITY FINANCIAL IMPACTS

Regardless of Council action on this Ordinance, the City has committed to paying \$15/hour minimum for all jobs starting in 2023. This is reflected in the Recommended Budget. Should the local minimum wage increase above \$15/hour, the City will experience financial impacts in both starting pay and job compression.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Economic Advisory Board discussed this topic in August and provided a memo to Council with their input which included support for a higher wage with concerns to consider.

PUBLIC OUTREACH

Outreach efforts have been discussed above.

Specific meetings and correspondence include:

- BIPOC representatives
- CSU teaching assistant
- CSU community engagement and the Collegian
- Larimer County Economic and Workforce Development

- NoCo Health Sector Partnerships (Care Synergy, UCHealth, & others)
- Downtown Development Authority Hospitality and Retailer groups
- Labor Groups: FOP, PFA, Colorado ALF-CIO, PSD
- Larimer County United Way
- Local restaurant groups

Emails that were not received by all Councilmembers have been included in an attachment

ATTACHMENTS

1. Ordinance for Consideration
2. Economic Advisory Board Memorandum
3. Written Public Comment
4. Presentation

COPY

ORDINANCE NO. 140, 2022
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ESTABLISHING A FORT COLLINS MINIMUM WAGE AND ASSOCIATED
RECORDKEEPING AND ENFORCEMENT PROVISIONS

WHEREAS, despite a statewide minimum wage rate, many working Fort Collins residents struggle to afford the basic necessities of life; and

WHEREAS, the health and welfare of all Fort Collins residents is benefited and advanced when workers are paid a wage that enables them to earn a livable wage and establish self-sufficiency; and

WHEREAS, the City of Fort Collins seeks to confront the issue of wage inequity and cost of living affordability in the community; and

WHEREAS, during the 2019 legislative session, the Colorado General Assembly enacted House Bill 19-1210, which empowered local governments to establish a jurisdiction-wide minimum wage in accordance with certain requirements and restrictions mandated by state law; and

WHEREAS, the Colorado General Assembly found that, while state minimum wage laws can set a useful floor for workers and businesses, local governments should be able to listen to their residents and enact local minimum wage laws that better address their unique needs; and

WHEREAS, the City has consulted with surrounding local governments and engaged with community stakeholders, including workers, chambers of commerce, small and large businesses, businesses that employ tipped workers, labor unions and numerous community groups; and

WHEREAS, the City Council believes it is in the best interest of the people of Fort Collins to enact a higher local minimum wage to ensure that people within the jurisdiction are paid sufficient wages to afford the basic necessities of life; and

WHEREAS, the City Council believes the higher local minimum wage should reach **[insert selected option]** per hour by the year 2026 and thereafter be adjusted annually for inflation.

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 Chapter 13 of the Code of the City of Fort Collins is hereby amended to add a new Article III, entitled Fort Collins Minimum Wage, which reads in its entirety as follows:

ARTICLE III
FORT COLLINS MINIMUM WAGE

Sec. 13-26. Definitions.

For purposes of this Article, the following definitions shall apply:

“*Aggrieved party*” shall mean a worker or other person who suffers tangible or intangible harm due to an employer or other person’s violation of this Article;

“*Employ, employed, or employed by*” shall mean to suffer or permit to work;

“*Employer*” shall mean any corporation, proprietorship, partnership, nonprofit, joint venture, association, individual, limited liability company, business trust, or any person or group of persons, and any of the foregoing acting directly or indirectly in the interest of an employer in relation to a worker, and any successor thereof;

“*Food and beverage worker*” shall mean a worker for any employer that prepares and offers for sale food or beverages for consumption either on or off an employer’s physical premises;

“*Successor*” shall mean any person to whom an employer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the employer’s business, a major part of employer’s property, whether real or personal, tangible or intangible, of the employer’s business;

“*Tips*” shall mean a verifiable sum presented directly and customarily by customers as a gift or gratuity in recognition of some service performed for customers by the person receiving the tip;

“*Unemancipated minor*” shall mean a person less than eighteen (18) years of age who does not maintain sole or primary responsibility for their own support, is not married or domiciled separately from their parents or guardian, and is unable to show that his or her well-being is substantially dependent on being gainfully employed;

“*Work*” shall mean any services performed on behalf of or for the benefit of an employer whether on an hourly, piecework, commission, time, task, or other basis but shall not include services performed as an independent contractor; and

“*Worker*” shall mean a person performing work, and includes, but is not limited to: full time employees, part-time employees, temporary workers, agents, and any other person or

entity performing work on behalf of or for the benefit of an employer. This definition shall not apply to work performed by independent contractors while acting solely in such capacity or by persons providing volunteer services that are uncompensated except for reimbursement of expenses such as meals, parking or transportation.

Sec. 13-27. Fort Collins minimum wage.

Every employer in Fort Collins shall ensure its workers are paid not less than the “Fort Collins Minimum Wage” as calculated in § 13-28, subject to the terms of this Article.

Sec. 13-28. Minimum wage calculation.

(a) The Fort Collins Minimum Wage, exclusive of fringe benefits and any other deductions or credits, except as described herein, shall be calculated as follows:

Option 1:

(1) Beginning January 1, 2024: Fifteen dollars and fifteen cents (\$15.15) per hour;

(2) Beginning January 1, 2025: Sixteen dollars and ninety cents (\$16.90) per hour;

(3) Beginning January 1, 2026: Eighteen dollars and fifty cents (\$18.50) per hour;

(4) Beginning January 1, 2027, and annually thereafter, the Fort Collins Minimum Wage rate shall increase by an amount corresponding to the increase in the Consumer Price Index (Urban Wage Earners and Clerical Workers, Denver-Aurora-Lakewood), or its successor index as published by the U.S. Bureau of Labor Statistics or its successor agency, (“CPI”) by an amount corresponding to the increase in CPI observed between the first half of the year two (2) years prior and the first half of the year prior to the effective date of the increase, as calculated by the Financial Officer; provided however that such increase shall be not less than two percent (2%) and not more than five percent (5%).

Option 2:

(1) Beginning January 1, 2024: Fourteen dollars and sixty-five cents (\$14.65) per hour;

(2) Beginning January 1, 2025: Fifteen dollars and sixty-five cents (\$15.65) per hour;

(3) Beginning January 1, 2026: Sixteen dollars and sixty-five cents (\$16.65) per hour;

(4) Beginning January 1, 2027, and annually thereafter, the Fort Collins Minimum Wage rate shall increase by an amount corresponding to the increase in the Consumer Price Index (Urban Wage Earners and Clerical Workers, Denver-Aurora-Lakewood), or its successor index as published by the U.S. Bureau of Labor Statistics or its successor agency, ("CPI") by an amount corresponding to the increase in CPI observed between the first half of the year two (2) years prior and the first half of the year prior to the effective date of the increase, as calculated by the Financial Officer; provided however that such increase shall be not less than two percent (2%) and not more than five percent (5%).

(b) Tips regularly and actually received by a food and beverage worker may be applied to an employer's obligation to pay such food and beverage worker the Fort Collins Minimum Wage. However, no more than three dollars and two cents (\$3.02) per hour in tip income ("tip credit") may be used to partially offset payment of the Fort Collins Minimum Wage.

(c) Employers may pay wages for work performed equal to the then-current Fort Collins Minimum Wage reduced on an hourly basis by up to fifteen percent (15%) when compensating unemancipated minor workers for work performed.

Sec. 13-29. Exclusions.

(a) The Fort Collins Minimum Wage shall not apply to work that:

- (1) is not performed physically within the geographic boundaries of the City;
- (2) is performed by a worker totaling less than four (4) hours in any given week for a particular employer within the geographic boundaries of the City; or
- (3) occurs in the City solely for the purpose of traveling through Fort Collins from a point of origin outside of the City to a destination outside of Fort Collins, with no employment-related or commercial stops in the City except for refueling or the worker's personal meals or errands.

Sec. 13-30. Recordkeeping Requirements & Inspection.

(a) All employers shall retain payroll records for each worker sufficient to document and verify work performed by and wages paid to each worker for a period of at least three (3) years after the end of the last calendar year of employment.

(b) Each worker or former worker shall be entitled to and obtain a true copy of the records required to be retained in subsection (a) of this section, regarding said worker, at a reasonable time during normal business hours.

(c) For purposes of adjudicating a claim under §13-31, should an employer not maintain or retain adequate records documenting the manner and amount of wages paid for work performed pursuant to this Article, there shall be a presumption, rebuttable by clear and convincing evidence, that the employer violated this Article for the periods and for each worker for whom adequate records were not retained or access to such records was not timely provided.

Sec. 13-31. Private right of action.

(a) The City Council enacts this section pursuant to Colorado Revised Statutes § 8-6-101(3)(b), which authorizes the City to create a private right of action to enforce the Fort Collins Minimum Wage.

(b) Within three (3) years of an alleged violation of this Article, any aggrieved party may bring a civil action in Colorado district or county court, as appropriate, against an employer alleged to have violated this Article, and, upon prevailing, shall be entitled to such legal and equitable relief as may be appropriate to fully remedy the violation including, without limitation:

(1) The payment of any wages unlawfully withheld and any unpaid overtime based on those wages, including amounts that accrued after the filing of the civil action;

(2) Interest on unpaid wages and overtime compensation at a rate of twelve percent (12%) per annum from the date such wages were first due;

(3) The payment of an additional sum as a penalty in the amount of one hundred dollars (\$100.00) to each worker whose rights under this Article were violated for each day that the violation occurred or continued;

(4) Reinstatement of employment, if applicable;

(5) Other appropriate injunctive relief; and

(6) An award of reasonable attorney fees and costs.

Sec. 13-32. Violations.

Any employer who knowingly pays a worker less than the Fort Collins Minimum Wage who is entitled to the Fort Collins Minimum Wage as required by this Article commits a civil infraction and is subject to the penalty provisions of § 1-15(f). Penalties under this Section are in addition to any remedy issued under § 13-31.

Sec. 13-33. Application of this Article to prevailing wage and contract minimum wage.

Nothing in this Article shall be deemed to lessen any obligations of employers to comply with the Code concerning payment of prevailing wage and/or the contract minimum wage to workers. Should a prevailing wage or contract minimum wage requirement be greater than the Fort Collins Minimum Wage requirement, the greater wage rate shall be paid. If the Fort Collins Minimum Wage requires payment of a higher wage rate than an applicable prevailing wage or contract minimum wage requirement for work, when applicable, the Fort Collins Minimum Wage shall be paid to any worker for such work.

Sec. 13-34. Relation to other minimum wage laws.

If a higher minimum wage rate is established by applicable state or federal law or rules than the Fort Collins Minimum Wage, employers shall be bound to the higher minimum wage.

Sec. 13-35. Recommended changes to the Fort Collins Minimum Wage.

The City Manager shall regularly monitor the Fort Collins Minimum Wage and its purchasing power, the Colorado statewide minimum wage, the federal minimum wage, and state and federal minimum wage laws. The City Manager shall annually bring to the City Council recommendations regarding any desirable or legally required changes to the Fort Collins Minimum Wage.

Introduced, considered favorably on first reading and ordered published this 15th day of November, A.D. 2022, and to be presented for final passage on the 6th day of December, A.D. 2022.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading this 6th day of December, A.D. 2022.

Mayor

ATTEST:

City Clerk

Local Minimum Wage Benefit Cliff Analysis (\$15 - \$19 per hour)

	\$15/hr LMW (Full time)		
	Single earner	Single earner, 1 child	Single earner, 2 children
Supplemental Nutrition Assistance Program Eligibility	Ineligible	Eligible	Eligible
Health First Colorado Eligibility	Ineligible	Ineligible	Eligible
Child Health Plan Plus Eligibility	Eligible	Eligible	Eligible
Housing Catalyst Rental Assistance Eligibility	Eligible	Eligible	Eligible
Low-income Energy Assistance Program Eligibility	Eligible	Eligible	Eligible
Colorado Childcare Assistance Program Eligibility	N/A	Eligible	Eligible

	\$16/hr LMW (Full time)		
	Single earner	Single earner, 1 child	Single earner, 2 children
Supplemental Nutrition Assistance Program Eligibility	Ineligible	Eligible	Eligible
Health First Colorado Eligibility	Ineligible	Ineligible	Ineligible
Child Health Plan Plus Eligibility	Eligible	Eligible	Eligible
Housing Catalyst Rental Assistance Eligibility	Eligible	Eligible	Eligible
Low-income Energy Assistance Program Eligibility	Eligible	Eligible	Eligible
Colorado Childcare Assistance Program Eligibility	N/A	Eligible	Eligible

	\$17/hr LMW (Full time)		
	Single earner	Single earner, 1 child	Single earner, 2 children
Supplemental Nutrition Assistance Program Eligibility	Ineligible	Eligible	Eligible
Health First Colorado Eligibility	Ineligible	Ineligible	Ineligible
Child Health Plan Plus Eligibility	Ineligible	Eligible	Eligible
Housing Catalyst Rental Assistance Eligibility	Eligible	Eligible	Eligible
Low-income Energy Assistance Program Eligibility	Ineligible	Eligible	Eligible
Colorado Childcare Assistance Program Eligibility	N/A	Eligible	Eligible

	\$18/hr LMW (Full time)		
	Single earner	Single earner, 1 child	Single earner, 2 children
Supplemental Nutrition Assistance Program Eligibility	Ineligible	Ineligible	Eligible
Health First Colorado Eligibility	Ineligible	Ineligible	Ineligible
Child Health Plan Plus Eligibility	Ineligible	Eligible	Eligible
Housing Catalyst Rental Assistance Eligibility	Eligible	Eligible	Eligible
Low-income Energy Assistance Program Eligibility	Ineligible	Eligible	Eligible
Colorado Childcare Assistance Program Eligibility	N/A	Eligible	Eligible

	\$19/hr LMW (Full time)		
	Single earner	Single earner, 1 child	Single earner, 2 children
Supplemental Nutrition Assistance Program Eligibility	Ineligible	Ineligible	Eligible
Health First Colorado Eligibility	Ineligible	Ineligible	Ineligible
Child Health Plan Plus Eligibility	Ineligible	Eligible	Eligible
Housing Catalyst Rental Assistance Eligibility	Eligible	Eligible	Eligible
Low-income Energy Assistance Program Eligibility	Ineligible	Eligible	Eligible
Colorado Childcare Assistance Program Eligibility	N/A	Eligible	Eligible

Item 2.



Local Minimum Wage Consideration

City Council Work Session

1. What additional information does Council need?
2. Does Council support moving forward with a May 16, 2023 first reading?
3. What wage and wage schedule would Council like to consider?

HB19-1210

- Allows local governments to establish minimum wage laws.
- Only 10% of Colorado municipalities allowed to adopt local wage.
- Local wage must take effect on the same day as the statewide minimum wage increase.
- If wage is higher than the statewide minimum the local wage can only increase each year by \$1.75 or 15%, whichever is higher, until the local wage reaches the amount enacted by the local government.
- Communities considering a local wage must:
 - Engage with stakeholders including chambers of commerce, small and large businesses, businesses that employ tipped workers, workers, labor unions, and community groups, and;
 - Consult with surrounding local governments.

Consider an ordinance to set a Local Minimum Wage (LMW)

- Council Priority
- 3 work sessions in 2022
- Ordinance consideration November 2022
- Initiative delayed to May 16, 2023
 - Target outreach to low-income earners
 - More regional conversation
 - Longer adjustment period for employers
 - If adopted, implementation January 1, 2024
 - Applies to all employers within Fort Collins

Staff reached/attempted to reach: Regional groups and partners, housing providers, housing program residents, the Larimer County Workforce Center, Larimer County Health and Human Services, Denver County Health and Human Services, and non-profit grant managers.

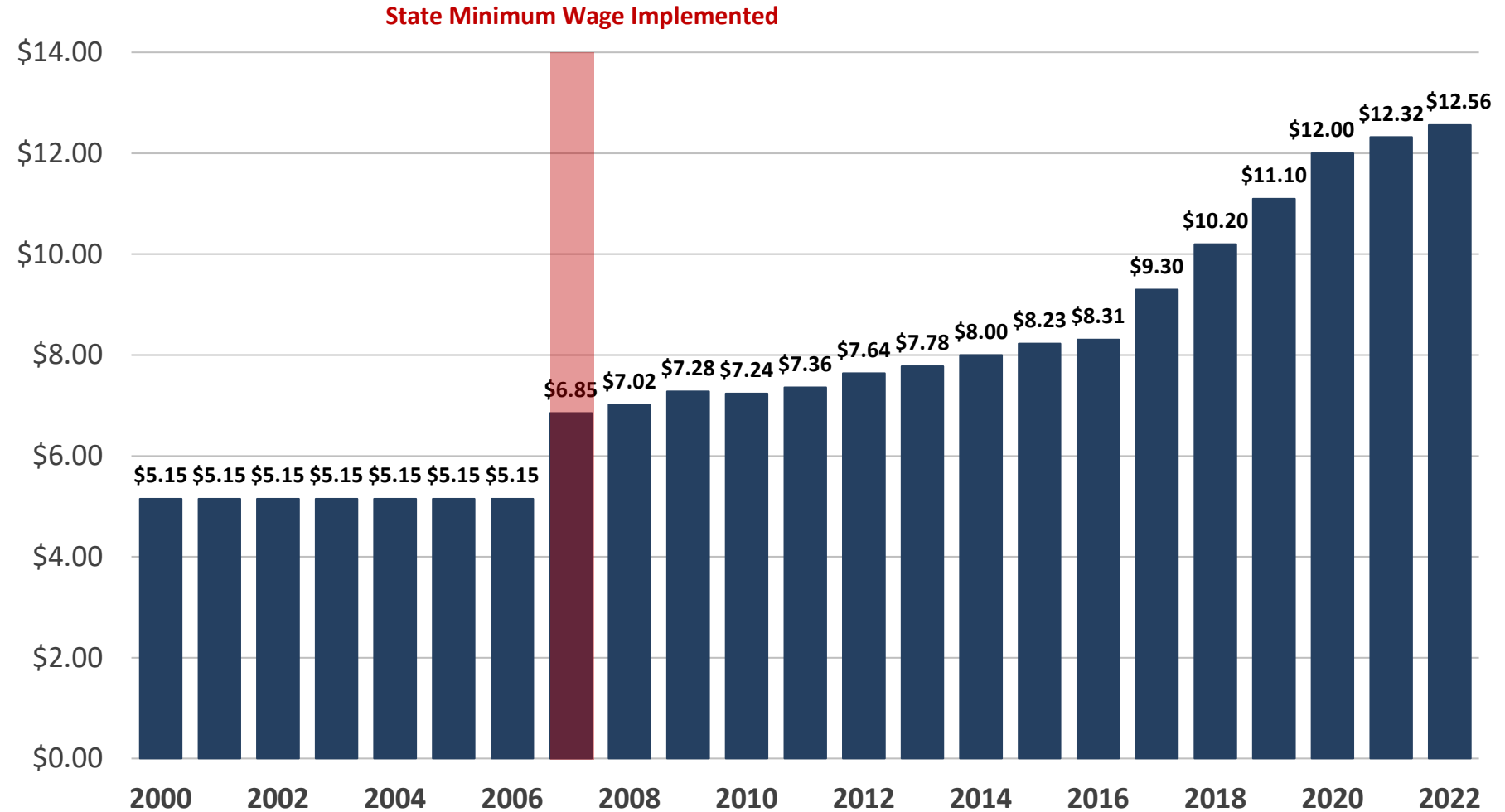
Feedback received included:

- Housing concerns
- Need for fulltime/consistent hours
- Benefit of skill up programs
- Success of direct cash payments

Additional Information provided:

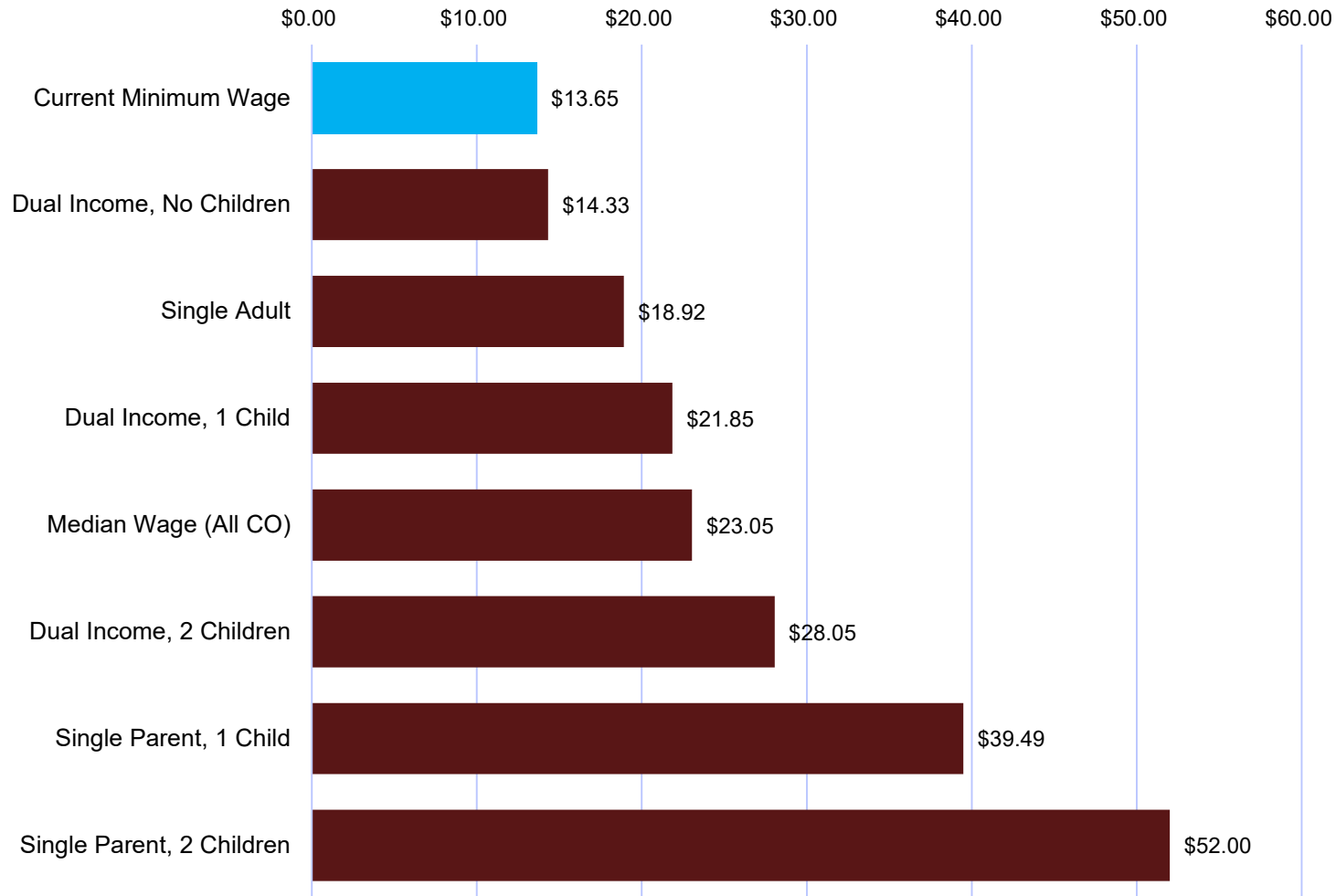
- Benefit Cliff
- Employer costs
- Regional minimum wage effort

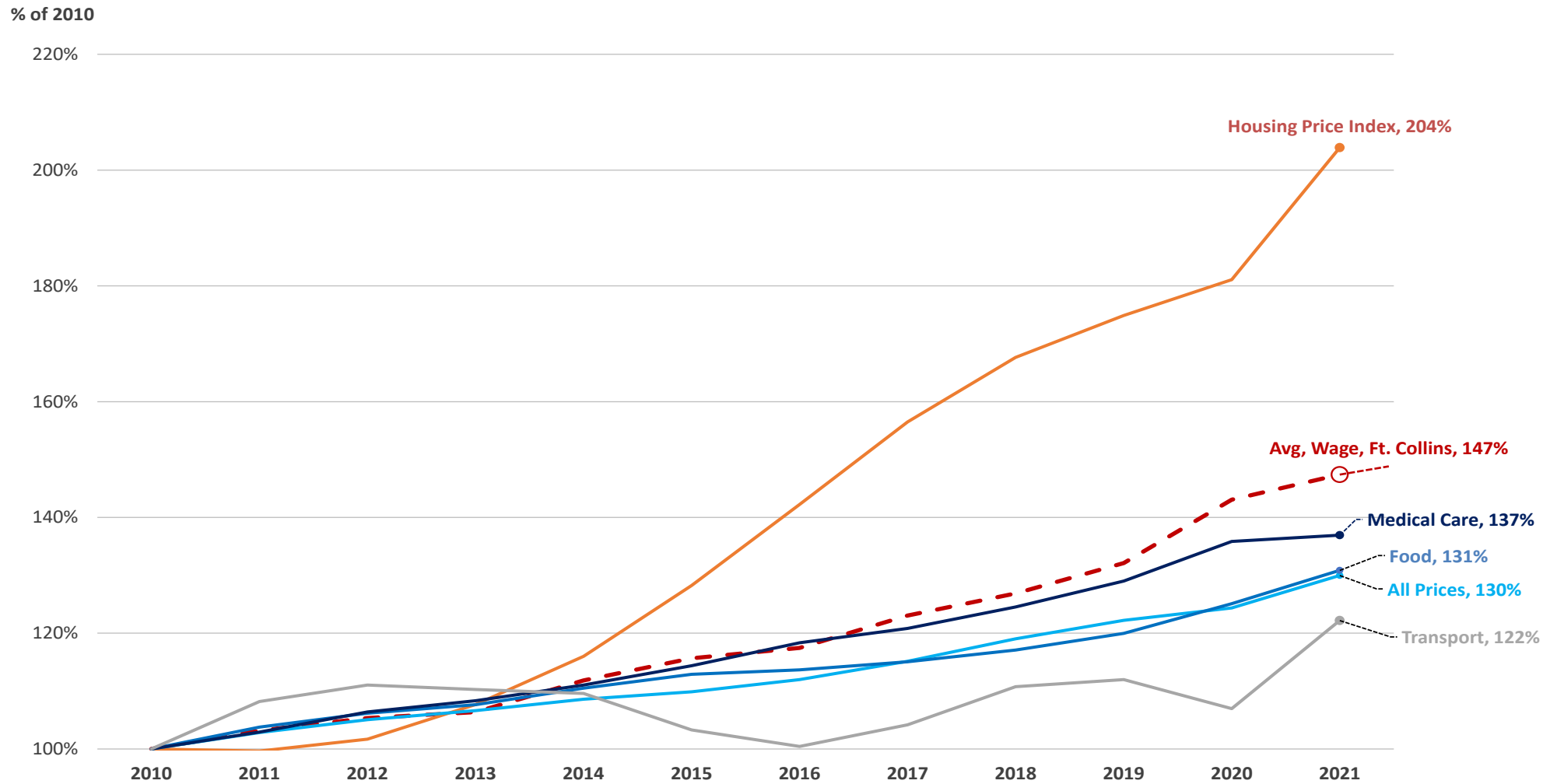
- 2023 minimum wage is \$13.65/hour (\$10.63/hour for tipped employees)
- Annual increases since 2016 range from a low of \$0.24 to high of \$1.09 (2023)
- 2023 first quarter rate of inflation is scheduled to be released on April 12, 2023.



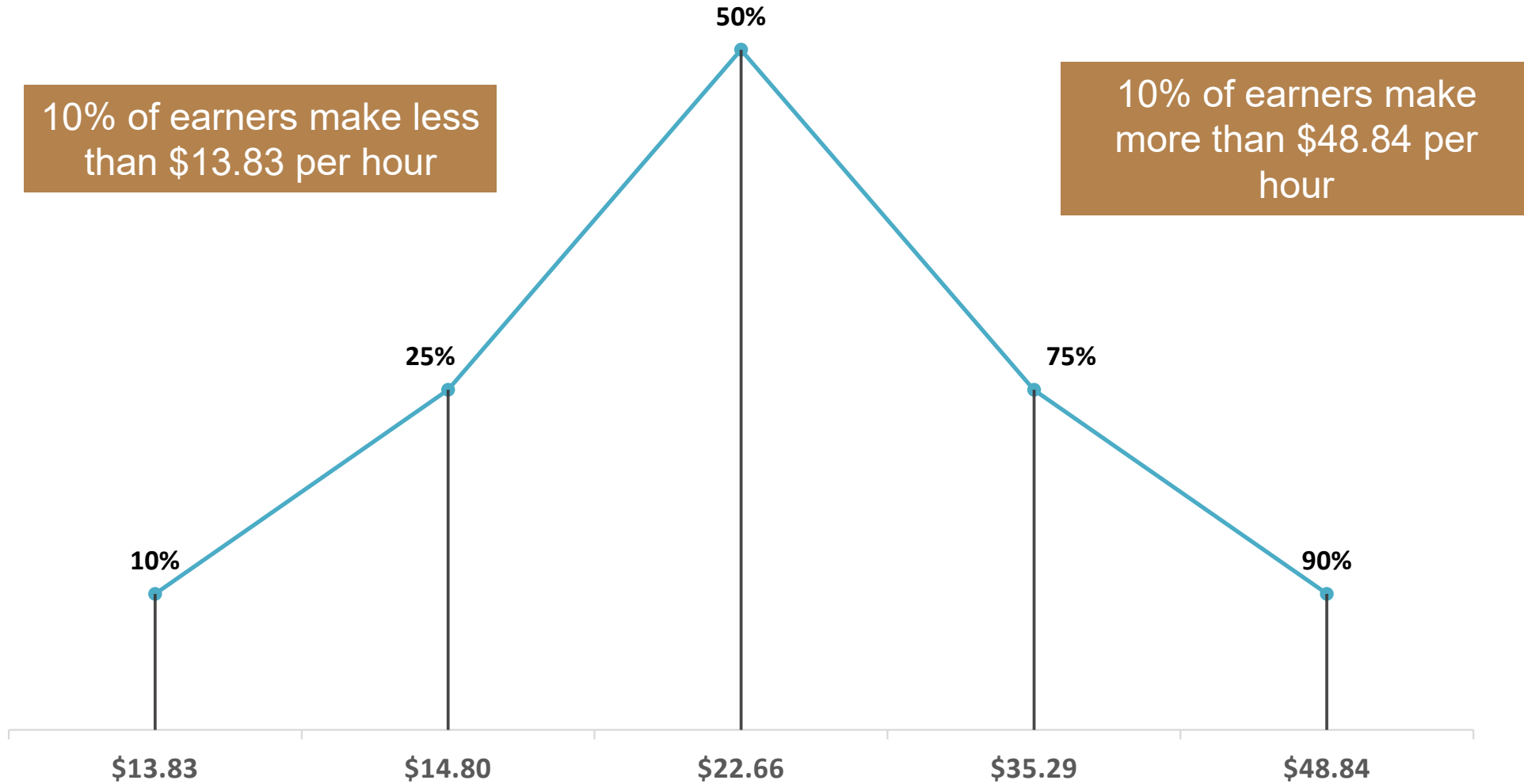
Source: Economic & Planning Systems

Living Wage by Household Type, Fort Collins





Source: BLS; FHFA; Economic & Planning Systems



Source: BLS OES; Economic & Planning Systems

	\$15/hr LMW (Full time)		
	Single earner	Single earner, 1 child	Single earner, 2 children
Supplemental Nutrition Assistance Program Eligibility	Ineligible	Eligible	Eligible
Health First Colorado Eligibility	Ineligible	Ineligible	Eligible
Child Health Plan Plus Eligibility	Eligible	Eligible	Eligible
Housing Catalyst Rental Assistance Eligibility	Eligible	Eligible	Eligible
Low-income Energy Assistance Program Eligibility	Eligible	Eligible	Eligible
Colorado Childcare Assistance Program Eligibility	N/A	Eligible	Eligible

	\$17/hr LMW (Full time)		
	Single earner	Single earner, 1 child	Single earner, 2 children
Supplemental Nutrition Assistance Program Eligibility	Ineligible	Eligible	Eligible
Health First Colorado Eligibility	Ineligible	Ineligible	Ineligible
Child Health Plan Plus Eligibility	Ineligible	Eligible	Eligible
Housing Catalyst Rental Assistance Eligibility	Eligible	Eligible	Eligible
Low-income Energy Assistance Program Eligibility	Ineligible	Eligible	Eligible
Colorado Childcare Assistance Program Eligibility	N/A	Eligible	Eligible

Year	CPI	State MW	Annual Salary	Increase	LMW	Annual Salary	Delta
			40hrs/wk & 2 holidays			40hrs/wk & 2 holidays	
2023	9%	\$13.65	\$28.2K	\$0.00	\$13.65	\$28.2K	\$0.00
2024	5%	\$14.33	\$29.6K	\$1.50	\$15.15	\$31.3K	\$0.82
2025	3%	\$14.76	\$30.5K	\$1.75	\$16.90	\$34.9K	\$2.14
2026	3%	\$15.21	\$31.4K	\$1.60	\$18.50	\$38.2K	\$3.29
2027	3%	\$15.66	\$32.3K	3%	\$19.06	\$39.3K	\$3.39
2028	3%	\$16.13	\$33.3K	3%	\$19.63	\$40.5K	\$3.50
2029	3%	\$16.62	\$34.3K	3%	\$20.22	\$41.7K	\$3.60
2030	3%	\$17.11	\$35.3K	3%	\$20.82	\$43.0K	\$3.71

At an hourly rate of \$13.65 employers contribute approximately \$15.12 after contributions to Social Security, Medicare, FAMILI, Potential Unemployment, and Work Comp Insurance.

Year	CPI	State Minimum Wage	Annual Salary	Increase	LMW	Annual Salary	Delta
			40hrs/wk & 2 holidays			40hrs/wk & 2 holidays	
2023	9%	\$13.65	\$28.2K	\$0.00	\$13.65	\$28.2K	\$0.00
2024	5%	\$14.33	\$29.6K	\$1.00	\$14.65	\$30.2K	\$0.32
2025	3%	\$14.76	\$30.5K	\$1.00	\$15.65	\$32.3K	\$0.89
2026	3%	\$15.21	\$31.4K	\$1.00	\$16.65	\$34.4K	\$1.44
2027	3%	\$15.66	\$32.3K	3%	\$17.15	\$35.4K	\$1.49
2028	3%	\$16.13	\$33.3K	3%	\$17.66	\$36.5K	\$1.53
2029	3%	\$16.62	\$34.3K	3%	\$18.19	\$37.6K	\$1.58
2030	3%	\$17.11	\$35.3K	3%	\$18.74	\$38.7K	\$1.63

Ordinance includes:

- LMW amounts and schedules.
 - Option 1 meets September 2022 Council feedback (\$18.50 by 2026)
 - Option 2 adjusted based on business feedback (\$16.65 by 2026)
- CPI adjustments starting in 2027 with a 2% floor and 5% ceiling in adjustment
- Clarity on existing state rules/process
 - Minors can be paid 15% less than adopted wage
 - Tipped employee wage will be \$3.02 less than adopted wage
 - Ability and intent for Colorado State Department of Employee and Labor to receive and investigate complaints
 - Cases would go to District or County court (not municipal court)
- A provision that the City will monitor state and federal minimum wages and bring recommendations to Council as needed

1. What additional information does Council need?
2. Does Council support moving forward with a May 16, 2023 first reading?
3. What wage and wage schedule would Council like to consider?

THANK YOU!



April 11, 2023

WORK SESSION AGENDA ITEM SUMMARY

City Council



STAFF

Paul Sizemore, Community Development and Neighborhood Services Director
Meaghan Overton, Housing Manager

SUBJECT FOR DISCUSSION

Land Use Code Extended Discussion.

EXECUTIVE SUMMARY

The purpose of this item is to update Council on the approach and timeline for engagement around housing-related Land Use Code (LUC) changes, seek input from Council about engagement topics that should be included, and share a preliminary approach to exploration of potential alternatives and code revisions for Council consideration.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. Are Councilmembers comfortable with the overall engagement approach and timeline?
2. Are there specific engagement topics missing that Councilmembers would like to see included?
3. Do Councilmembers support the proposed approach to exploration of potential alternatives and revisions?

BACKGROUND / DISCUSSION

Following the submission and certification of a petition sufficient for referendum, Council reconsidered Ordinance No. 114, 2023 on January 17, 2023. Council voted unanimously (7-0) to repeal Ordinance No. 114, 2022, *Repealing and Reenacting Section 29-1 of the Code of the City of Fort Collins Code to Adopt the Land Development Code and Separately Codifying the 1997 Land Use Code As "Transitional Land Use Regulations"*. Council directed staff to explore next steps to allow for additional community engagement and further refinement of housing-related code changes.

Revisions to the code will continue to support the five guiding principles confirmed by Council in November 2021 and re-affirmed by a majority of Councilmembers at a work session in February 2023:

1. **Increase overall housing capacity** (market rate and affordable) and calibrate market-feasible incentives for deed-restricted affordable housing.
2. **Enable more affordability**, especially near high frequency transit and growth areas.
3. **Allow for more diverse housing choices** that fit in with the existing context.

4. **Make the code easier to use** and understand.
5. **Improve predictability** of the development review process, especially for housing.

A refined approach to engagement, including proposed themes and topics to cover, are outlined below. The approach also includes an updated timeline and upcoming engagement opportunities.

Engagement Approach and Timeline

City staff has begun to re-engage community members to gather feedback on housing-related LUC changes. The target audience is citywide, with some engagement methods tailored to specific audiences. During the month of March, staff have also held 8 one-on-one or small group meetings to review planned engagement activities and begin in-depth dialogue with community groups. Following a citywide postcard mailing in early April, staff will be hosting a wide range of community engagement events in April, May, and June.

Timeline: The staff team plans to conduct most large-scale engagement events during Stage 2 (April-June) prior to drafting code language. Staff anticipates sharing a public draft in late summer, with Council consideration of adoption to follow in late summer or early fall 2023.



Upcoming Engagement Opportunities: A wide range of engagement events have been scheduled in accordance with Council direction received at the February 14, 2023 work session. Engagement opportunities are being announced with a postcard (English/Spanish) mailed to all residents and a parallel social and print media effort. Events include informal tabling at community gatherings, presentations to community groups, Boards, and Commissions, virtual and in-person sessions, and deliberative dialogue opportunities. All information about events is being posted to the project website, <https://www.fcgov.com/lucupdates>.

- **Early April** – Postcards arrived in mailboxes
- **April 12th, 6:00-9:00 p.m.** – CityWorks 101 presentation on LUC updates
- **Earth Day 4/22, Open Streets 6/4, Bike to Work Day 6/28, etc.** – Tabling at events
- **April 24th, 6:00-7:30 p.m.** – Virtual Information Session
- **April 26th, 5:30-8:00 p.m.** – Deliberative Forum with Center for Public Deliberation

- **Late April** – Next Level Neighborhood Walking Tours
- **Thursdays, Fridays, and Saturdays in May** – Neighborhood Walking Tours
- **May 8th, 2:00-7:00 p.m.** – In Person Community Open House
- **June (dates TBD)** – Overflow Neighborhood Walking Tours as needed

Engagement Topics

Potential changes to the LUC have resulted in robust community dialogue and many comments shared with City Leaders and staff. To better understand the topics of interest to community members, staff analyzed 369 inquiries received from August 2022 through February 2023, roughly corresponding to the release of the public draft of the Land Development Code (LDC) through the repeal of the LDC. A detailed synthesis of comments has been included as an attachment. Nearly 70% of all inquiries were about one of the following topics:

1. Increased menu of housing choices and associated regulations (e.g. Accessory Dwelling Units, duplexes, triplexes)
2. Affordable housing questions, concerns, and suggestions
3. Size, height, form, and allowed density of specific housing types
4. Process of LDC code changes and adoption
5. Interaction between the code and private covenants (HOAs)
6. Notification, community input, and review procedures for residential development
7. Infrastructure and utilities (including parking)

To inform community dialogue about these key topics and others, staff proposes a structure for engagement events that can guide conversation about potential LUC revisions to address community concerns while still aligning with the Guiding Principles of this effort. Engagement events will discuss:

- What is allowed under the current code (Land Use Code) for a given topic?
- What was proposed in the repealed code (Land Development Code) and the purpose of that proposed revision?
- Community concerns about changes included in the repealed code
- Potential code revisions that address those concerns while aligning with the 5 Guiding Principles

Staff has developed code comparisons and exploration of concerns and alignment for each engagement topic area. The framework for Accessory Dwelling Units is included as an example below. During the work session, staff will walk through each topic area for Council input.

Example: Increased menu of housing choices and associated regulations (Accessory Dwelling Units)

Current and Repealed Code Comparison: ADUs

	Current Code	Repealed Code
<i>Where</i>	NCL, NCM, NCB	All zones
<i>Review Type</i>	Public Hearing (Type 1)	Administrative (BDR)
<i>Setbacks</i>	Same as house; no separation required from main house	Same as house; 5 ft separation required from house
<i>Height</i>	24 ft max	28 ft max; 24 ft max in OT zone
<i>Size</i>	1,000 sf floor area max	1,000 sf floor area max
<i>Parking</i>	1 per bedroom	None required

	Current Code	Repealed Code
<i>Utilities</i>	Can extend water from primary house; separate electric meter	Can extend water from primary house; separate electric meter
<i>Other</i>	No internal ADU permitted; 10,000 sf minimum lot size in NCM, NCL	Internal ADU permitted; no minimum lot size

Concerns and Alignment: ADUs

Concerns to date have included:

- Amount of parking required
- Potential impact on neighborhood, especially if many ADUs are built
- Potential to impact shading and privacy of adjacent properties
- ADUs as short-term rentals
- Cost and feasibility to build

Changes to ADU regulations in the repealed code aligned with the following guiding principles:

- Increase overall housing capacity
- Enable more affordability
- Allow for more diverse housing choices
- Improve predictability of the development review process

Approach to Exploration of Potential Alternatives and Revisions

Staff will continue to gather, analyze and synthesize community feedback received through upcoming engagement events and other correspondence, including online feedback forms and emails. Staff will then use this information to explore alternative code options within the 6 topic areas to address community concerns. The following is an example of the framework staff propose for evaluating potential alternatives and revisions. This is not an exhaustive list of alternatives or analysis required. Rather, it is intended to show how staff could investigate potential revisions to the LUC, using the Accessory Dwelling Units (ADUs) topic as an example:

Example: Increased menu of housing choices and associated regulations (Accessory Dwelling Units)

Concerns from Engagement	Potential Alternative Examples	Analysis Required
Not enough parking to accommodate more residents	Consider requiring an off-street parking space for ADUs	Economic feasibility/tradeoffs of additional parking requirements
Potential impact on neighborhood, especially if many ADUs are built	Review design requirements to evaluate for compatibility with neighborhood setting	Additional research into design requirements and graphics/visualization
Potential to impact shading and privacy of adjacent properties	Review design requirements to evaluate for potential privacy and shading issues	Additional research into design requirements and graphics/visualization
ADUs as short-term rentals (STR)	Explore limiting use of ADUs as STR	Peer communities research; legal review
Cost and feasibility to build	Investigate possibility of pre-approved ADU plans	Peer communities research

NEXT STEPS

Community engagement events will take place in April and May as outlined in this Agenda Item Summary. Three Council work sessions are scheduled to date:

- May 23: Summary of feedback; exploration of potential alternatives and revisions
- July 25: Summary of feedback; discuss potential code revisions and analysis of alternatives
- August 22: Draft code

ATTACHMENTS

1. Communications Tracker Synthesis
2. Presentation

Land Use Code and Repealed Land Development Code

Synthesis of Public Comments and Questions | August 2022-February 2023

About this analysis: This analysis contains a summary of inquiries from August 2, 2022, through February 27, 2023, flanking the season when the draft code updates were available to the public and before Council for consideration.

- Inquiries to City staff, Current_Planning general inbox, various Councilmembers via Service Area Requests, FCGov Contact Form
- Inquiries were also compiled from the community information session Zoom town hall meeting on November 29, 2022.

This report summarizes 369 comments and inquiries from community members.

- 140 emails from 111 people; additional 166 inquiries from around 60 participants in the November 29, 2022, community information session.
- Many emails contained inquiries or comments on more than one topic.

Most Frequent Topics: 68% of all inquiries were related to the 7 topics highlighted in gray below.

Rank	Topic	Count	% of all 369 inquiries
1	Increased menu of housing choices and associated regulations (e.g. Accessory Dwelling Units, duplexes, triplexes)	43	11.9%
2	Affordable housing questions, concerns, and suggestions	41	11.4
3	Size, height, form, and allowed density of specific housing types	35	9.7
4	Process of LDC code changes and adoption	32	9.2
5	Interaction between the code and private covenants (HOAs)	31	8.9
6	Notification, community input, and review procedures for residential development	30	8.6
7	Infrastructure and utilities (including parking)	15	8.3
8	More information requests, generally	12	4.2
9	Neighborhood design & character	10	3.3
10	General support	9	2.8
11	General concerns	8	2.5
12	Rental vs owner occupation	7	2.2
13	Controls on developers	6	1.7
	TOTAL	312	86.7%

Themes of Questions and Comments by Topic: Within each topic, comments were categorized into either questions or comments based on the content of the inquiry. Themes for each topic are summarized below.

1. *Increased menu of housing choices and associated regulations (e.g. Accessory Dwelling Units, duplexes, triplexes)*

- Technical questions about whether an ADU or duplex could be built on a property under the Land Development Code:
 - o Questions from realtors, appraisers, or owners asking whether existing ADU or duplex is legally conforming

- Questions from realtors or owners actively considering projects
- Questions from would-be neighbors, i.e., “Would this allow my neighbor to build an ADU?”
- Questions about whether the code updates change any short-term rental regulations
- Concern about changes in the built environment in a neighborhood or the city overall:
 - Concern about neighborhood character, massing, shading
 - Concerns about parking availability
 - Concerns about “scrapes” – demolition of a house to replace with a new structure
 - Suggestions to limit number of ADUs permitted within a certain radius, on a block, etc.
- Concern about changes in the social fabric of a neighborhood or the city overall:
 - Concerns about ADUs being used as short-term rentals
 - Concerns about who might live in an ADU (owner-occupied or rental)
 - Concerns about the feasibility and cost of building an ADU or duplex and the capital available to renters vs homeowners vs real estate investors
 - Suggestions to limit the number of residents allowed in an ADU

2. Affordable housing questions, concerns, and suggestions

- Technical questions about Affordable Housing:
 - Questions about the definition of affordable housing
 - Concerns about enforcement of affordability restrictions
 - Questions about deed restriction, especially with reference to the length of the deed restriction required for affordable housing
 - Requests for clarifications about how area median income (AMI) and housing costs interact: what is AMI currently, what if the household is larger or smaller, etc.
- Many comments expressed worry about the affordability of housing in Fort Collins now and into the future:
 - Concerns that the Land Development Code did not do enough to ensure affordable housing
 - Concerns that the code updates would not make housing more affordable in Fort Collins
 - Questions asking for clarifications about what code updates would do to increase housing affordability in Fort Collins
 - Varying opinions about the relationship between housing capacity/supply and housing affordability
 - Suggestions that code should require or mandate affordable housing
 - Concerns about the rental/ownership markets, especially with reference to ensuring opportunities for individuals to build capital through homeownership

3. Size, height, form, and allowed density of specific housing types

- Technical questions about how many units could be built on specific properties or in specific zone districts:
 - Questions about how many units X property (or a generic property in X Zone District) could accommodate under the Land Development Code
 - Questions about how housing density increases would be distributed across the city (i.e. “will x neighborhood see the largest density increases?”)

- Requests for clarification about why particular housing types would be permitted in specific zone districts (i.e. “why are cottage courts allowed in the Old Town zone?”)
- General concern about increasing housing capacity:
 - Many comments expressing concern or displeasure with increasing housing capacity
 - Concern about “scrapes” including fears that people would demolish homes next door or nearby to build multi-unit housing
 - Suggestions to do more to prevent demolition of existing structures
 - Concerns about the waste created by demolition of existing structures
 - Concerns that single-family houses will no longer be built in Fort Collins
 - Concern about impacts to traffic, parking, utilities, grocery stores, gentrification, sprawl, etc.

4. Process of LDC code changes and adoption

- General concern that the commenter did not know about the proposed code changes
- Comments stating that most residents of Fort Collins did not know about the proposed code changes

5. Interaction between the code and private covenants (HOAs)

- Questions about whether the Land Development Code supersedes or preempts HOA restrictions
 - Many questions asking whether someone could now build an ADU even if it is against their HOA rules
 - Some inquiries about HOA function including governance procedures, taxing/fees, owner-lender contracts, and other topics that are outside of the City’s purview
- Concern about preemption of HOA restrictions on housing capacity
 - Concerns that the code updates improperly disregard HOA rules
 - Some statements that preemption of HOA restrictions may not be legal
 - Some discussion of possible litigation

6. Notification, community input, and review procedures for residential development

- Technical questions about the development review process
- Concerns about eliminating opportunities for community input into development projects
 - Concern about eliminating neighborhood meetings for development projects
 - Concern about eliminating P&Z hearings for development projects

7. Infrastructure and utilities (including parking)

- Concerns about the availability, condition, and costs associated with infrastructure and utilities
 - Condition of and costs associated with water, sewer, roads, electricity, and schools
 - Concerns about availability of street parking if more people live in Fort Collins
 - Concerns about traffic and the intersection of the code with transportation planning
 - Concerns about the city’s ability to accommodate more people, particularly with regard to regional water availability

Item 3.



Land Use Code Phase 1 Updates: Process Next Steps

Meaghan Overton | Housing Manager
Paul Sizemore | CDNS Director

April 11, 2023

Introduction: Overview and Policy Alignment

(3 min presentation)

Part 1: Engagement Approach and Timeline

(5 min presentation; 20 min discussion)

Part 2: Themes and Topics to Address

(15 min presentation; 40 min discussion)

Part 3: Approach to Potential Alternatives and Revisions

(5 min presentation; 30 min discussion)

Conclusion: Next Steps

(2 min presentation)

1. Are Councilmembers comfortable with the overall engagement approach and timeline?
2. Are there specific engagement topics missing that Councilmembers would like to see included?
3. Do Councilmembers support the proposed approach to exploration of potential alternatives and revisions?

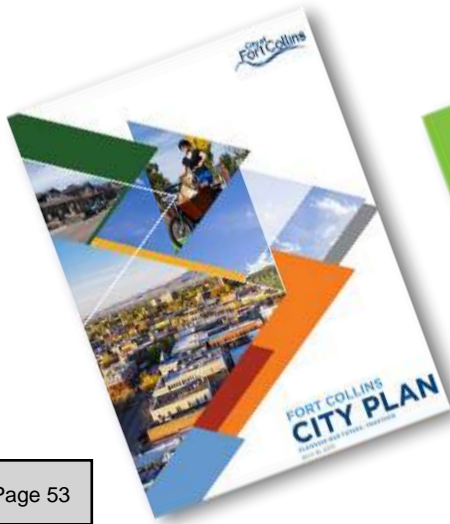


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Purpose of the Land Use Code Updates:

To Align the LUC with Adopted City Plans and Policies with a focus on:

- Housing-related changes
- Code Organization
- Equity



FIVE GUIDING PRINCIPLES

Revisions to the code will continue to support the five guiding principles confirmed by City Council in November 2021 with an emphasis on Equity.

1. *Increase overall housing capacity* (market rate and affordable) and calibrate market-feasible incentives for deed restricted affordable housing
2. *Enable more affordability* especially near high frequency transit and growth areas
3. *Allow for more diverse housing choices* that fit in with the existing context
4. *Make the code easier to use* and understand
5. *Improve predictability* of the development permit review process, especially for housing

Stage 1
(Mar-Apr)

- Begin outreach to all
- Identify areas for engagement and potential adjustment

Stage 2
(Apr-Jun)

- Gather feedback
- Educate, Inform & Consult

Stage 3
(Jun-Jul)

- Draft Code Revisions
- Testing & Legal Review

Stage 4
(Sept)

- Recommendations & Adoption

- **Early April** – Postcards arrived in mailboxes
- **April 12th, 6:00-9:00 p.m.** – CityWorks 101 presentation on LUC updates
- **Earth Day 4/22, Open Streets 6/4, Bike to Work Day 6/28, etc.** – Tabling
- **April 24th, 6:00-7:30 p.m.** – Virtual Information Session
- **April 26th, 5:30-8:00 p.m.** – Forum with Center for Public Deliberation
- **Late April** – Next Level Neighborhood Walking Tours
- **Thursdays, Fridays, and Saturdays in May** – Neighborhood Walking Tours
- **May 8th, 2:00-7:00 p.m.** – In Person Community Open House
- **June (dates TBD)** – Overflow Neighborhood Walking Tours as needed

1. Are Councilmembers comfortable with the overall engagement approach and timeline?



Item 3.



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Themes and Topics to Address

Analysis of Recent Inquiries

- August 2, 2022, through February 27, 2023, roughly corresponding to the release of the public draft of the Land Development Code (LDC) through the repeal of the LDC.
- 369 inquiries - 140 emails from 111 people; additional 166 inquiries from around 60 participants in the November 29, 2022, community information session.
- 7 main themes identified

Increased menu of housing choices and associated regulations

Affordable housing comments, questions, and suggestions

Size, height, form, and allowed density of specific housing types

Notification, community input, and review procedures for residential development

Interaction between the code and private covenants

Infrastructure and utilities

CURRENT CODE

Where: NCL, NCM, NCB (“Old Town” zones)

Review: Public Hearing (Type 1)

Setbacks: Same as house; no separation required from house

Height: 24 ft max

Size: 1,000 sf max floor area

Parking: 1 per bedroom

Utilities: Can extend water from primary house, separate electric meter

Other: no internal ADU permitted; 10,000 sf minimum lot size in NCM, 12,000 sf in NCL

REPEALED CODE

Where: All residential and mixed-use zones

Review: Administrative (BDR)

Setbacks: Same as house; 5 ft separation required from house

Height: 28 ft max, 24 ft in OT

Size: 1,000 sf max floor area

Parking: none required

Utilities: Can extend water from primary house, separate electric meter

Other: internal ADU permitted; no minimum lot size

CONCERNS

Amount of parking required

Potential impact on neighborhood, especially if many ADUs are built

Potential to impact shading and privacy of adjacent properties

ADUs as short-term rentals

Cost and feasibility to build

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Allow for more diverse housing choices that fit in with the existing context

Improve predictability of the development review process

CURRENT CODE

Where: UE (up to 2 units), NCM (2-4 units)

Review: Public Hearing (Type 1) in UE; Administrative (BDR) in NCM*

Height: 2-3 stories

Parking: 1-3 spaces per unit depending on number of bedrooms

Design Requirements: Yes

Other: Administrative approval in NCM only if no structural change to an existing house

REPEALED CODE

Where: Add NCL and RL (up to 2 units); Increase NCM (+1 unit)

Review: Administrative (BDR)

Height: 3 stories or 35 ft max

Parking: 1-3 spaces per unit depending on number of bedrooms

Design Requirements: Yes

Other: Affordable housing incentives allow additional 1-2 units and reduced parking requirements

CONCERNS

Concern about demolition of existing structures

Availability of street parking

Potential impact on neighborhood

Potential to impact shading and privacy of adjacent properties

Multi-unit buildings as short-term rentals

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Allow for more diverse housing choices that fit in with the existing context

Improve predictability of the development review process

CURRENT CODE

Where: All zones

Type: Voluntary incentives

Review: Varies by district

Requirements: 20 year deed restriction; 10% of units must be affordable to access incentives

Rental and For Sale

10% at 80% AMI

Incentives: Limited density bonus of 3 dwelling units per acre in LMN (from 9 to 12); 50% parking reduction in Transit-Oriented Development Overlay; reduced tree sizes

REPEALED CODE

Where: All zones

Type: Voluntary incentives

Review: Administrative (BDR)

Requirements: 99 year deed restriction; 10-20% of units must be affordable to access incentives

Rental

10% at 60% AMI
or

20% at 80% AMI

For Sale

10% at 80% AMI
or

20% at 100% AMI

Incentives: Citywide density bonus of additional units, density, or height depending on zone; ~50% reduction in parking requirements for all affordable projects; reduced tree sizes

CONCERNS

Updates do not do enough to ensure affordable housing for residents

Updates will not make housing more affordable

Clarification about how the updates will increase housing affordability

Technical questions related to enforcement, deed restrictions, definitions and income level requirements

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Allow for more diverse housing choices that fit in with the existing context

Improve predictability of the development review process

CURRENT CODE

Where: Residential and mixed-use zones

Review: Public Hearing (Type 1)

Design Requirements: Specific to each zone district. Code defines a range of “dwellings”:

- Single-family detached
- Single-family attached
- Two-family
- Two-family attached
- Multi-family

Other: Detached house floor area limited by lot size and rear coverage in Old Town zones; overall “use based” approach with design requirements for uses, single unit and multi-unit buildings

REPEALED CODE

Where: Residential and mixed-use zones

Review: Administrative (BDR)

Design Requirements: Defines a menu of “housing types” with specific design requirements including (but not limited to):

- Urban detached house
- Suburban detached house
- Cottage court
- Rowhouse
- Apartment building

Other: Detached house limited to 2,400 sf floor area in OT zone; overall “form based” approach including façade, articulation, height, massing, entry, and other requirements

CONCERNS

General concern about additional housing, especially in existing neighborhoods

Impacts of additional housing on built environment and neighborhood

Impacts to traffic, parking, utility capacity, gentrification, sprawl, and other topics

Questions about new housing types, particularly the cottage court

PRINCIPLES

Increase overall housing capacity

Allow for more diverse housing choices that fit in with the existing context

REVIEW TYPES: OVERVIEW

COMPARISON OF REVIEW TYPES										
	Conceptual Design Review includes notification on website/electronic newsletter	Neighborhood Meeting includes website/electronic newsletter, mailing, and sign posting	Application Submittal includes website/electronic newsletter, mailing, and sign posting	Rounds of Review (Average of 3 rounds)	Public Hearing includes mailing, sign posting and website/electronic newsletter	Notification a Decision is pending includes website/electronic newsletter and mailing	Decision includes appeal period	Final Plan Submittal includes sign posting and website/electronic newsletter	Rounds of Review (Average of 3 rounds)	Recording of Plans and Development Agreement
Type 2 (Planning and Zoning Commission)	■	■	■	■	■		■	■	■	■
Type 1 (Hearing Officer)	■	■	■	■	■		■	■	■	■
Basic Development Review (Director)			■	■		■	■			■

USES	RESIDENTIAL DISTRICTS														MIXED-USE DISTRICTS									
	RUL		UE		RF		RL		OT-A		OT-B		MH		LMN		MMN		HMN		OT-C		NC	
	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC	LUC	LDC
Single Unit Dwelling	■	■	■	■	■	■	■	■	■	■	■	■			■	■	■	■			■	■		
Two Unit Dwelling (duplex)			■	■			X	■	X	■	■	■			■	■	■	■			■	■	■	■
Single Unit Attached (2-4 units)			■	■			X	▲	X	▲	X	■			■	■	■	■			■	■	■	■
Multi-Unit (4+ units)											■	■			■	■	■	■	■	■	■	■		
Mixed-Use Dwelling															■	■	■	■			■	■	■	■
Accessory Dwelling Unit	Not Permitted in LUC														■ - Administrative (BDR)									
	■ if Affordable in LDC														■ - Public Hearing (Type 1)									
	X - Neighborhood Meeting (Type 2)														■ - Public Hearing and									

CONCERNS

Notification requirements were not changed in the repealed code, but many had concerns about notification processes

Concern about removing requirements for neighborhood meetings in housing developments

Concern that fewer neighborhood meetings and public hearings could result in decreased opportunities for community input

Questions about Development Review process

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Improve predictability of the development review process

Make the code easier to use and understand

CURRENT CODE

HOAs are currently prohibited from creating or enforcing provisions that

Prohibit or limit:

- The installation or use of xeriscape landscaping
- The installation or use of solar/photovoltaic collectors on roofs
- The installation or use of clothes lines in back yards
- The installation or use of odor controlled compost bins

Or requiring:

- yards/lots

REPEALED CODE

Adds language that prohibits HOAs from creating or enforcing provisions that

Prohibit or limit:

- The City's regulations to implement its housing policies, as supported by the Housing Strategic Plan
- Including but not limited to provisions for increased density, height and occupancy

CONCERNS

Questions asking whether someone could now build an ADU even if it is against their HOA rules

Concern about legality of preempting HOA restrictions

Concern that the code updates improperly disregard HOA rules

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Allow for more diverse housing choices that fit in with the existing context

Improve predictability of the development review process

CURRENT CODE

Adequate public facilities (APF) management system ensures that public facilities and services are available concurrently with the impacts of development

Includes:

- Transportation
- Water Utilities
- Electric Facilities
- Fire and Emergency response

Public streets are constructed to allow on-street parking, and development is required to meet minimum parking

REPEALED CODE

- No changes to APF criteria and regulations
- Public streets designed to allow on-street parking
- Development required to meet minimum parking standards
 - Reduction for studio, one, and two bedroom units
 - Additional reduction for affordable housing

CONCERNS

Condition of and costs associated with water, sewer, roads, electricity, and schools

Availability of street parking if more people live in Fort Collins

Questions about how the code intersects with transportation planning/traffic

Ability to accommodate more people, particularly with regard to water availability

PRINCIPLES

Increase overall housing capacity

Enable more affordability

Allow for more diverse housing choices that fit in with the existing context

Increased menu of housing choices and associated regulations

Affordable housing comments, questions, and suggestions

Size, height, form, and allowed density of specific housing types

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Interaction between the code and private covenants

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2. Are there specific engagement topics missing that Councilmembers would like to see included?



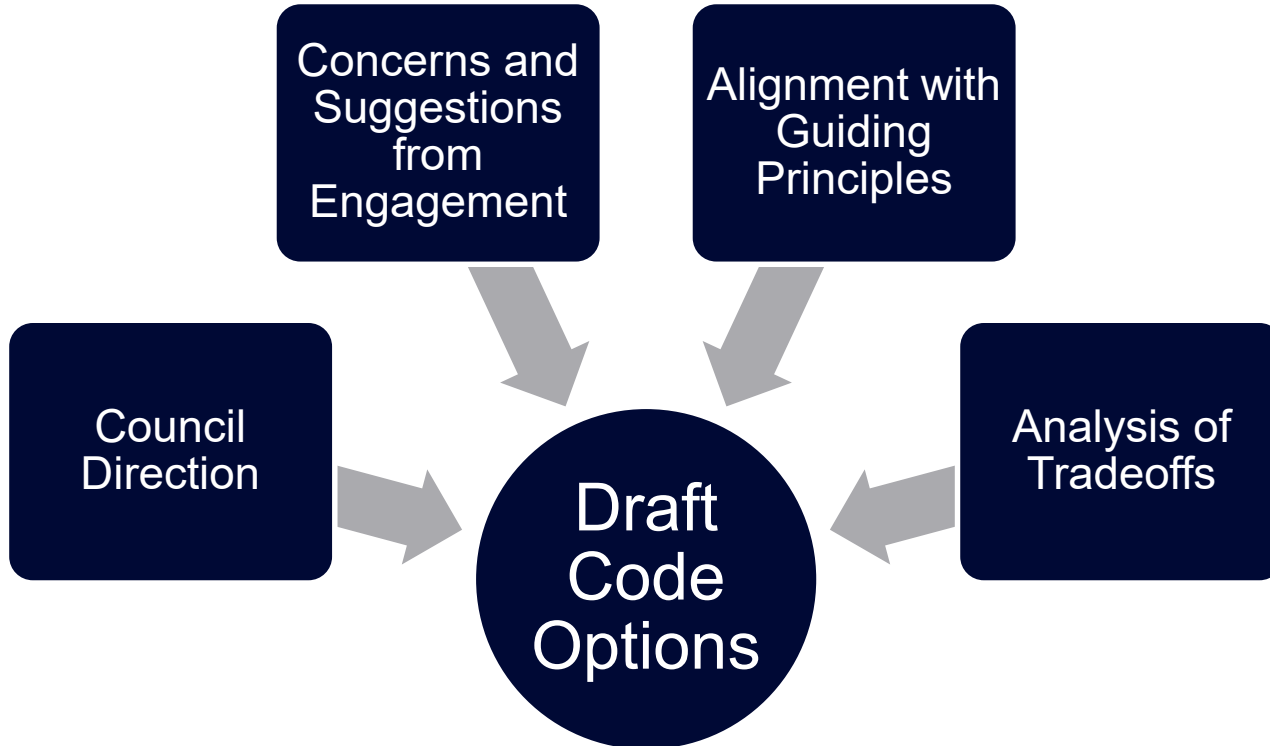
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Approach to Potential Alternatives and Revisions



Example: Increased menu of housing choices and associated regulations (ADUs)

Concerns from Engagement	Potential Alternative Examples	Analysis Required
Not enough parking to accommodate more residents	Consider requiring an off-street parking space for ADUs	Economic feasibility/tradeoffs of additional parking requirements
Potential impact on neighborhood, especially if many ADUs are built	Review design requirements to evaluate for compatibility with neighborhood setting	Additional research into design requirements and graphics/visualization
Potential to impact shading and privacy of adjacent properties	Review design requirements to evaluate for potential privacy and shading issues	Additional research into design requirements and graphics/visualization
ADUs as short-term rentals (STR)	Explore limiting use of ADUs as STR	Peer communities research; legal review
Cost and feasibility to build	Investigate possibility of pre-approved ADU plans	Peer communities research

3. Do Councilmembers support the proposed approach to exploration of potential alternatives and revisions?



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Next Steps

- **April and May:** Community engagement events
- **May 23rd Work Session:** Present feedback received so far and explore potential code revisions and analysis of alternatives
- **July 25th Work Session:** Present engagement summary, discuss code revisions
- **August 22nd Work Session:** Present draft code amendments

Item 3.

