Fort Collins City Council Agenda

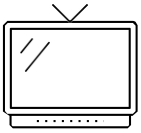
Regular Meeting Amended 9/1/25
6:00 p.m., Tuesday, September 2, 2025
City Council Chambers at City Hall, 300 Laporte Avenue, Fort Collins, CO 80521
Zoom Webinar link: https://zoom.us/j/98241416497

NOTICE:
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.
City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

How to view this Meeting:



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



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



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



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

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.

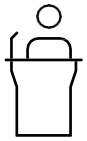
City of Fort Collins

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at https://fortcollins-co.municodemeetings.com/

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

Comment in real time:

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



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



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

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

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

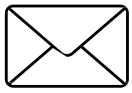
To be recognized to speak during public participation portions of the meeting, click the 'Raise Hand' button.

Participate via phone using this call in number and meeting ID:
Call in number: 720 928 9299
Meeting ID: 982 4141 6497
During public participation opportunities in the meeting, press *9 to indicate a desire to speak.

Submit written comments:



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



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

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

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

City Council
Regular Meeting Agenda

September 2, 2025 at 6:00 PM

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

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

Carrie Daggett
City Attorney

Kelly DiMartino
City Manager

Delynn Coldiron
City Clerk

PROCLAMATIONS & PRESENTATIONS
5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. **Declaring the Month of September 2025 as National Preparedness Month.**

PP 2. **Declaring the Month of September 2025 as Hunger Action Month.**

REGULAR MEETING
6:00 PM

Amended 9/1/25

B) CALL MEETING TO ORDER

C) PLEDGE OF ALLEGIANCE

D) ROLL CALL

E) CITY MANAGER'S AGENDA REVIEW

- City Manager Review of Agenda

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

F) COMMUNITY REPORTS

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

*Individuals may comment regarding any topics of concern, whether or not included on this agenda. Comments regarding land use projects for which a development application has been filed should be submitted in the development review process** and not to Council.*

- *Those who wish to speak are required to sign up using the online sign-up system available at www.fcgov.com/council-meeting-participation-signup/*

- *Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.*

- *All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).*

- *The presiding officer will determine and announce the length of time allowed for each speaker.*

- *Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.*

- *A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.*

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

H) PUBLIC COMMENT FOLLOW-UP

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

CONSENT CALENDAR

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

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

1. **Consideration and Approval of the Minutes of the August 12, 2025, Special Meeting and August 19, 2025, Regular meeting.**

   The purpose of this item is to approve the minutes of the August 12, 2025, Special Meeting and the August 19, 2025, Regular meeting.

2. **Second Reading of Ordinance No. 127, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends an appropriation of $22,050 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

3. **Second Reading of Ordinance No. 128, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves in the Water Utility Fund for the Lemay Water Line Replacement Project and to Supplement the 2025 Water Main Operating Budget and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, requests a supplemental appropriation of $3,400,000 in the Water Utility Fund to fund the Lemay Water Line Replacement Project, and to supplement the 2025 water main operating budget, in addition to an appropriation of $32,000 for Art in Public Places.

The Lemay Water Line Replacement Project is the result of unanticipated and continuous water leaks occurring since spring 2025. Based on the number and frequency of leaks, approximately $200,000 has been spent to date on responding to leaks. Considering the condition of the water line and risk to City staff and the public, the water line needs to be replaced. The $3,432,000 supplemental appropriation serves to: 1) supplement the 2025 water main repairs operating budget by $200,000 for unanticipated costs incurred to respond to numerous leaks; 2) fund $3,200,000 for design and construction of a new water line, as well as removal of the existing water line; and 3) contribute $32,000 for Art in Public Places per Code.

4. **Second Reading of Ordinance No. 129, 2025, Appropriating Prior Year Reserves in the Wastewater Utility Fund for the Blower Replacement Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, requests additional appropriation of $1,700,000 in the Wastewater Utility Fund to fund the Blower Replacement Project, in addition to appropriation of $17,000 for Art in Public Places.

The Blower Replacement Project at the Drake Water Reclamation Facility (DWRF) has undergone design, up to sixty percent, for replacing two blowers. An additional $1,700,000 from Wastewater Utility Fund reserves is needed to supplement the existing appropriated budget for preliminary design. The requested $1,700,000 additional appropriation will fund final design and installation of both blowers, having a minor contingency to fund unanticipated costs for the blowers to be placed into service.

5. **Second Reading of Ordinance No. 130, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, supports the Fort Collins Police Services' Property Crimes Unit by appropriating $54,200 of unanticipated grant revenue awarded by the Colorado State Patrol Department of Public Safety.

In July 2025, the Colorado State Patrol awarded Fort Collins Police Services $54,200 as a partner agency of the Beat Auto Theft Through Law Enforcement (BATTLE) Task Force. The $54,200 award is under the BATTLE program's FY26 cycle. These state funds will be used for Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE

operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

6. **Second Reading of Ordinance No. 131, 2025, Making Supplemental Appropriations of Grant Funds From Colorado Parks and Wildlife for the Soapstone Prairie Headwaters Restoration Project.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, supports the Natural Areas Department ("NAD") in stream and wetland protection and restoration work at Soapstone Prairie Natural Area. The Soapstone Prairie Headwaters Stream Restoration Project aims to improve ecological function and habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area. Specifically, the project will:

- Improve hydrological function and biodiversity for a one-mile reach of stream/wetland complex.

- Create seven pools using beaver dam analog wood structures to support amphibian habitat.

- Incorporate a rest cycle from livestock grazing through wildlife-friendly fencing.

- Include Native and Indigenous community members in restoration planting activities.

NAD was awarded $25,500 through the Colorado Parks and Wildlife ("CPW") Wetlands for Wildlife grant (Attachment 1). This grant funds the final phase of the project – adaptive management and monitoring activities – and follows completion of prior work including design, construction, and community engagement.

This ordinance will enable the Natural Areas Department to complete the Soapstone Prairie Headwaters Restoration Project and fulfill final monitoring and reporting obligations under the CPW grant.

7. **Second Reading of Ordinance No. 132, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Power Trail and Harmony Grade Separated Crossing Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, appropriates Transportation Capital Expansion Fee (TCEF) funds to the Power Trail and Harmony Grade Separated Crossing project (Project). The funds will be used for construction services. If approved, this item will: 1) appropriate $1,500,000 in TCEF funds to the Project; and 2) appropriate $15,000 (1%) of the TCEF funds to the Art in Public Places (APP) program.

8. **Second Reading of Ordinance No. 133, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves for the Epic Pool Ice Center Chiller Replacement and Rink Renovation Project and Related Art in Public Places.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, appropriates $2,000,000 from 2050 Parks & Recreation tax reserves and $1,000,000 from the Recreation Fund reserves to replace the EPIC Ice Chiller system and modernize key rink infrastructure, including dasher boards, tempered safety glass, protective netting, painting and rink flooring.

9. **Second Reading of Ordinance No. 134, 2025, Authorizing the City of Fort Collins to Lease Real Property Adjacent to the Overland Electric Substation to Platte River Power Authority for a Battery Storage Project.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, approves a lease agreement between the City and Platte River Power Authority (PRPA) to lease 27,351 square feet of real property at 401 South Overland Trail within the existing site parcel. The agreement, which will require only a nominal annual rental payment by Platte River, allows the parties to evaluate the feasibility of the project and, pending successful analysis, proceed with the installation and operation of a 5MW/20MWh utility-side system connected to Light & Power's distribution system. Platte River and Light & Power are collaborating on this project as part of their commitment to a non-carbon future and a reliable electric grid, with energy storage playing a crucial role in achieving those goals.

10. **Second Reading of Ordinance No. 135, 2025, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Cordova Road – North of Duff Drive.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, authorizes the use of eminent domain to acquire right-of-way needed for constructing the Cordova Road – North of Duff Drive project (Project).

11. **Items Relating to Amendments and Updates to Tax Provisions in City Code.**

A. Second Reading of Ordinance No. 136, 2025, Amending Article III of Chapter 3 of the Code of Fort Collins Relating to Liquor Occupation Tax.

B. Second Reading of Ordinance No. 137, 2025, Amending Articles II and III of Chapter 25 of the Code of Fort Collins Relating to Sales and Use Tax

C. Second Reading of Ordinance No. 138, 2025, Amending Article IV of Chapter 25 of the Code of the City of Fort Collins to Increase the Threshold to Require a Written Settlement Agreement for Lodging Tax.

These Ordinances, unanimously adopted on First Reading on August 19, 2025, recommend amendments to the Liquor Occupation Tax, the Sales and Use Tax, and Lodging Tax as part of the regular housekeeping and necessary updates to promote the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City's taxes.

The changes to the second reading of Ordinance No. 137, 2025 (found at the top of page 14 of the ordinance) remove an outdated statutory reference in Code Sec. 25-216 (Review of decisions of Financial Officer) by deleting the citation in that Section to Colorado Revised Statutes (C.R.S.) § 29-2-106., which was updated and relocated to C.R.S. § 29-2-203 in the omnibus 2024 housekeeping legislation, Senate Bill 24-025 (SB24-025). SB24-025 revised, modernized, and harmonized separate state statutes pertaining to sales and use tax administration.

12. **Second Reading of Ordinance No. 139, 2025, Amending Section 15-383 of the Code of the City of Fort Collins Regarding the Licensing of Outdoor Vendors.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends amending the Outdoor Vendors Code to adopt an annual expiration date of the license issued by

the City to align with the cadence of regulation by other local governments and for purposes of efficient regulation of vendors by the City.

13. **Second Reading of Ordinance No. 140, 2025, Amending Article IV of Chapter 15 of the Code of the City of Fort Collins to Update the Door-to-Door Solicitation Permitting Processes.**

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends amendments and updates to the City's regulation of door-to-door solicitors.

14. **First Reading of Ordinance No. 142, 2025, Appropriating Philanthropic Revenue Received through City Give for The Gardens on Spring Creek as Designated by the Donor**.

The purpose of this item is to appropriate $326,351 in philanthropic revenue received through City Give to benefit the Gardens on Spring Creek (the "Gardens"). These estate gifts to the Gardens align with both the City's strategic priorities and the respective donors' designation.

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

15. **First Reading of Ordinance No. 143, 2025, Vacating a Portion of the Right-of-Way of Giddings Road.**

The purpose of this item is to vacate a portion of the public right-of-way (ROW) at Giddings Road between Mountain Vista Drive and Richards Lake Road. The outside 8-ft of ROW on either side of the existing road can be vacated, and the road will still meet the minimum Larimer County Urban Area Street Standards for a 2-lane arterial street.

16. **Items relating to the Moor Annexation.**

A. Resolution 2025-079 Setting Forth Findings of Fact and Determinations Regarding the Moor Annexation.

B. Public Hearing and First Reading of Ordinance No. 144, 2025, Annexing the Property Known as the Moor Annexation to the City of Fort Collins, Colorado.

The purpose of these items is to annex a 3.368-acre property located northeast of the intersection of North Taft Hill Road and Laporte Avenue. The Initiating Resolution was adopted July 15, 2025. A related item to zone the annexed property is presented on this Agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

17. **Public Hearing and First Reading of Ordinance No. 145, 2025, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Moor Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.**

The purpose of this item is to zone the property included in the Moor Annexation into the Low Density Mixed-Use Neighborhood District (LMN) and place the property into the Residential Sign District and the LC1 Lighting Context Area.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

18. **Resolution 2025-080 Adopting the 2025 Fort Collins Utilities Water Efficiency Plan.**

The purpose of this item is to adopt the 2025 Fort Collins Utilities Water Efficiency Plan.

The 2025 Fort Collins Utilities Water Efficiency Plan (WEP) sets water efficiency goals and identifies strategies (such as voluntary incentives, policy, infrastructure tools, and education) to meet the goals, with a focus on treated water use within the Fort Collins Utilities (Utilities) water service area. The WEP update followed State guidelines and involved extensive public and staff engagement, quantitative analyses, and an equity evaluation.

The State of Colorado requires that retail water providers have a State-approved water efficiency plan that is updated periodically. Following Council adoption, staff will submit the 2025 WEP to the Colorado Water Conservation Board for final approval.

19. **Resolution 2025-081 Approving Participation in the Settlement with An Additional Opioid Defendant, Purdue, and a Related Waiver of Claims.**

The purpose of this item is to consider a resolution to allow the City to participate in the Colorado Opioids Settlement with Purdue by granting approval to sign an additional participation agreement and waiver of claims for opioid-related damages. This is in follow-up to prior approvals of settlements with multiple other opioid defendants, negotiated through national settlement efforts coordinated through the State of Colorado.

END OF CONSENT CALENDAR

J) ADOPTION OF CONSENT CALENDAR

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

L) STAFF REPORTS

Staff Report: Access Fort Collins Demonstration.

The purpose of this item is to provide a demonstration of the Access Fort Collins platform.

M) COUNCILMEMBER REPORTS

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

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

The method of debate for discussion items is as follows:

- *Mayor introduced the item number and subject; asks if formal presentation will be made by staff*
- *Staff presentation (optional)*
- *Mayor requests public comment on the item (three minute limit for each person)*
- *Council questions of staff on the item*
- *Council motion on the item*

- *Council discussion*
- *Final Council comments*
- *Council vote on the item*

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all have an opportunity to speak. The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

20. **Second Reading of Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site.**

This Ordinance, adopted on First Reading on August 19th, 2025, by a vote of 6-1 (Nay: Gutowsky), supports the Civic Assembly's recommendations presented to Council on May 27, 2025, and adds additional specification to those recommendations.

21. **Resolution 2025-082 Referring Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025.**

This item has been amended to include 6 protests received on September 1, 2025, before the noon deadline.

The purpose of this item is to refer Ordinance No. 141, 2025, relating to the recommendations of the Civic Assembly for the use and management of the Hughes Stadium Site, to the November 2025 ballot.

Pursuant to Section 7-156 of the City Code, any registered elector desiring to protest the proposed ballot title or submission clause for this item, must file such protest with the City Clerk no later than noon on Monday, September 1, 2025. The form and additional information on how to file a protest is located at this link: fcgov.com/elections/ballot-title-protest.

Because this date falls on a holiday:

By Email: Protests may be emailed to cityclerk@fcgov.com by the noon deadline on September 1.

In Person: Protests intended for in-person delivery may be submitted by 5:00 p.m. on Friday, August 29 or an appointment may be scheduled for the September 1 holiday by contacting 970-221-6515 before 5:00 p.m. on August 29.

If a protest is filed, a hearing on the protest will be added to the agenda item and will take place before City Council adopts the Resolution setting the ballot title and submission clause.

P) RESUMED PUBLIC COMMENT (if applicable)

Q) OTHER BUSINESS

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

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

R) ADJOURNMENT

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

Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide advance notice. Requests for interpretation at a meeting should be made by noon the day before.

A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo cuando sea posible. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.

File Attachments for Item:

PP 1. Declaring the Month of September 2025 as National Preparedness Month.

PROCLAMATION

WHEREAS, September 2025 is recognized as "National Preparedness Month" and creates an opportunity to raise awareness about the importance of emergency preparedness and to encourage community members to take the time to understand local hazards, evaluate readiness, create or update emergency preparedness plans, and begin developing or updating their emergency preparedness kits; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses, and community can reduce losses and economic devastation in our community and in our nation; and

WHEREAS, National Preparedness Month creates an opportunity for every resident in the City of Fort Collins to prepare their homes, businesses, and communities for any type of emergency; and

WHEREAS, the Office of Emergency Preparedness and Security has developed a comprehensive emergency preparedness program for the community, including the Fort Collins Volunteer Response Team that encourages community members to volunteer or otherwise help improve our community's resilience; and

WHEREAS, emergency preparedness is the responsibility of every resident and business owner in the City of Fort Collins, and everyone is urged to make preparedness a priority and work together as a team to ensure that individuals, families, and the community is prepared for disasters and emergencies of any type.

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

NATIONAL PREPAREDNESS MONTH

and encourage all residents and businesses to develop their own preparedness plan, and work together toward creating a more prepared and resilient community.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 2nd day of September, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

File Attachments for Item:

PP 2. Declaring the Month of September 2025 as Hunger Action Month.

PROCLAMATION

WHEREAS, hunger and poverty are issues of vital concern in Larimer County where the Food Bank provided services to more than 54,000 people, including nearly 16,000 children, in the last calendar year; and

WHEREAS, everyone needs nutritious food to thrive, and the rate of people experiencing food insecurity nationally is the highest in more than a decade — at nearly 50 million individuals, including families, seniors, and children; and

WHEREAS, the city of Fort Collins is committed to taking steps to combat hunger in every part of our community and to provide additional resources that those in Larimer County need; and

WHEREAS, the city of Fort Collins is committed to working with the Food Bank for Larimer County, a partner in the Feeding America® nationwide network of food banks, in educating people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and

WHEREAS, more than 54,000 individuals, including nearly 16,000 children, annually rely on food provided by the Food Bank for Larimer County and its programs and partners; and

WHEREAS, the Food Bank for Larimer County distributes enough food for more than 10.5 million meals annually through its network of food pantries, soup kitchens, shelters, and other community organizations; and

WHEREAS, the month of September has been designated "Hunger Action Month" in order to bring attention to food insecurity in our communities and to enlist the public in the movement to end hunger by taking action – including volunteer shifts, social media shares, and donations – to ensure every community, and everybody in it, has the food they need to thrive; and

WHEREAS, food banks across the country, including the Food Bank for Larimer County, will host numerous events throughout the month of September to bring awareness and help end hunger in their local community.

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

HUNGER ACTION MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 2nd day of September, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

File Attachments for Item:

1. Consideration and Approval of the Minutes of the August 12, 2025, Special Meeting and August 19, 2025, Regular meeting.

The purpose of this item is to approve the minutes of the August 12, 2025, Special Meeting and the August 19, 2025, Regular meeting.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the August 12, 2025, Special Meeting and August 19, 2025, Regular meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the August 12, 2025, Special Meeting and the August 19, 2025, Regular meeting.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, August 12, 2025
2. Draft Minutes, August 19, 2025

August 12, 2025

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Special Meeting – 5:00 PM

A) CALL MEETING TO ORDER

Mayor Jeni Arndt called the adjourned meeting to order at 5:00 p.m. in the City Council Chambers at 300 Laporte Avenue, Fort Collins, Colorado. Due to the nature of the meeting, hybrid participation via the City's Zoom platform was not offered.

B) ROLL CALL

PRESENT
Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

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

C) ITEMS FOR DISCUSSION

1. **Consideration of Motion for Executive Session Related to Federal Grants:**

"I move that the City Council go into executive session, pursuant to:

- City Charter Article Two, Section Eleven

- City Code Section 2-31(a)(2), and

- Colorado Revised Statutes Section 24-6-402 subsection (4)(a) and (4)(b)

for the purposes of discussing with the City's attorneys and appropriate management staff:

- specific legal questions related to requirements and conditions for federal funding and/or the manner in which particular City policies or practices or regulations may be affected by existing or proposed provisions of federal or state law; and

- specific legal questions related to potential litigation involving the City and/or the manner in which particular City policies or practices or regulations may be affected by requirements and conditions for federal funding."

Mayor Pro Tem Francis made a motion, seconded by Councilmember Potyondy, to enter into executive session, as permitted under Article Two, Section Eleven of the City Charter, Section 2-31(a)(2) of the City Code and Colorado Revised Statutes Section 24-6-402(4)(a) and 4(b), for the purposes of discussing with the City's attorneys and appropriate management staff:

DRAFT

- specific legal questions related to requirements and conditions for federal funding and/or the manner in which particular City policies or practices or regulations may be affected by existing or proposed provisions of federal or state law; and

- specific legal questions related to potential litigation involving the City and/or the manner in which particular City policies or practices or regulations may be affected by requirements and conditions for federal funding.

The motion carried 7-0.
Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Potyondy, Gutowsky, Ohlson and Pignataro.
Nays: None.

D) OTHER BUSINESS

None.

E) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 5:43 P.M.

_____
Mayor

ATTEST:

_____
City Clerk

August 19, 2025

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS
5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

PP 1. Declaring the Year of 2025 as the Year of Philanthropy.

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

REGULAR MEETING
6:00 PM

B) CALL MEETING TO ORDER

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

C) PLEDGE OF ALLEGIANCE

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

D) ROLL CALL

PRESENT

Mayor Jeni Arndt
Mayor Pro Tem Emily Francis
Councilmember Susan Gutowsky
Councilmember Julie Pignataro
Councilmember Tricia Canonico
Councilmember Melanie Potyondy
Councilmember Kelly Ohlson

STAFF PRESENT

City Manager Kelly DiMartino
City Attorney Carrie Daggett
Sr. Deputy City Clerk Cecilia Good

E) CITY MANAGER'S AGENDA REVIEW

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

- Updated resolutions for Item Nos. 26 and 27.
- Items 1-24 on the Consent Calendar are recommended for adoption.
- Foothills Metro District public hearing on the service plan and related public benefits agreement has been withdrawn by the applicant.
- Three discussion items.

F) COMMUNITY REPORTS – None.

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

Sue Ballou stated she has spent 11 years volunteering regarding housing issues and commended the builders of affordable housing in the community. She encouraged greater collaboration between the affordable housing organizations and the City to help tackle housing issues.

Jeffrey Shumway requested Council take emergency action to stop all Permethrin/PBO blanket mosquito spraying. He presented information from studies on the impacts spraying has on people, pets, and the environment.

Joy Sullivan, United Way of Larimer County President/CEO, thanked Council for its work in evaluating the community's priorities. She urged Council to prioritize "needs" over "nice to haves" and allocate more of the CCIP funding toward affordable housing.

Mara Johnson, Habitat for Humanity Chief Development Officer, stated the $10 million CCIP allocation for housing falls short of community needs and requested a reallocation of all excess tax dollars from the expiring CCIP, approximately $14 million, be dedicated to affordable housing.

Kelly Evans, Neighbor to Neighbor, stressed the need for government action to support affordable housing, stating that her organization cannot keep up with the overwhelming need for affordable housing units.

Melissa Abrams stated the Civic Assembly question should not be placed on the ballot and urged Council to honor the community's desire to designate the Hughes property as a natural area.

Linda Stanley, Yes to Natural Areas, discussed the history of the Natural Areas tax and spoke in support of placing the permanent extension on the ballot. She thanked City staff for their work in supporting natural areas in the community and the Clerk's Office for their work reviewing the petition.

Ezriah Shteir cited Section 15-108 of the Municipal Code and raised concern that "No Soliciting" signs posted by apartment complexes prevent individual tenants from making that decision independently.

Paul Patterson asked questions about the voter education document being developed by the City Clerk's Office, including how pro and con statements will be obtained and how competing ballot measures will be explained.

Rorey King, United Way of Larimer County and One Voice for Housing Coalition, advocated for $25 million to be allocated from the upcoming CCIP and remaining CCIP funds to address affordable housing needs. She stated one in four households in Larimer County are struggling to afford basic needs and noted addressing housing is critical for taking care of the community.

Rich Stave questioned whether the battery storage project referenced in Item No. 17 is a PRPA need and inquired about the balance between usage and cost as well as about various sections of the lease agreement. He also asked whether CSU would be responsible for paying taxes to the City per Item No. 19. Additionally, he questioned who is collecting taxes on items sold at airport buildings and asked how cost sharing arrangements would be handled with other entities per Item No. 22.

Carin Avila, Hughes for Everyone, expressed support for Ordinance No. 141, 2025. She thanked Council for honoring the 2021 voter initiative and the Civic Assembly's recommendations. She stated the site offers a rare opportunity to create a collaborative space dedicated to parks, recreation, open lands, natural areas, wildlife rehabilitation, and restoration.

Dannielle North-King expressed support for the Civic Assembly's recommendations regarding the Hughes property stating they reflect a strong community desire to live in a positive relationship with the land. Additionally, the participants emphasized the need for Indigenous consultation.

Andre Joseph Dunn expressed concern that recent decisions about the Hughes property do not reflect the Civic Assembly recommendations or meaningful tribal consultation. He urged the City to take time to engage in proper consultation with Indigenous communities.

Mary (no last name given) requested that the City create an outlet for legalized graffiti stating she currently does not have the ability to practice her art. She identified unsightly underpass areas that would be ideal locations for a pilot program.

Patricia Babbitt referenced the previous evening's mayoral forum noting that most candidates focused on themselves rather than on substantive issues and that only one addressed how Fort Collins decisions affect broader crises such as climate change. She urged Council to not add a ballot measure that could confuse voters and to just allow the straightforward yes-or-no vote on designating the Hughes property as a natural area.

John Gascoyne stated he was a representative on the 1992 petition for the Natural Areas Tax and expressed his support for its extension.

Kimberly Conner urged Council to advocate for a ceasefire and arms embargo to support ending the atrocities in Gaza.

Sid Phadke commented on the chronic nuisance property at the Fort Collins Mennonite Fellowship, citing incidents of arson, weapons violations, and nuisance activity associated with the property, which is currently under an abatement agreement. He urged the City to enforce the abatement agreement and pursue stronger enforcement.

Adam Hirschhorn, Mayoral candidate, presented his vision for a resilience and sustainability campus in North Fort Collins, including affordable housing, cooperative ownership, stormwater infrastructure, green design, educational facilities, and more.

Ellie Sooter encouraged Council to prioritize funding for a large bike park, stating it would build skills and provide a safe space for youth.

Mac Sooter expressed support for the bike park, noting Fort Collins lacks a large bike facility.

Poppy Sooter stated a bike park would provide a safe space to ride and build skills away from traffic.

Andrea Sooter urged Council to keep the full proposed 35 acres and funding for a bike park at the Hughes site. She stated shrinking the acreage would limit its impact on the community. The bike park will be a safe, positive space for children and adults alike.

Kevin Krause thanked Council for listening to all the voices in the community and requested that Council honor the Civic Assembly recommendation to retain 35 acres of the Hughes property for a bike park, stating it is the right scale for the community.

Ethan Billingsley expressed support for the bike park and commented on its educational and environmental benefits.

June Porter said there have been efforts to construct a bike park since 2011 and emphasized the benefit of safety and year-round access for youth.

Michelle Hastings spoke in support of the 35-acre bike park and commented on the benefits for children and families.

Brad Piepenbrink called the bike park a “crown jewel” project that will have a strong return on investment.

Krista Piepenbrink expressed support for the bike park as part of Fort Collins’ world-class biking infrastructure, stressing the need for local facilities to avoid traveling to other towns.

Patterson Hastings stated biking is fun and healthy, and he prefers it over screen time.

Asad Aziz commented on safety issues near Library Park and Oak Street, including assaults and disturbances. He requested stronger enforcement and asked for further discussion on the availability of Code Compliance Officers due to their current schedule.

Terri Clark shared her personal story of acquiring affordable housing through Habitat for Humanity and urged Council to increase the CCIP housing allocation to $25 million.

Forrest Merithew spoke in support of the bike park, noting that psychological studies show activities such as rock climbing and mountain biking promote both physical and mental skills development. He emphasized the positive impact of physical activities on cognitive growth and well-being across all ages and added that it also includes emotional growth with gaining confidence through skills development.

Public comment concluded at 7:10 p.m.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Potyondy thanked the speakers, particularly the youth who attended the meeting. She asked the City Clerk to provide an update on the City Clerk’s voter guide. City Clerk Coldiron replied it is currently in development and will include pro and con statements. She stated she would welcome feedback from the community and encouraged people to send emails with pros and cons for the upcoming ballot items. She noted the language will be sent to the citizens who have initiatives, giving them a chance to weigh in, and added that staff are working with the City Attorney’s Office and outside counsel to prepare the factual summaries.

Mayor Pro Tem Francis requested a follow-up memo on enforcement related to the Mennonite Fellowship building. City Manager DiMartino replied staff will provide a memo to help explain the extent of the enforcement work.

Councilmember Canonico requested follow-up information on mosquito spraying. Matt Parker, Ecological Stewardship Manager, explained that this has been a challenging year for addressing West

Nile Virus and noted needs change over time. He concurred that toxicity is a concern, but noted they are diligent in how pesticides are used in terms of application timing and environmental impacts.

Councilmember Gutowsky expressed concern about organic gardens and businesses selling their products. Parker stated there are opt-out options for those who have health or business impacts due to the spraying.

Councilmember Canonico requested follow-up on the no solicitation issue.

Councilmember Pignataro addressed comments regarding the Mennonite Fellowship property. Assistant City Manager Rupa Venkatesh replied staff has been working with neighbors and the property owners for quite some time. She confirmed the site is a chronic public nuisance property and it is currently under an abatement agreement. She stated there have been improvements per Police Services and Code Compliance; however, there are still ongoing issues. She stated work is being done to investigate alleged violations to determine what enforcement actions can be taken.

Councilmember Pignataro noted residents could call the police non-emergency line to report suspected illegal activity.

Councilmember Ohlson stated code enforcement has been too lenient on problem properties and called for a firmer approach. He also stated current mosquito spraying methods are outdated and encouraged Council to consider changes in the future.

Councilmember Gutowsky reminded the public that the Natural Areas tax is a continuation of an existing tax, not a new tax, and the purpose is to care for the community's Natural Areas in perpetuity. She also commended the idea of using underpasses for graffiti or other artwork and described a similar idea executed in another city. Additionally, she commented on Council's silence regarding Gaza, explaining that Council works as a group but that each person has their own thoughts on issues.

Mayor Arndt clarified that item #17, *First Reading of Ordinance No. 134, 2025, Authorizing the City of Fort Collins to Lease Real Property Adjacent to the Overland Electric Substation to Platte River Power Authority for a Battery Storage Project*, is a good news item that will support a clean energy future. She also explained that the City has an intergovernmental agreement with Loveland for the airport, as it is jointly owned, and only existing funds are being used per Item No. 22, *Resolution 2025-074 Authorizing the City Manager to Execute a Grant Agreement (AIP Project No. 3-08-0023-047-2025) Between the City of Fort Collins, the City of Loveland, and the Federal Aviation Administration for the Runway 15-33 Widening Project at Northern Colorado Regional Airport.*

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR

1. **Consideration and Approval of the Minutes of the July 15, 2025 Regular meeting.**

   The purpose of this item is to approve the minutes of the July 15, 2025 Regular meeting.

   Approved.

2. **Second Reading of Ordinance No. 117, 2025, Making Supplemental Appropriations from the Colorado Division of Criminal Justice for Restorative Justice Services and Approving the Intergovernmental Grant Agreement with the Colorado Division of Criminal Justice.**

This Ordinance, unanimously adopted on First Reading on July 15, 2025, appropriates $35,000 of unanticipated revenue from the Colorado Division of Criminal Justice Juvenile Diversion fund awarded for the period July 1, 2025 – June 30, 2026, to support the Restorative Justice programs in the Neighborhood Services Department in Sustainability Services. Restorative Justice Programs are part of the City's Conflict Transformation Works team, which also provide mediation services. The program will provide restorative justice services as an accountability option for 35 youth referred from the 8th Judicial District Attorney's Office.

Adopted on Second Reading.

3. **Second Reading of Ordinance No. 118, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for Transit Replacement, Enhancement and Maintenance of Assets.**

   This Ordinance, unanimously adopted on First Reading on July 15, 2025, appropriates unanticipated grant funds.

   Adopted on Second Reading.

4. **Second Reading of Ordinance No. 119, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for Transit Operations and Services and Bus Replacement.**

   This Ordinance, unanimously adopted on First Reading on July 15, 2025, appropriates unanticipated grant funds and transfers previously appropriated grant funds per updated Federal Transit Authority Grant Award Amounts.

   Adopted on Second Reading.

5. **Second Reading of Ordinance No. 120, 2025, Making a Supplemental Appropriation, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for Transfort Maintenance Facility Upgrades and Related Art in Public Places.**

   This Ordinance, unanimously adopted on First Reading on July 15, 2025, appropriates unanticipated grant funds.

   Adopted on Second Reading.

6. **Items Relating to the Edward Byrne Memorial Justice Assistant Grants.**

   A. Second Reading of Ordinance No. 121, 2025, Making a Supplemental Appropriation of Grant Funds from the Colorado Office of Justice Programs 2023 Edward Byrne Memorial Justice Assistance Grant Program Grant Award for Fort Collins Police Services.

   B. Second Reading of Ordinance No. 122, 2025, Making a Supplemental Appropriation of Grant Funds from the Colorado Office of Justice Programs 2024 Edward Byrne Memorial Justice Assistance Grant Program Grant Award for Fort Collins Police Services.

   These Ordinances, unanimously adopted on First Reading on July 15, 2025, support Fort Collins Police Services in work performed as a member of the Northern Colorado Drug Task Force, which is managed by the Larimer County Sheriff's Department, with both Fort Collins Police Services and Loveland Police being members. These member agencies support a broad range of activities to prevent and control drug-related crimes.

Larimer County was awarded two grants, for 2023 and 2024 respectively, through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force.

The award for 2023 is $60,434 in total, and Fort Collins Police Services, as a subrecipient of the grant, receives $18,058 of this 2023 award to support personnel costs and other operating costs directly attributed to the Northern Colorado Drug Task Force. The award for 2024 is $50,489 in total, and Fort Collins Police Services, again as a subrecipient, receives $15,025 of this 2024 JAG grant award also to support personnel costs and other operating costs directly attributable to the Northern Colorado Drug Task Force.

Both Ordinances Adopted on Second Reading.

7. **Second Reading of Ordinance No. 123, 2025, Making a Supplemental Appropriation of Grant Funds from the Colorado Department of Transportation Highway Safety Office for Police Services High Visibility Impaired Driving Enforcement FY26 Grant Award.**

This Ordinance, unanimously adopted on First Reading on July 15, 2025, supports Fort Collins Police Services in work performed enforcing Colorado's impaired driving laws for specific enforcement periods outlined by the Colorado Department of Transportation. Enforcement periods typically occur over holidays or periods of increased tourism and travel in the state.

Fort Collins Police Services was awarded $25,474 through the High Visibility Impaired Driving Enforcement (HVE) grant to support personnel costs and other operating costs directly attributed to HVE grant activities. Police Services will provide enhanced impaired driving enforcement during specific time periods and engage in community education and outreach.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 124, 2025, Adopting the 2025 Natural Areas Strategic Framework as an Element of City Plan and as an Update to the 2014 Natural Areas Master Plan.**

This Ordinance, unanimously adopted on First Reading on July 15, 2025, adopts the 2025 Natural Areas Strategic Framework, attached as Exhibit A to the Ordinance, which updates the City's 2014 Natural Areas Master Plan and serves as a systemwide guide for the planning and management of the Natural Areas Department (NAD) over the coming decade. Rooted in ballot language, extensive community engagement, and broader City policies, the Framework articulates an updated vision, set of values, and strategic goals for the Department. It provides the foundation for action-oriented planning that will be implemented through zone-level management planning. Adoption of the Framework constitutes an amendment to City Plan under its provisions for incorporating new elements into the City's comprehensive plan.

Adopted on Second Reading.

9. **Second Reading of Ordinance No. 125, 2025, Authorizing the Conveyance of an Emergency Access Easement on a Portion of the Larimer County Landfill to Poudre Fire Authority.**

This Ordinance, unanimously adopted on First Reading on July 15, 2025, authorizes the conveyance of one Emergency Access Easement (the "Easement") on a portion of co-owned City property presently known as Larimer County Landfill to Poudre Fire Authority.

Adopted on Second Reading.

10. **First Reading of Ordinance No. 127, Appropriating Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.**

    The purpose of this item is to recommend an appropriation of $22,050 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

    Adopted on First Reading.

11. **First Reading of Ordinance No. 128, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves in the Water Utility Fund for the Lemay Water Line Replacement Project and to Supplement the 2025 Water Main Operating Budget and Related Art in Public Places.**

    The purpose of this item is to request a supplemental appropriation of $3,400,000 in the Water Utility Fund to fund the Lemay Water Line Replacement Project, and to supplement the 2025 water main operating budget, in addition to an appropriation of $32,000 for Art in Public Places.

    The Lemay Water Line Replacement Project is the result of unanticipated and continuous water leaks occurring since spring 2025. Based on the number and frequency of leaks, approximately $200,000 has been spent to date on responding to leaks. Considering the condition of the water line and risk to City staff and the public, the water line needs to be replaced. The $3,432,000 supplemental appropriation serves to: 1) supplement the 2025 water main repairs operating budget by $200,000 for unanticipated costs incurred to respond to numerous leaks; 2) fund $3,200,000 for design and construction of a new water line, as well as removal of the existing water line; and 3) contribute $32,000 for Art in Public Places per Code.

    Adopted on First Reading.

12. **First Reading of Ordinance No. 129, 2025, Appropriating Prior Year Reserves in the Wastewater Utility Fund for the Blower Replacement Project and Related Art in Public Places.**

    The purpose of this item is to request additional appropriation of $1,700,000 in the Wastewater Utility Fund to fund the Blower Replacement Project, in addition to appropriation of $17,000 for Art in Public Places.

    The Blower Replacement Project at the Drake Water Reclamation Facility (DWRF) has undergone design, up to sixty percent, for replacing two blowers. An additional $1,700,000 from Wastewater Utility Fund reserves is needed to supplement the existing appropriated budget for preliminary design. The requested $1,700,000 additional appropriation will fund final design and installation of both blowers, having a minor contingency to fund unanticipated costs for the blowers to be placed into service.

    Adopted on First Reading.

DRAFT

13. **First Reading of Ordinance No. 130, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.**

The purpose of this item is to support the Fort Collins Police Services' Property Crimes Unit by appropriating $54,200 of unanticipated grant revenue awarded by the Colorado State Patrol Department of Public Safety.

In July 2025, the Colorado State Patrol awarded Fort Collins Police Services $54,200 as a partner agency of the Beat Auto Theft Through Law Enforcement (BATTLE) Task Force. The $54,200 award is under the BATTLE program's FY26 cycle. These state funds will be used for Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

Adopted on First Reading.

14. **First Reading Ordinance No. 131, 2025, Making Supplemental Appropriations of Grant Funds From Colorado Parks and Wildlife for the Soapstone Prairie Headwaters Restoration Project.**

The purpose of this item is to support the Natural Areas Department ("NAD") in stream and wetland protection and restoration work at Soapstone Prairie Natural Area. The Soapstone Prairie Headwaters Stream Restoration Project aims to improve ecological function and habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area. Specifically, the project will:

- Improve hydrological function and biodiversity for a one-mile reach of stream/wetland complex.

- Create seven pools using beaver dam analog wood structures to support amphibian habitat.

- Incorporate a rest cycle from livestock grazing through wildlife-friendly fencing.

- Include Native and Indigenous community members in restoration planting activities.

NAD was awarded $25,500 through the Colorado Parks and Wildlife ("CPW") Wetlands for Wildlife grant (Attachment 1). This grant funds the final phase of the project – adaptive management and monitoring activities – and follows completion of prior work including design, construction, and community engagement.

This ordinance will enable the Natural Areas Department to complete the Soapstone Prairie Headwaters Restoration Project and fulfill final monitoring and reporting obligations under the CPW grant.

Adopted on First Reading.

15. **First Reading of Ordinance No. 132, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Power Trail and Harmony Grade Separated Crossing Project and Related Art in Public Places.**

The purpose of this item is to appropriate Transportation Capital Expansion Fee (TCEF) funds to the Power Trail and Harmony Grade Separated Crossing project (Project). The funds will be used for construction services. If approved, this item will: 1) appropriate $1,500,000 in TCEF funds to the Project; and 2) appropriate $15,000 (1%) of the TCEF funds to the Art in Public Places (APP) program.

Adopted on First Reading.

16. **First Reading of Ordinance No. 133, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves for the Epic Pool Ice Center Chiller Replacement and Rink Renovation Project and Related Art in Public Places.**

The purpose of this item is to appropriate $2,000,000 from 2050 Parks & Recreation tax reserves and $1,000,000 from the Recreation Fund reserves to replace the EPIC Ice Chiller system and modernize key rink infrastructure, including dasher boards, tempered safety glass, protective netting, painting and rink flooring.

Adopted on First Reading.

17. **First Reading of Ordinance No. 134, 2025, Authorizing the City of Fort Collins to Lease Real Property Adjacent to the Overland Electric Substation to Platte River Power Authority for a Battery Storage Project.**

The purpose of this item is to approve a lease agreement between the City and Platte River Power Authority (PRPA) to lease 27,351 square feet of real property at 401 South Overland Trail within the existing site parcel. The agreement, which will require only a nominal annual rental payment by Platte River, allows the parties to evaluate the feasibility of the project and, pending successful analysis, proceed with the installation and operation of a 5MW/20MWh utility-side system connected to Light & Power's distribution system. Platte River and Light & Power are collaborating on this project as part of their commitment to a non-carbon future and a reliable electric grid, with energy storage playing a crucial role in achieving those goals.

Adopted on First Reading.

18. **First Reading of Ordinance No. 135, 2025, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Cordova Road – North of Duff Drive.**

The purpose of this item is to authorize the use of eminent domain to acquire right-of-way needed for constructing the Cordova Road – North of Duff Drive project (Project).

Adopted on First Reading.

19. **Items Relating to Amendments and Updates to Tax Provisions in City Code.**

A. First Reading of Ordinance No. 136, 2025, Amending Article III of Chapter 3 of the Code of Fort Collins Relating to Liquor Occupation Tax.

B. First Reading of Ordinance No. 137, 2025, Amending Articles II and III of Chapter 25 of the Code of Fort Collins Relating to Sales and Use Tax

C. First Reading of Ordinance No. 138, 2025, Amending Article IV of Chater 25 of the Code of the City of Fort Collins to Increase the Threshold to Require a Written Settlement Agreement for Lodging Tax.

The purpose of this item is to recommend amendments to the Liquor Occupation Tax, the Sales and Use Tax, and Lodging Tax as part of the regular housekeeping and necessary updates to promote the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City's taxes.

Both Ordinances Adopted on First Reading.

20. **First Reading of Ordinance No. 139, 2025, Amending Section 15-383 of the Code of the City of Fort Collins Regarding the Licensing of Outdoor Vendors.**

The purpose of this item is to recommend amending the Outdoor Vendors Code to adopt an annual expiration date of the license issued by the City to align with the cadence of regulation by other local governments and for purposes of efficient regulation of vendors by the City.

Adopted on First Reading.

21. **First Reading of Ordinance No. 140, 2025, Amending Article IV of Chapter 15 of the Code of the City of Fort Collins to Update the Door-to-Door Solicitation Permitting Processes.**

The purpose of this item is to recommend amendments and updates to the City's regulation of door-to-door solicitors.

Adopted on First Reading.

22. **Resolution 2025-074 Authorizing the City Manager to Execute a Grant Agreement (AIP Project No. 3-08-0023-047-2025) Between the City of Fort Collins, the City of Loveland, and the Federal Aviation Administration for the Runway 15-33 Widening Project at Northern Colorado Regional Airport.**

The purpose of this item is to authorize the Fort Collins City Manager to execute a grant agreement with the Federal Aviation Administration (FAA) and the City of Loveland to secure federal funding for the Runway 15-33 Widening Project at Northern Colorado Regional Airport (FNL). This critical infrastructure project, identified in the Airport's 2020 Master Plan and Capital Improvement Plan (CIP), is necessary to bring the primary runway into compliance with FAA design standards for aircraft such as the Airbus A319/A320 and Boeing 737, which are commonly used in commercial aviation.

The FAA Airport Improvement Program (AIP) grant is expected to provide $16,730,725 in fiscal year 2025 funding toward the total project cost of $19,385,103. This amount is pending final FAA review and approval. A draft grant agreement has been provided, and the FAA anticipates issuing the final grant during the first or second week of September. To secure the funding and preserve the project's eligibility under the FAA's fiscal year 2025, the grant must be accepted no later than September 18, 2025. The Colorado Department of Transportation's Division of Aeronautics will contribute $250,000 in matching funds, with the remaining local match of $630,564 to be covered by Airport reserves.

The remaining project funding will be secured through a $1,690,254 Infrastructure Investment and Jobs Act (IIJA) grant in fiscal year 2026, supplemented by matching contributions of $44,480 each from CDOT and local Airport reserves. This will bring the total local funding contribution for the project to $675,045.

The project will be delivered in two construction phases in 2026 to minimize disruption to general aviation operations. This phased approach was developed in response to stakeholder input and allows continued limited use of the runway during construction. Along with the new terminal facility and the Airport's inclusion in the Federal Contract Tower Program—which provides air traffic control services through private contractors rather than FAA employees—this project will strengthen the Airport's ability to attract and retain commercial airline service.

Resolution Adopted.

23. **Resolution 2025-075 Authorizing the Execution of an Intergovernmental Agreement Between the City of Fort Collins, Colorado and Larimer County for the Maintenance of Jointly Owned Roadways.**

The City shares many roadway maintenance responsibilities with Larimer County. Shared maintenance responsibilities between our respective boundaries can include roadside mowing, snow removal, pavement marking, sign maintenance and roadway surface maintenance. The attached Intergovernmental Agreement (IGA) details two areas where both the City and County share common boundaries and wish to jointly perform surface maintenance on the roadway.

Resolution Adopted.

24. **Resolution 2025-076 Making Appointments to the Youth Advisory Board.**

The purpose of this item is to fill existing vacancies on the Youth Advisory Board.

Pursuant to Council policy, the recommended appointees have completed or will complete the required acknowledgement and acceptance of the Code of Conduct and the applicable laws and policies that govern service on City of Fort Collins boards and commissions.

Resolution Adopted.

END OF CONSENT CALENDAR

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to approve the recommended actions on items 1-24 on the Consent Calendar.

Councilmember Potyondy commented on Item No. 24, *Resolution 2025-076 Making Appointments to the Youth Advisory Board*, and commended the applicants and new appointees.

The motion carried 7-0.

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

Mayor Pro Tem Francis requested a follow-up memo regarding Item No. 21, *First Reading of Ordinance No. 140, 2025, Amending Article IV of Chapter 15 of the Code of the City of Fort Collins to Update the Door-to-Door Solicitation Permitting Processes*, prior to Second Reading.

Councilmember Ohlson commented on Item No. 17, *First Reading of Ordinance No. 134, 2025, Authorizing the City of Fort Collins to Lease Real Property Adjacent to the Overland Electric Substation to Platte River Power Authority for a Battery Storage Project*, noting the item is going through the SPAR process. He stated he hopes all involved give close attention to the foothills Night Skies. Additionally, he requested a follow-up regarding Item No. 18, *First Reading of Ordinance No. 135, 2025, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Cordova Road – North of Duff Drive*, in terms of why eminent domain is being used by the City as the developer could not acquire the land at a certain price.

L) STAFF REPORTS

M) COUNCILMEMBER REPORTS

Councilmember Tricia Canonico

- Thanked Parks and Energy staff at the East Park facility for the tour.

Councilmember Melanie Potyondy

- Attended Fort Collins Comic Con.
- Met a family whose daughter had emailed her about NBA jerseys being used for the youth girls' basketball league. She requested WNBA teams be used for the girls' teams.

Councilmember Kelly Ohlson

- Attended seven Neighborhood Night Out events over four nights – people in District 5 commended increased speed and red-light enforcement, commended Natural Areas and desire more, and opposed CSU's plan for LED billboards.

Councilmember Susan Gutowsky

- Attended seven Neighborhood Night Out events – enjoyed seeing pride in neighborhoods.
- Attended Fort Collins Comic Con – Fort Collins Symphony performed.
- Attended the Heartside Hill grand opening.

Mayor Jeni Arndt

- Tour de Fat is this weekend.
- CSU students are returning – be aware of additional traffic.

Clerk's Note: Mayor Arndt called for a break at this point in the meeting.

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

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

25. **First Reading of Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site.**

The purpose of this item is to consider an Ordinance to support the Civic Assembly's recommendations presented to Council on May 27, 2025, and to add additional specification to those recommendations.

STAFF PRESENTATION

Assistant City Manager Rupa Venkatesh stated Council will be considering an ordinance to adopt a conceptual framework for the use and management of the Hughes site. She outlined the Civic Assembly process and recommendations which highlighted a multi-use property and Indigenous consultation. She noted the draft ordinance language was put together based on Council feedback from two previous work sessions and involves Natural Areas and Parks managing portions of the property.

PUBLIC PARTICIPATION

Rich Stave stated the intent of the 2021 vote was to have the City purchase the property rather than allow CSU to build housing on the site. He supported the Civic Assembly process and allowing voters to determine the specified use of the Hughes property.

Kathryn Dubiel thanked the community volunteers who spent over 60 days speaking to citizens about the opportunity to establish Hughes as a 100% Natural Area, ultimately to be decided by the voters. She also thanked the Clerk's Office for their work on reviewing the petition. She discussed the Civic Assembly ballot initiative and requested clarification on the timeline for protesting the ballot language, which would normally be Monday, September 1st, though that is a holiday. She asked about how the conflicting initiatives will be presented on the ballot so voters can differentiate between them.

Jane Hamburger explained her reconciliation with her ancestors' western points of view of how to treat and own the earth with the Indigenous or spiritual perspective of the spaces and inhabitants of the natural environment. She urged people to slow down and build a respectful relationship in consultation with Indigenous groups.

Adam Hirschhorn stated it is important to view things through many lenses regarding the environment. He compared the management of the West Nile Virus to managing the Hughes site.

COUNCIL QUESTIONS/DISCUSSION

Councilmember Pignataro expressed support for sending this item to the ballot and commented on the Civic Assembly process. She asked about the language related to the intent to garner Indigenous input.

Councilmember Ohlson asked about the language in the Ordinance. Assistant City Manager Venkatesh noted there would be a requirement that the site is developed using the City's development review process and is in compliance with all current standards, including lighting.

Councilmember Ohlson requested wildlife conservation and wildlife rescue and rehabilitation be added prior to Second Reading, and that the Natural Areas portion be a minimum of 60 acres instead of not to exceed 60 acres. Katie Donahue, Natural Areas Director, replied there was more discussion about limiting the acreage for bike park features and parallel language was used for each of the other pieces. City Attorney Daggett noted the language would need to change for the acreage to be able to be increased above 60.

Councilmember Ohlson stated he is not advocating for additional acreage, but would like the language to be less constrictive. He asked why the trail language did not include 'soft trail system.' Donahue replied it was being left open for the site planning process and noted there would likely be a combination of both paved and soft surface trails if the Civic Assembly proposal was to be implemented.

Councilmember Potyondy stated she would support placing this item on the ballot and asked what would occur if both Hughes ballot questions pass. City Attorney Daggett replied the Charter language states that the item with the most affirmative votes prevails.

Mayor Pro Tem Francis stated the language attempts to stay true to the Civic Assembly recommendation and questioned whether adding 'conservation and rescue' would change that recommendation. Assistant City Manager Venkatesh replied the multi-use recommendation that received 89% of the support does include conservation/education features, and another super majority recommendation includes wildlife rehabilitation.

Mayor Pro Tem Francis noted there are three components that include 'not to exceed' acreage language: Natural Areas, environmental education, and the bike park.

Council discussed the acreage breakout for the multiple uses of the Hughes property.

Councilmember Canonico suggested using 'anticipated' rather than 'not to exceed' as related to acreage.

Councilmember Gutowsky noted over 65% of voters passed the ballot measure to designate the property as an open space in 2021. She commended the Civic Assembly process but noted there was no super majority support for a bike park. She suggested amending the recommendations to only include the items that received a super majority of votes prior to Second Reading.

Ginny Sawyer, Lead Policy and Project Manager, discussed the acreage recommendations.

Councilmember Potyondy asked if the 60-acre Natural Areas piece was informed by a review of the property and which proportion seemed most in line with Natural Areas expectations. Donahue replied staff provided the Civic Assembly with a high-level overview of the site broken into quadrants and noted that the western side of the property had the most matching characteristics to the habitat in the Maxwell Natural Area. She stated there are no hard and fast lines between uses and stated there would likely be a great deal of interaction between Parks and Natural Areas for the site design.

Councilmember Potyondy noted that part of the reason this discussion is occurring is due to having ambiguous language on the original ballot measure; therefore, having as little ambiguity as possible in this ballot language will be valuable for voters.

Mayor Arndt expressed support for the ballot language as written.

Councilmember Pignataro noted 19 of the 20 Civic Assembly representatives included a bike park in their maps; however, the way in which the questions were ordered was confusing and the representatives verbally stated their intent to include the bike park. Mayor Arndt concurred.

Councilmember Ohlson stated he does not believe the Hughes property is an appropriate location for a bike park given potential negative environmental impacts; however, he stated he appreciates getting some of the other language inclusions he requested. He suggested the impacts of the bike park on neighboring uses could be diminished with good berming, landscaping, and buffering, and stated that work would help assuage his concerns with the 35 acres for bike park features.

Councilmember Canonico thanked those who have put so much energy into this proposal and stated it is appropriate for the item to go to voters.

Mayor Pro Tem Francis stated she would support the item and thanked those who participated in the Civic Assembly process.

Councilmember Gutowsky requested clarification as to whether the 35 acres would include parking. Assistant City Manager Venkatesh replied the 35 acres is dedicated to bike park features and would not include parking.

Councilmember Gutowsky expressed concern about the extent of the bike park noting it will likely end up being a regional draw, and given the property's location extremely far from the interstate, traffic will increase on the main east-west roadways. She expressed concern about those impacts on traffic and the environment. She also noted other regional bike parks are not contiguous to natural areas and stated the feasibility study listed a number of other possible locations for a bike park. She suggested other locations should be explored prior to automatically placing it at the Hughes site and stated she cannot support this item with the inclusion of the bike park.

Mayor Arndt thanked the Civic Assembly participants and other members of the public who were engaged.

Councilmember Potyondy commended the work of staff on the Civic Assembly.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site, on First Reading, amending section F to add conservation, with a friendly amendment from Councilmember Ohlson to expressly state "wildlife" before conservation.

The motion carried 6-1.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Ohlson, Pignataro, and Potyondy.
Nays: Councilmember Gutowsky.

26. **Resolution 2025-077 Submitting to a Vote of the Registered Electors of the City a Proposed Ordinance Extending the Expiring Twenty-Five Hundredths Percent (0.25%) "Community Capital Improvement Program" Capital Projects Sales and Use Tax for a Period of Ten Years for the Purpose of Obtaining Revenue for Capital Projects and Related Operation and Maintenance.**

This item has been amended to include August 18, 2025 versions of Resolution 2025-077.

The purpose of this item is to submit to the ballot a question to extend the expiring 0.25% sales and use tax (the "Community Capital Improvement Program" or "CCIP") and to refer the operative changes to the City's Municipal Code (the "Code") for the consideration of voters at the November 4, 2025, election. The extension, if approved, is estimated to generate approximately $11 million of annual revenue for the purposes established in the ballot question and ordinance, including the costs of planning, designing, and constructing specified capital projects, and to provide operation and maintenance ("O&M") for some of those projects as designated. The existing, voter-approved CCIP tax will expire on December 31, 2025. If approved by voters in November, the renewal as presented will extend the tax for another ten-year term from January 1, 2026, to December 31, 2035.

The project list for the extension of the 0.25% sales and use tax includes:

- *Pedestrian Sidewalk/ADA Compliance*
- *Arterial Intersection and Streetscapes Improvements Fund*
- *Bicycle Infrastructure and Overpass/Underpass Program*
- *Affordable Housing Capital Fund*
- *Mulberry Pool Recreation Replacement Leveraging Fund*
- *Poudre River North – Health, Access, Parks & Trails*
- *Composting Infrastructure Advancement*
- *Downtown Parks Shop*

- *Community Bike Park*
- *Outdoor Pickleball Complex & Courts*
- *Nature in the City Program*
- *Transfort Bus Replacements & Stop Enhancements*
- *Recreational Paved Trails*
- *Construction Waste Diversion Equipment*
- *Historic Trolley Building Stabilization*
- *Gardens on Spring Creek – Children's Garden & Infrastructure*
- *Lee Martinez Farm Renovation & Expansion*
- *Timberline Recycling Center Improvements*

The projects listed in the ballot question include estimated revenue to support each project, including estimated capital costs, five years' O&M for certain projects, and increases from known inflationary factors. For those projects for which tax revenues may also be used for O&M, the limitation of five years of O&M was designed to allow those service areas managing those facilities and programs to collect the necessary data and experience from at least two budget cycles to determine the appropriations for ongoing O&M costs while maximizing project revenues supported by this tax (if approved).

Under Section 7-156 of the City Code, any registered elector desiring to protest a proposed ballot title or submission clause for any initiated measure must file such a protest with the City Clerk, no later than noon on Monday, August 18, 2025. If a protest is filed, a hearing on the protest will be added to the agenda item and must take place before the Council adopts the Resolution setting the ballot title and submission clause.

STAFF PRESENTATION

Ginny Sawyer, Lead Policy and Project Manager, discussed the history of projects completed as part of previous capital improvement tax packages. She noted the goal of the package is to include input from asset and management plans, advance Council priorities, and provide opportunities and amenities that appeal to everyone in the community.

Joe Wimmer, Utilities Finance Director, provided the list of the 18 projects and capital programs to be funded over the ten years of the tax. He noted the major change since the last work session was the addition of the composting infrastructure project for $7 million, which resulted in two projects being scaled: the historic trolley building renovation and the downtown Parks shop. He noted the anticipated tax revenue over the ten years will be $110 million, and the package total is at $102.7 million to plan for inflation.

PUBLIC PARTICIPATION

Joe Rowan questioned why Council is deciding on this package this evening while it will be discussing community priorities at next week's work session. Additionally, he stated long-term maintenance has been left out of budgets for asset acquisition. He commented on housing being the fundamental challenge to address in the community and stated that is not reflected in this package.

Samantha Stegner supported additional funding for affordable housing, particularly as it applies to making mobile home parks resident owned.

Rich Stave discussed overflow parking issues at an affordable housing complex near his residence and commented on the increase in taxes.

COUNCIL QUESTIONS/DISCUSSION

Councilmember Potyondy requested staff input regarding the unspent CCIP funds from the existing tax package. Sawyer replied Council has discussed using $12 million of those funds for the Southeast Community Center. She also stated the remaining funds on the existing tax should not necessarily impact the decision on this ordinance or referral. She noted any unspent CCIP dollars will be allocated at a future date by Council determination.

Councilmember Pignataro asked what changes have been put in place to help better support housing in the package. Sawyer replied there was a shift away from the idea of bonding to keep from having to make debt payments. Additionally, there have been conversations about how the money can be rolled out in specific amounts; however, the $10 million for housing has not been increased given the goal of not making this a housing tax.

City Manager DiMartino noted $2-3 million of the excess existing CCIP tax dollars could be put toward housing per Council's decision.

Councilmember Gutowsky commended Ms. Stenger's suggestion about using the dollars for mobile home park purchasing and requested additional input regarding specific proposals for the affordable housing dollars. Wimmer replied some tools from the last ten years of the affordable housing dollars are being carried forward, and they primarily went toward fee waivers and direct equity investments into projects to quicken timelines. The next iteration of the tax contemplates adding another tool of low-interest loans to developers.

Mayor Pro Tem Francis noted this is a tax extension, not a new tax, and stated that while additional funds are needed for affordable housing, this is not a housing tax but a capital improvement tax. She stated the community needs to think more intentionally and creatively about how to fund needed affordable housing.

Mayor Arndt stated this process has involved a great deal of public involvement and outreach and she will support its placement on the ballot.

Councilmember Canonico supported ongoing conversations around support of affordable housing in the community. She expressed support for the proposed tax package and commented on the importance of partnerships with the School District and Library District for the Southeast Community Center.

Councilmember Pignataro stated she would support the placement of this item on the ballot.

Councilmember Gutowksy commended the community engagement efforts and stated she would support the placement of the item on the ballot.

Councilmember Ohlson thanked the management team and staff who worked on the package and commended the Council changes. Additionally, he stated there is more to come on affordable housing funding in the near future. He stated he would like this Council or a future Council to solidify the 80/20 split related to recreation centers and pools. City Manager DiMartino replied staff would follow up with additional information.

Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Resolution 2025-077 Submitting to a Vote of the Registered Electors of the City a Proposed Ordinance Extending the Expiring Twenty-Five Hundredths Percent (0.25%) "Community Capital Improvement Program" Capital Projects Sales and Use Tax for a Period of Ten Years for the Purpose of Obtaining Revenue for Capital Projects and Related Operation and Maintenance.

The motion carried 7-0.

27. **Resolution 2025-078 Submitting to a Vote of the Registered Electors of the City a Citizen-Initiated Ordinance to Continue the City's Existing Open Space Sales and Use Tax.**

This item has been amended to include August 18, 2025 versions of Resolution 2025-078.

The purpose of this item is to submit to a vote of the registered electors, at the City's Regular Election on November 4, 2025, a ballot issue question that approves a citizen-initiated ordinance that proposes the extension of the ¼ of one percent Natural Areas sales and use tax, without expiration, to continue to protect natural areas and open spaces; offer appropriate recreation; provide revenue for responsible restoration and management of protected lands; and partner with Larimer County, COGO, and others to make funding go further. The ordinance makes several modifications to Citizen-Initiated Ordinance No. 1, 2002 (Open Space, Yes!) related to Land Conservation, Operations, and Maintenance Activities to ensure that long-term operations and maintenance needs can be met within the parameters of the initiative language.

A protest hearing regarding the ballot title may be required before consideration of the Resolution. Under Section 7-156 of the City Code, any registered elector desiring to protest a proposed ballot title or submission clause for any initiated measure must file such a protest with the City Clerk, no later than noon on Monday, August 18, 2025. If a protest is filed, a hearing on the protest will be added to the agenda item and must take place before the Council adopts the Resolution setting the ballot title and submission clause.

***Clerk's Note: Councilmember Ohlson withdrew from the discussion of this item as he was a petition gatherer, and his wife is leading the effort.*

STAFF PRESENTATION

City Clerk Delynn Coldiron stated this item is a citizen-initiated effort related to the extension of the ¼ cent Natural Areas sales tax. She noted no protests were received on the ballot title or language and stated the Charter requires this item must be referred to the ballot as it is a tax initiative. She provided the proposed ballot language which was recently revised to limit the number of words to 250.

PUBLIC PARTICIPATION

Ross Cunniff, chair of the Land Conservation and Stewardship Board, stated the Board recommends placing this issue on the ballot and stated continued funding of Natural Areas in perpetuity is necessary to maintain the character of Fort Collins.

Rich Stave expressed concern about the lack of expiration on the tax and stated the majority of Fort Collins residents cannot access many Natural Areas as part of their normal routine.

Councilmember Gutowsky stated she would support the placement of this item on the ballot and commented on the fact that the number of signatures gathered exceeded what was required.

Councilmember Potyondy stated the community has repeatedly expressed support for Natural Areas and commented on the value of obtaining and maintaining Natural Areas properties.

Mayor Arndt commended the citizens working with the Natural Areas Department given the tax perpetuity.

Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Resolution 2025-078 Submitting to a Vote of the Registered Electors of the City a Citizen-Initiated Ordinance to Continue the City's Existing Open Space Sales and Use Tax.

The motion carried 6-0.

Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Canonico, Gutowsky, Pignataro, and Potyondy.
Recuse: Councilmember Ohlson.

P) RESUMED PUBLIC COMMENT

Q) OTHER BUSINESS

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

(Three or more individual Councilmembers may direct the City Manager and City Attorney to initiate and move forward with development and preparation of resolutions and ordinances not originating from the Council's Policy Agenda or initiated by staff.)

R) ADJOURNMENT

There being no further business before the Council, the meeting was adjourned at 9:25 p.m.

_____
Mayor

ATTEST:

_____
City Clerk

DRAFT

File Attachments for Item:

2. Second Reading of Ordinance No. 127, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends an appropriation of $22,050 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Emily Land, Director of Philanthropy & Strategic Partnerships

SUBJECT

Second Reading of Ordinance No. 127, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends an appropriation of $22,050 in philanthropic revenue received through City Give. These miscellaneous gifts to various City departments support a variety of programs and services and are aligned with both the City's strategic priorities and the respective donors' designation.

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

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community's philanthropic landscape. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

The City received several individual philanthropic donations in 2025 totaling $22,050 to support various departments, and these funds are currently unappropriated. Both Section 2.5 of the City's Financial Management Policy 2 – Revenue, as approved by Council, and the Administrative Philanthropic Governance Policy 6.04, adopted by the City Manager, (together the "City Give Policies"), provide the bases and processes for the responsible and efficient management of charitable donations to the City.

Gifts totaling $22,050 have been received for various programs. These gifts include: $20,000 received from AARP in support Neighborhood Services, $1,500 received from the U.S. Tennis Association in support of Recreation, and $550 received from individual donors in support of various departments and programs.

The respective donors have directed the City to use these generous donations for designated purposes within, and to benefit, City service areas and programs.

CITY FINANCIAL IMPACTS

Upon adoption, this Ordinance will appropriate in the current fiscal year into the Funds as detailed in the table below in new philanthropic revenue received through City Give in the amount of $22,050 and authorize expenditures against those revenues for the purposes and in the amounts as directed by donors to support various City departments to support a range of programs and services.

Fund	Project	Amount	Lapsing/Non-lapsing
General	Plumbing 101 & Water conservation Workshops	$20,000	Lapsing
Recreation	Recreation/Tennis	$1,500	Lapsing
Recreation	The Farm at Lee Martinez Park	$500	Lapsing
Light & Power	Payment Assistance Fund	$50	Non-lapsing

The donations will be spent from the designated fund solely for the donors' intended purpose. The funds have been received and accepted according to City Give Policies.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 127, 2025

ORDINANCE NO. 127, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED PHILANTHROPIC
REVENUE RECEIVED THROUGH CITY GIVE FOR VARIOUS
PROGRAMS AND SERVICES AS DESIGNATED BY THE
DONORS

A. The City has received generous donations in 2025 through its City Give program, both large and modest, as philanthropic gifts to the public and the City programs and activities to serve the community.

B. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting programs or capital expenses throughout the City, including, but not limited to, parks and recreation, utility payment assistance, and neighborhood services.

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

D. The City Manager has recommended the appropriations described in Section 1 of this Ordinance and determined that the amount of each of these appropriations are available and previously unappropriated from the respective funds named in Section 1 will not cause the total amount appropriated in each such fund to exceed the current estimate of actual and anticipated revenues to be received in those funds during this fiscal year.

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

F. The City Council wishes to designate the appropriation herein for the donation to the Payment Assistance Fund as appropriations that shall not lapse until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

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

Section 1. There is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2025 to be expended as designated by the donors in support of the various City programs and services as described in the Agenda Item Summary.

General Fund, Neighborhood Services	$20,000
Light & Power Fund, donation to the Payment Assistance Fund	$50
Recreation Fund	$2,000

Section 2. The appropriation herein for the donation to the Payment Assistance Fund is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

3. Second Reading of Ordinance No. 128, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves in the Water Utility Fund for the Lemay Water Line Replacement Project and to Supplement the 2025 Water Main Operating Budget and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, requests a supplemental appropriation of $3,400,000 in the Water Utility Fund to fund the Lemay Water Line Replacement Project, and to supplement the 2025 water main operating budget, in addition to an appropriation of $32,000 for Art in Public Places.

The Lemay Water Line Replacement Project is the result of unanticipated and continuous water leaks occurring since spring 2025. Based on the number and frequency of leaks, approximately $200,000 has been spent to date on responding to leaks. Considering the condition of the water line and risk to City staff and the public, the water line needs to be replaced. The $3,432,000 supplemental appropriation serves to: 1) supplement the 2025 water main repairs operating budget by $200,000 for unanticipated costs incurred to respond to numerous leaks; 2) fund $3,200,000 for design and construction of a new water line, as well as removal of the existing water line; and 3) contribute $32,000 for Art in Public Places per Code.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Jeremy Woolf, Senior Director, Water Operations
Andrew Ginerich, Director, Water Field Operations
Joe Wimmer, Director, Utilities Finance

SUBJECT

Second Reading of Ordinance No. 128, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves in the Water Utility Fund for the Lemay Water Line Replacement Project and to Supplement the 2025 Water Main Operating Budget and Related Art in Public Places.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, requests a supplemental appropriation of $3,400,000 in the Water Utility Fund to fund the Lemay Water Line Replacement Project, and to supplement the 2025 water main operating budget, in addition to an appropriation of $32,000 for Art in Public Places.

The Lemay Water Line Replacement Project is the result of unanticipated and continuous water leaks occurring since spring 2025. Based on the number and frequency of leaks, approximately $200,000 has been spent to date on responding to leaks. Considering the condition of the water line and risk to City staff and the public, the water line needs to be replaced. The $3,432,000 supplemental appropriation serves to: 1) supplement the 2025 water main repairs operating budget by $200,000 for unanticipated costs incurred to respond to numerous leaks; 2) fund $3,200,000 for design and construction of a new water line, as well as removal of the existing water line; and 3) contribute $32,000 for Art in Public Places per Code.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Lemay Water Line Replacement Project arises from the condition of the water line resulting in an unprecedented number of water main leaks since spring 2025. The 20-inch water line along Lemay Avenue, between Harmony Road and Harbor Walk Drive has suffered seven leaks from April through mid-June 2025. Each leak resulted in closure of Lemay Ave for eighteen to twenty-four hours, thereby impacting those living along and/or traveling this arterial roadway. Each leak has required approximately $25,000 for repairs, greatly impacting the water main repairs operating budget. The 2025 operating budget has incurred approximately $200,000 in unanticipated costs to pair these leaks.

The water line, constructed in 1977, is a 20” ductile iron pipe. Prior specifications did not require the water line to be wrapped in plastic, with native soil used as backfill on top of the pipe. The 2025 leaks have all

been on top of the water line, which is consistent with native backfill material directly in contact with ductile iron pipe. Continuous leak repair creates isolated system vulnerability. Based on the condition of the water line, the entire 2,800 linear feet of 20" ductile iron pipe along Lemay Ave, from Harbor Walk Drive to Harmony Road, needs to be replaced with new polyvinyl chloride (PVC) pipe. Design and construction of the new PVC water line, including appropriate contingency, is estimated at $3,200,000.

Staff requests a $3,432,000 supplemental appropriation from Water Utility Fund reserves, with $200,000 for the water main repairs 2025 operating budget, $3,200,000 for the Lemay Water Line Replacement Project, and $32,000 for Art in Public Places, per code.

CITY FINANCIAL IMPACTS

This ordinance will appropriate:

- $200,000 for Water Utility Fund lapsing expenses. These lapsing expenses fall under the water main repairs 2025 operating budget and
- $3,232,000 for Water Utility Fund non-lapsing expenses ($3,200,000 for design and construction and $32,000 for Art in Public Places).

The $32,000 contribution for the Art in Public Places will be as follows: $24,960 will remain in the Water Utility Fund for Art in Public Places artwork and $7,040 will be transferred to the Cultural Services and Facilities Fund for operations and maintenance.

Water Utility Fund reserves are available for the above respective appropriations, with the fund projected to end 2025 above the City's fund reserve target.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Utilities staff presented the Lemay Water Line Replacement Project to the Water Commission at its July 17, 2025, regular meeting. The Water Commission recommended Council approve the supplemental appropriation from the Water Utility Fund to fund the Lemay Water Line Replacement Project.

Utilities staff also presented (Attachment 2) the project and impact to the water main repairs 2025 operating budget to Council Finance Committee at its August 7, 2025, meeting. The Council Finance Committee recommended Council to approve the $3,432,000 supplemental appropriation.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 128, 2025

ORDINANCE NO. 128, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS AND
APPROPRIATING PRIOR YEAR RESERVES IN THE WATER
UTILITY FUND FOR THE LEMAY WATER LINE REPLACEMENT
PROJECT AND TO SUPPLEMENT THE 2025 WATER MAIN
OPERATING BUDGET AND RELATED ART IN PUBLIC PLACES

A. The City owns and operates a Water Utility, which includes a water main in Lemay Avenue between Harmony Road and Harbor Walk Drive ("Lemay Water Line"). The Lemay Water Line Replacement Project ("Project") resulted from an unexpected infrastructure failure.

B. The Lemay Water Line conveys treated water to Water Utility customers. From April through mid-June 2025, the Lemay Water Line has suffered seven unanticipated and continuous water leaks resulting in a cost to the Water Utility in the amount of $200,000 to respond to these leaks. Each leak required the closure of Lemay Avenue for 18-24 hours, negatively impacting neighboring residents and motorists.

C. The Lemay Water Line, constructed in 1977, is comprised of 2,800 linear feet of 20-inch ductile iron pipe that is corroding and needs to be replaced with new polyvinyl chloride (PVC) pipe. Total Project costs for the design and construction of the replacement, including appropriate contingency, is estimated at $3,200,000.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of: delivering treated water to customers of the Water Utility and Fort Collins residents; ensuring that such water delivery is done in an efficient manner for the benefit of the Water Utility's ratepayers; and ensuring that such delivery is done pursuant to all applicable water quality regulations and permits so as to protect the health, safety, and welfare of Fort Collins and its residents.

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

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

G. Article V, Section 10 of the City Charter authorizes the City Council, upon recommendation by the City Manager, to transfer by ordinance any unexpended and unencumbered appropriated amount or portion thereof from one fund or capital project to

another fund or capital project, provided that the purpose for which the transferred funds are to be expended remains unchanged, the purpose for which the funds were initially appropriated no longer exists, or the proposed transfer is from a fund or capital project in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

H. The City Manager has recommended the transfer of $200,000 from the Water Fund operating budget to the Water Fund water main repairs operating budget and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

J. The total Project cost of $3,200,000 has been used to calculate the contribution to the APP Program.

K. The amount to be contributed in this Ordinance to the APP Program will be $32,000.

L. In accordance with Article V, Section 10 of the City Charter, the appropriation for the Project from the Water Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the APP Program as provided in City Code Section 23-304(a) will be used for Water Fund purposes and improvements in connection with the Project that provide a betterment to the Utility or provide a specific utility purpose that is beneficial to the Utility's ratepayer.

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

N. The City Council wishes to designate the appropriation herein for the Lemay Water Line Replacement capital project and/or federal, state or private grant or donation as an appropriation that shall not lapse until the completion of the Project.

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

Section 1. There is hereby appropriated from prior year reserves in the Water Fund the sum of THREE MILLION TWO HUNDRED THOUSAND DOLLARS ($3,200,000) to be expended in the Water Fund for the Lemay Water Line Replacement Project.

Section 2. The unexpended and unencumbered appropriated amount of TWO HUNDRED THOUSAND DOLLARS ($200,000) is authorized for transfer from the Water Fund Operating Budget to the Water Fund Water Line Replacement Operating Budget and appropriated therein to be expended for the Lemay Water Line Replacement Project.

Section 3. The unexpended and unencumbered appropriated amount of TWENTY-FOUR THOUSAND NINE HUNDRED SIXTY DOLLARS ($24,960) in the Water Fund is hereby authorized for transfer to the Water Fund APP Artwork Budget and appropriated and expended therein to fund art projects under the APP Program.

Section 4. The unexpended and unencumbered appropriated amount of SEVEN THOUSAND FORTY DOLLARS ($7,040) in the Water Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation and maintenance costs of the APP Program.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Eric Potyondy

Exhibit: None

File Attachments for Item:

4. Second Reading of Ordinance No. 129, 2025, Appropriating Prior Year Reserves in the Wastewater Utility Fund for the Blower Replacement Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, requests additional appropriation of $1,700,000 in the Wastewater Utility Fund to fund the Blower Replacement Project, in addition to appropriation of $17,000 for Art in Public Places.

The Blower Replacement Project at the Drake Water Reclamation Facility (DWRF) has undergone design, up to sixty percent, for replacing two blowers. An additional $1,700,000 from Wastewater Utility Fund reserves is needed to supplement the existing appropriated budget for preliminary design. The requested $1,700,000 additional appropriation will fund final design and installation of both blowers, having a minor contingency to fund unanticipated costs for the blowers to be placed into service.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Jeremy Woolf, Senior Director, Water Operations
Christina Schroeder, Director, Plant Operations
Joe Wimmer, Director, Utilities Finance

SUBJECT

Second Reading of Ordinance No. 129, 2025, Appropriating Prior Year Reserves in the Wastewater Utility Fund for the Blower Replacement Project and Related Art in Public Places.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, requests additional appropriation of $1,700,000 in the Wastewater Utility Fund to fund the Blower Replacement Project, in addition to appropriation of $17,000 for Art in Public Places.

The Blower Replacement Project at the Drake Water Reclamation Facility (DWRF) has undergone design, up to sixty percent, for replacing two blowers. An additional $1,700,000 from Wastewater Utility Fund reserves is needed to supplement the existing appropriated budget for preliminary design. The requested $1,700,000 additional appropriation will fund final design and installation of both blowers, having a minor contingency to fund unanticipated costs for the blowers to be placed into service.

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Blower Replacement Project arises from unexpected operational failure this year combined with the high potential for the DWRF to be in noncompliance with state water quality regulations and permits. The DWRF has two secondary process treatment trains (North and South). Each treatment train has a total of six aeration basin zones, which is supported by four blowers. Absent operation of all four blowers, the capacity of the aeration basin zones is reduced, thereby impacting the efficiency of plant operations. DWRF's North Process Train is currently operating with only three blowers. One of the two high speed turbo compressor style (Turbo) blowers stopped working. Based on the Turbo blowers no longer being supported by the manufacturer and being at the end of their useful life, both Turbo blowers require replacement to ensure compliance with state water quality regulations and permits, as well as to ensure efficient operations.

While included in capital improvement plans for the DWRF, the Blower Replacement Project was not scheduled for funding in the 2025/26 budget. After failure of one Turbo blower, $650,000 was allocated from existing replacement program capital funds for design of both Turbo blowers, funding the Project

through 60 percent design. Considering total project costs for design and construction of both new Turbo blowers estimated at $2,350,000, an additional $1,700,000 is needed to complete the Project. Final design and construction, with appropriate contingency, estimated at $1,700,000 will undergo a formal request for proposal proposed in August 2025.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate $1,717,000 for Wastewater Utility Fund non-lapsing expenses. The $17,000 contribution for the Art in Public Places will be as follows: $13,260 will remain in the Wastewater Utility Fund for Art in Public Places artwork and $3,740 will be transferred to the Cultural Services and Facilities Fund for operations and maintenance respectively.

Wastewater Utility Fund reserves are available for the $1,717,000 Blower Replacement Project, with the fund projected to end 2025 above the City's fund reserve target.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Utilities staff presented the Blower Replacement Project to the Water Commission at its July 17, 2025, regular meeting. The Water Commission recommended Council approve the supplemental appropriation from the Wastewater Utility Fund to fund the Blower Replacement Project.

Utilities staff also presented the Project (Attachment 3) to Council Finance Committee at its August 7, 2025, meeting. The Council Finance Committee recommended Council approve the $1,717,000 supplemental appropriation.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 129, 2025

ORDINANCE NO. 129, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN THE
WASTEWATER UTILITY FUND FOR THE BLOWER
REPLACEMENT PROJECT AND RELATED ART IN PUBLIC
PLACES

A. The City owns and operates a Wastewater Utility, which includes the Drake Water Reclamation Facility ("Drake Facility"). The Blower Replacement Project ("Project") resulted from an unexpected operational failure.

B. The Drake Facility has two secondary process treatment trains, each of which have six aeration basin zones that are supported by four blowers. In one of the secondary process treatment trains, one of the two turbo blowers stopped working. Because the turbo blowers are no longer supported by the manufacturer and are at the end of their useful life, both need to be replaced to ensure efficient operations and compliance with applicable water quality regulations and permits. The Project is for the replacement of these two blowers.

C. Total Project costs for design and construction are estimated at $2,350,000. To date, $650,000 has been allocated from existing replacement program capital funds for design up to 60 percent. The requested appropriation of $1,700,000 would fund the remainder of the Project.

D. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of: properly treating wastewater from the service area of the City's Wastewater Utility before it is discharged into the Cache la Poudre River; ensuring that such treatment is done in an efficient manner for the benefit of the Wastewater Utility's ratepayers; and ensuring that such treatment is done pursuant to all applicable water quality regulations and permits so as to protect the health, safety, and welfare of Fort Collins and its residents.

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

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

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

H. The total Project cost of $1,700,000 for this appropriation has been used to calculate the contribution to the APP Program.

I. The amount to be contributed in this Ordinance to the APP Program will be $17,000.

J. In accordance with Article V, Section 10 of the City Charter, the appropriation for the Project from the Wastewater Fund and the transfer of a portion of those unexpended and unencumbered appropriated funds to the APP Program as provided in City Code Section 23-304(a) will be used for Wastewater Fund purposes and improvements in connection with the Project that provide a betterment to the Utility and provide a specific utility purpose that is beneficial to the Utility's ratepayers.

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

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

Section 1. There is hereby appropriated from prior year reserves in the Wastewater Fund the sum of ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS ($1,700,000) to be expended in the Wastewater Fund for the Blower Replacement Project.

Section 2. The unexpended and unencumbered appropriated amount of THIRTEEN THOUSAND TWO HUNDRED SIXTY DOLLARS ($13,260) in the Wastewater Fund is hereby authorized for transfer to the Wastewater Utility APP Artwork Account and appropriated and expended therein to fund art projects under the APP Program.

Section 3. The unexpended and unencumbered appropriated amount of THREE THOUSAND FOUR HUNDRED DOLLARS ($3,400) in the Wastewater Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 4. The unexpended and unencumbered appropriated amount of THREE HUNDRED FORTY DOLLARS ($340) in the Wastewater Fund is hereby

authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 5. The appropriation herein for Blower Replacement Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Eric Potyondy

Exhibit: None

File Attachments for Item:

5. Second Reading of Ordinance No. 130, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, supports the Fort Collins Police Services' Property Crimes Unit by appropriating $54,200 of unanticipated grant revenue awarded by the Colorado State Patrol Department of Public Safety.

In July 2025, the Colorado State Patrol awarded Fort Collins Police Services $54,200 as a partner agency of the Beat Auto Theft Through Law Enforcement (BATTLE) Task Force. The $54,200 award is under the BATTLE program's FY26 cycle. These state funds will be used for Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Jason Lang, Detective
Carisa Clinton, Senior Grants Analyst

SUBJECT

Second Reading of Ordinance No. 130, 2025, Making a Supplemental Appropriation of an Additional Award from the Colorado Auto Theft Prevention Authority Grant for the Fort Collins Police Services Property Crimes Unit.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, supports the Fort Collins Police Services' Property Crimes Unit by appropriating $54,200 of unanticipated grant revenue awarded by the Colorado State Patrol Department of Public Safety.

In July 2025, the Colorado State Patrol awarded Fort Collins Police Services $54,200 as a partner agency of the Beat Auto Theft Through Law Enforcement (BATTLE) Task Force. The $54,200 award is under the BATTLE program's FY26 cycle. These state funds will be used for Police Services personnel overtime pay to support multiagency and multijurisdictional BATTLE operations to identify, interdict, investigate, enforce, and prosecute motor vehicle theft-related crimes.

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The BATTLE program is comprised of several regions throughout Colorado, including the BATTLE North region. Fort Collins Police Services, in capacity as a partner agency to the BATTLE North team, collaborates with other partner agencies to respond to motor vehicle theft-related crimes. The $54,200 in BATTLE program funds supports Fort Collins Police Services' Property Crimes Unit to prevent auto theft crimes. These funds will be used to cover overtime pay for Police Services personnel.

CITY FINANCIAL IMPACTS

This item appropriates $54,200 in unanticipated revenue from the Colorado Auto Theft Prevention Authority (CATPA) grant in support of Police Services Property Crimes Unit's participation in the BATTLE program.

There is no match requirement by the City under this grant.

This grant is a reimbursement type grant, meaning General Fund expenses will be reimbursed up to $54,200.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 130, 2025

ORDINANCE NO. 130, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION OF AN
ADDITIONAL AWARD FROM THE COLORADO AUTO THEFT
PREVENTION AUTHORITY GRANT FOR THE FORT COLLINS
POLICE SERVICES PROPERTY CRIMES UNIT

A. Fort Collins Police Services ("FCPS") is a member of the Beat Auto Theft Through Law Enforcement ("BATTLE") program created by Colorado State Patrol ("CSP"). The purpose of BATTLE is for member agencies to collaborate and work with other law enforcement agencies around the state to investigate and respond to motor vehicle theft related crimes, which has seen a steady growth within the City over the past five years.

B. CSP manages the BATTLE program and provides grant funding opportunities to member agencies to help cover personnel costs for the time that is needed to prevent auto theft crimes.

C. In December 2024, CSP awarded FCPS $80,790 in capacity as a partner agency of the BATTLE Task Force. On February 18, 2025, through Ordinance No. 011, 2025, the $80,790 award was appropriated. On April 24, 2025, FCPS was awarded an additional $19,011 to cover anticipated fiscal year costs for equipment.

D. The BATTLE Task Force has now awarded FCPS an additional $54,200 in grant funds to support CSP's plan to reduce auto theft for the North Region for the FY26 grant cycle. This grant money will help cover overtime costs associated with the FCPS Property Crimes Unit work to support auto theft prevention measures in our community.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of the prevention and investigation of motor vehicle theft crimes.

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

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

H. Article V, Section 11 of the City Charter authorizes the City Council to designate in the ordinance when appropriating funds for a federal, state or private grant

or donation, that such appropriation shall not lapse at the end of the fiscal year in which the appropriation is made, but continue until the earlier of the expiration of the federal, state or private grant or the City's expenditure of all funds received from such grant.

I. The City Council wishes to designate the appropriation herein for the Colorado Auto Theft Prevention Authority Grant as an appropriation that shall not lapse until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

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

Section 1. There is hereby appropriated from new revenue or other funds in the General Fund the sum of FIFTY-FOUR THOUSAND TWO HUNDRED DOLLARS ($54,200) to be expended in the General Fund for the Fort Collins Police Services Property Crimes Unit.

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

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Dawn Downs

Exhibit: None

File Attachments for Item:

6. Second Reading of Ordinance No. 131, 2025, Making Supplemental Appropriations of Grant Funds From Colorado Parks and Wildlife for the Soapstone Prairie Headwaters Restoration Project.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, supports the Natural Areas Department ("NAD") in stream and wetland protection and restoration work at Soapstone Prairie Natural Area. The Soapstone Prairie Headwaters Stream Restoration Project aims to improve ecological function and habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area. Specifically, the project will:

- Improve hydrological function and biodiversity for a one-mile reach of stream/wetland complex.

- Create seven pools using beaver dam analog wood structures to support amphibian habitat.

- Incorporate a rest cycle from livestock grazing through wildlife-friendly fencing.

- Include Native and Indigenous community members in restoration planting activities.

NAD was awarded $25,500 through the Colorado Parks and Wildlife ("CPW") Wetlands for Wildlife grant (Attachment 1). This grant funds the final phase of the project – adaptive management and monitoring activities – and follows completion of prior work including design, construction, and community engagement.

This ordinance will enable the Natural Areas Department to complete the Soapstone Prairie Headwaters Restoration Project and fulfill final monitoring and reporting obligations under the CPW grant.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Bernadette Kuhn, Senior Environmental Planner
Carisa Clinton, Senior Grants Analyst

SUBJECT

Second Reading of Ordinance No. 131, 2025, Making Supplemental Appropriations of Grant Funds From Colorado Parks and Wildlife for the Soapstone Prairie Headwaters Restoration Project.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, supports the Natural Areas Department ("NAD") in stream and wetland protection and restoration work at Soapstone Prairie Natural Area. The Soapstone Prairie Headwaters Stream Restoration Project aims to improve ecological function and habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area. Specifically, the project will:

- Improve hydrological function and biodiversity for a one-mile reach of stream/wetland complex.

- Create seven pools using beaver dam analog wood structures to support amphibian habitat.

- Incorporate a rest cycle from livestock grazing through wildlife-friendly fencing.

- Include Native and Indigenous community members in restoration planting activities.

NAD was awarded $25,500 through the Colorado Parks and Wildlife ("CPW") Wetlands for Wildlife grant (Attachment 1). This grant funds the final phase of the project – adaptive management and monitoring activities – and follows completion of prior work including design, construction, and community engagement.

This ordinance will enable the Natural Areas Department to complete the Soapstone Prairie Headwaters Restoration Project and fulfill final monitoring and reporting obligations under the CPW grant.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

CPW provides annual funding through the Wetlands for Wildlife Grant to restore, enhance, and create wetland and riparian habitat in Colorado. NAD staff partnered with CPW biologists for three years to design and implement this project as a major priority in restoring habitat for the Northern Leopard Frog (”NLF”), a rare amphibian listed as a Species of Greatest Conservation Need. Construction was completed in November 2024, including installation of seven beaver dam analogs – wood structures built with cottonwood longs and willows – to form amphibian breeding, foraging, and overwintering pools. NAD also installed a grazing enclosure fence to allow vegetation and soil recovery, and 1000 native willow stakes with the Native and Indigenous community to improve wildlife habitat.

The $25,500 CPW grant, awarded in June 2025, will fund post-construction adaptive management activities such as wetland delineation, pool depth monitoring, and the preparation of as-built drawings by an external consultant.

CITY FINANCIAL IMPACTS

This Ordinance appropriates $25,500 in unanticipated revenue from CPW to fund the final phase of restoration work. The grant is reimbursement-based, meaning the City will incur eligible expenses and submit for reimbursement up to the grant amount. The Natural Areas Department will contribute a $47,253 in-kind match through staff time, funded from the existing Natural Areas Fund (Fund 272); no additional appropriation is required for the match (Attachment 2).

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Outreach has included a restoration planting event in collaboration with Native and Indigenous community members, educational programming for Wellington students, and site visits with county, state, and federal partners.

The project is also featured in a national restoration database: https://pbr.riverscapes.net/projects

In 2025, NAD staff are teaching Wellington students about stream restoration and Northern Leopard Frogs, bringing county, state, and federal partners on site visits, and presenting the project at local and regional conferences.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 131, 2025

ORDINANCE NO. 131, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS OF GRANT FUNDS FROM COLORADO PARKS AND WILDLIFE FOR THE SOAPSTONE PRAIRIE HEADWATERS RESTORATION PROJECT

A. The City's Natural Areas Department ("NAD") has undertaken the Soapstone Prairie Headwaters Restoration Project to restore ecological function and improve habitat in a one-mile reach of stream and wetland complex at Soapstone Prairie Natural Area.

B. This project includes the installation of beaver dam analog ("BDA") structures to support breeding and overwintering habitat for the Northern Leopard Frog, a species of greatest conservation need, as well as implementation of wildlife-friendly grazing enclosures and native willow plantings in partnership with Indigenous community members.

C. NAD has completed the project's design, permitting, construction, and community engagement phases, and now seeks to complete the final adaptive management phase, including post-construction wetland delineation, pool depth monitoring, and preparation of as-built drawings.

D. Colorado Parks and Wildlife ("CPW") has awarded a $25,500 Wetlands for Wildlife grant to the City to fund this final phase of the project.

E. The grant requires no cash match and will be supported by a $47,253 in-kind contribution of staff time funded from the existing appropriations in the Natural Areas Fund (Fund 272).

F. This appropriation will allow the NAD to complete required monitoring and reporting obligations under the grant and support the long-term ecological success of the restoration project.

G. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of enhancing wetland and riparian ecosystems; supporting biodiversity and habitat for species of conservation concern, including the Northern Leopard Frog; fostering climate resilience through nature-based restoration; and engaging local communities in stewardship of public natural areas.

H. Article V, Section 9 of the City Charter permits the City Council, upon recommendation of the City Manager, to make a supplemental appropriation by ordinance at any time during the fiscal year, provided that the total amount of such supplemental appropriation, in combination with all previous appropriations for that fiscal year, do not

exceed the current estimate of actual and anticipated revenues and all other funds to be received during the fiscal year.

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

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

K. The City Council wishes to designate the appropriation herein for the Soapstone Prairie Headwaters Restoration Grant Project as one that shall not lapse until the earlier of the expiration of the grant or the expenditure of all funds received from such grant.

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

Section 1. There is hereby appropriated from new revenue or other funds in the Natural Areas Fund the sum of TWENTY-FIVE THOUSAND FIVE HUNDRED DOLLARS ($25,500) to be expended in the Natural Areas Fund for Colorado Parks and Wildlife for the Soapstone Prairie Headwaters Restoration Grant Project.

Section 2. The appropriation herein for Colorado Parks and Wildlife for the Soapstone Prairie Headwaters Restoration Grant Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: April Silva

Exhibit: None

File Attachments for Item:

7. Second Reading of Ordinance No. 132, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Power Trail and Harmony Grade Separated Crossing Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, appropriates Transportation Capital Expansion Fee (TCEF) funds to the Power Trail and Harmony Grade Separated Crossing project (Project). The funds will be used for construction services. If approved, this item will: 1) appropriate $1,500,000 in TCEF funds to the Project; and 2) appropriate $15,000 (1%) of the TCEF funds to the Art in Public Places (APP) program.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Dillon Willett, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

Second Reading of Ordinance No. 132, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the Power Trail and Harmony Grade Separated Crossing Project and Related Art in Public Places.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, appropriates Transportation Capital Expansion Fee (TCEF) funds to the Power Trail and Harmony Grade Separated Crossing project (Project). The funds will be used for construction services. If approved, this item will: 1) appropriate $1,500,000 in TCEF funds to the Project; and 2) appropriate $15,000 (1%) of the TCEF funds to the Art in Public Places (APP) program.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Project will design and construct an underpass for the Power Trail where it intersects with Harmony Road. A separate project will construct trail connections north and south of Harmony Road, utilizing local funding, to connect the underpass to the existing ends of the Power Trail.

The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, and cross Harmony Road at-grade at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Project location, and several destinations are north of Harmony Road including multiple schools, businesses, a park, and a golf course. The existing at-grade crossing has been the scene of at least eight crashes involving bicycles and pedestrians between 2020 and 2024. Three of these crashes involved serious injuries and one involved a fatal injury. The Project will complete the gap in the Power Trail at Harmony Road by providing a low stress connection and encouraging greater trail usage. Overall risk will be reduced at the at-grade crossing, by reducing the number of pedestrian and bicycle crossings at McMurray Avenue. This will reduce vehicle waiting times and air pollution from idling vehicles. The low stress connection is expected to accelerate the mode shift from motor vehicles to active modes.

The Project and various trail connections will complete the Power Trail from the Poudre River Corridor to the Big Thompson Corridor. The City is also working on design and construction of multiple projects to

connect the Power Trail to local trail networks and residential communities in southeast Fort Collins. The Siphon Pedestrian Overpass crossing the Union Pacific Railroad tracks south of Harmony Road will connect the Mail Creek Trail to the Power Trail. Mail Creek Trail connects Bacon Elementary, the school side park currently under construction, and several existing communities via an underpass of Timberline Road to the City's overall trail network, via the Power Trail. Additionally, several residential developments near the Power Trail are in design and construction, adding to future trail demand and potential diversion of vehicle trips. Finally, the Power Trail is regionally significant and identified in the North Front Range Metropolitan Planning Organization (NFRMPO) Regional Active Transportation Plan (RATP) adopted in July 2021. The Power Trail is part of the Front Range Trail (West), also known as Regional Active Transportation Corridor (RATC) No.7. The 2025 RATP is currently under development and RATC No.7 remains in the updated plan.

Staff began reviewing alternatives for a grade separated crossing in 2019. There are significant challenges for both an underpass (ground water and large utility vaults) as well as an overpass (long ramp distances and overhead power lines) at this crossing location. By 2022, after a rigorous evaluation of alternatives, an underpass perpendicular to Harmony Road with ramps running parallel to the roadway was a clear choice. This option allowed for a trail experience that was like many locations on the City's trail network. This configuration also allowed for large utility vaults to remain in place without relocation costs. While overpass options were evaluated, cost, maintenance, long ramps, and viewshed interruption were other reasons an underpass was chosen. Primary design began in 2023. Minimal easement or right-of-way acquisition was needed for the underpass option. Several trail easement acquisitions were needed for the trail connections north and south of the underpass. These acquisitions are complete. The underpass was designed in conjunction with the trail sections. To simplify property acquisition and allow the underpass to move forward while acquisition was underway, a construction package for the Project was compiled and advertised in May 2025.

Five bids were received in response to the invitation to bid. During the City's evaluation of the apparent low bid, staff in good faith deviated from established procedures. After consultation with the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT), staff determined the misstep invalidated the bid process necessitating the bid to be cancelled. The City will be posting a new invitation to bid for the Project soon. The bid for the trail construction package will be advertised later this year or early in 2026.

The probable cost for the Project construction was $10,100,000. All but one of the initial bids received was above the estimated construction cost. To facilitate moving Project construction forward without delay, considering the need to process a second invitation to bid, staff is requesting to include an additional $1,500,000 in TCEF funds in the Project. If there are excess funds, they can be used toward construction of the trail connections north and south of the Project.

Grants make up a significant portion of the funding for the Project. The City was awarded $800,000 in Transportation Alternatives Program (TAP) funds in 2016. Congestion Mitigation and Air Quality Improvement Program funds were awarded to the Project in 2022 ($2,700,000) and 2023 ($3,239,300).

CITY FINANCIAL IMPACTS

The following is a summary of the funding anticipated for design, right-of-way acquisition, and construction for the Power Trail and Harmony Grade Separated Crossing project.

Prior Appropriated or Transferred Funds		
Transportation Capital Expansion Fee (TCEF)	$	1,072,491
Transportation Services Fund (TSF)	$	880
Art in Public Places (APP)	$	(10,733)
Transportation Alternatives Program (TAP)	$	800,000
Congestion Mitigation and Air Quality Improvement Program (CMAQ)	$	5,939,300
Community Capital Improvement Program - Bike/Pedestrian Grade Separated Crossing (CCIP-GSC)	$	1,200,000
Community Capital Improvement Program - Pedestrian Sidewalk (CCIP-PS)	$	1,000,000
Conservation Trust Fund (CTF)	$	1,600,000
Total Prior Appropriation	**$**	**11,601,938**

Funds to be Appropriated		
Transportation Capital Expansion Fee (TCEF)	$	1,514,700
Transportation Services Fund (TSF)	$	300
Net Total Project Funds to be Appropriated	**$**	**1,515,000**
Proposed Transfer to Art in Public Places	**$**	**15,000**
Total Capital Project Funds	**$**	**13,101,938**

The total fund amount projected for this Project is $13,101,938 composed of funds appropriated or transferred with prior actions and with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Project has been presented to the committees, boards, and commissions listed below.

- Bicycle Advisory Committee/Active Modes Advisory Board: 09/15/2022, 10/26/2020, 12/11/2019, and 11/26/2018.
- Commission on Disabilities/Disability Advisory Board: 01/10/2019
- Transportation Board: 08/16/2023 (part of the Transportation Capital Projects Prioritization Study), 12/18/2019, and 11/21/2018
- Parks and Recreation Advisory Board: 12/05/2018

The Project has come before Council for previous appropriations in March/April 2024 and February 2025.

PUBLIC OUTREACH

Staff developed a Public Engagement Plan for the Project. Staff presented and discussed Project drawings and renderings at several public outreach events including Kinard Middle School FC Moves Outreach Event in Fall 2019; the 2023, 2024, and 2025 Transportation Project Fairs; and the Kruse Elementary School Bike to School Day Open House in May 2024. A City web page is regularly updated with Project information and upcoming milestones.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 132, 2025

ORDINANCE NO. 132, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE POWER TRAIL
AND HARMONY GRADE SEPARATED CROSSING PROJECT
AND RELATED ART IN PUBLIC PLACES

A. The Power Trail and Harmony Grade Separated Crossing project ("Project") is a significant initiative by the City to enhance the safety and convenience of bike and pedestrian traffic in the area. The Project and various trial connections will complete the Power Trail from the Poudre River Corridor to the Big Thompson Corridor. The City is also working on design and construction of multiple projects to connect the Power Trail to local trail networks and existing and developing residential communities in southeast Fort Collins.

B. Staff began reviewing alternatives for a grade separated crossing in 2019, and primary design began in 2023. Grants make up a significant portion of the funding for the Project. The City was awarded $800,000 in Transportation Alternatives Program funds in 2016. Congestion Mitigation and Air Quality Improvement Program funds were awarded to the Project in 2022 ($2,700,000) and 2023 ($3,239,300). Previous appropriation Ordinances for the Project also include Ordinance No. 041, 2024 and Ordinance No. 012, 2025. This Ordinance provides an additional $1,500,000 in Transportation Capital Expansion Fee ("TCEF") funds for the construction of and funding for a pedestrian and bicycle underpass to further extend the Power Trail where it intersects East Harmony Road.

C. The current route for the Power Trail directs bicycles and pedestrians to use the City roadway network north and south of Harmony Road, and cross Harmony Road, at-grade, at McMurry Avenue. Several residential neighborhoods are south of Harmony Road near the Trail, and several destinations are north of Harmony Road including multiple schools, businesses, a park, and a golf course. The existing at-grade crossing has been the scene of at least eight crashes involving bicycles and pedestrians between 2020 and 2024. Three of these crashes involved serious injuries and one involved a fatal injury.

D. The Project will complete the gap in the Power Trail at Harmony Road by providing a low stress connection and encouraging greater trail usage. Overall risk will be reduced at the at-grade crossing, by reducing the number of pedestrian and bicycle crossings at McMurray Avenue. This will reduce vehicle waiting times and air pollution from idling vehicles. The low stress connection is expected to accelerate the mode shift from motor vehicles to active modes.

E. Primary design for the current route began in 2023. Minimal easement or right-of-way acquisition was needed for the underpass, and several trail easement acquisitions were needed for the trail connections north and south of the underpass. These acquisitions are complete. The underpass was designed in conjunction with the trail sections.

F. To simplify property acquisition and allow the underpass to move forward while acquisition was underway, a construction package for the Project was compiled and advertised in May 2025. Five bids were received in response to the invitation to bid, but during the City's evaluation of the apparent low bid, staff in good faith deviated from established procedures. After consultation with the Federal Highway Administration and Colorado Department of Transportation, staff determined the misstep invalidated the bid process necessitating the bid to be cancelled. The City will be posting a new invitation to bid for the Project soon. The bid for the trail construction package will be advertised later this year or early in 2026. To facilitate moving Project construction forward without delay, considering the need to process a second invitation to bid, staff is requesting to include an additional $1,500,000 in TCEF funds in the Project.

G. The appropriations for this Project benefit public health, safety, and welfare of the residents and traveling public of Fort Collins and serve the public purpose of promoting safer travel across multiple modalities and improving the transportation infrastructure within the City.

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

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

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

K. The total Project cost of $1,500,000 has been used to calculate the contribution to the APP program.

L. The amount to be contributed in this Ordinance to the APP program will be $15,000.

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

N. The City Manager has recommended the transfer of $15,000 from the Capital Projects fund to the Cultural Services and Facilities fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

P. The City Council wishes to designate the appropriation herein for the Power Trail and Harmony Grade Separated Crossing as an appropriation that shall not lapse until the completion of the Project.

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

Section 1. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee fund the sum of ONE MILLION FIVE HUNDRED FOURTEEN THOUSAND SEVEN HUNDRED DOLLARS ($1,514,700) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund to be expended therein for the Power Trail and Harmony Grade Separated Crossing Project.

Section 2. There is hereby appropriated from prior year reserves in the Transportation Services fund the sum of THREE HUNDRED DOLLARS ($300) to be expended in the Transportation Services fund for Transfer to the Capital Projects fund to be expended therein for the Power Trail and Harmony Grade Separated Crossing Project.

Section 3. The unexpended and unencumbered appropriated amount of ELEVEN THOUSAND SEVEN HUNDRED DOLLARS ($11,700) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 4. The unexpended and unencumbered appropriated amount of THREE THOUSAND DOLLARS: ($3,000) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the operation costs of the APP program.

Section 5. The unexpended and unencumbered appropriated amount of THREE HUNDRED DOLLARS: ($300) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 6. The appropriation herein for the Power Trail and Harmony Grade Separated Crossing Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Heather N. Jarvis

Exhibit: None

File Attachments for Item:

8. Second Reading of Ordinance No. 133, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves for the Epic Pool Ice Center Chiller Replacement and Rink Renovation Project and Related Art in Public Places.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, appropriates $2,000,000 from 2050 Parks & Recreation tax reserves and $1,000,000 from the Recreation Fund reserves to replace the EPIC Ice Chiller system and modernize key rink infrastructure, including dasher boards, tempered safety glass, protective netting, painting and rink flooring.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

LeAnn Williams, Director, Recreation
Brian Hergott, Assistant Operations Director
Victoria Shaw, Sr. Manager Finance

SUBJECT

Second Reading of Ordinance No. 133, 2025, Making Supplemental Appropriations and Appropriating Prior Year Reserves for the Epic Pool Ice Center Chiller Replacement and Rink Renovation Project and Related Art in Public Places.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, appropriates $2,000,000 from 2050 Parks & Recreation tax reserves and $1,000,000 from the Recreation Fund reserves to replace the EPIC Ice Chiller system and modernize key rink infrastructure, including dasher boards, tempered safety glass, protective netting, painting and rink flooring.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Edora Pool Ice Center (EPIC) has served has served as a cornerstone of the City of Fort Collins' recreation system for over 35 years, standing as the region's premier indoor aquatics and ice sports facility. Built in 1987 and expanded in 2003, EPIC supports a wide range of recreational, competitive and community programming, from learn-to-swim and learn-to-skate classes to figure skating, youth and adult hockey leagues, public skate sessions, and regional swim meets. It is not only a vital contributor to community health and wellness, but also a critical hub for inclusive and multigenerational recreation.

CITY FINANCIAL IMPACTS

Appropriating these funds will allow this project to move forward with current cost estimates, prevent delays, and potential further cost escalation.

Staff recommends funding the chiller system replacement and rink renovations with the following funding.

Three million dollars in available, unappropriated funds is needed to complete this project.

- The Ice Chiller Replacement design was approved in the 2025 BFO offer 76.2.

- Per the offer, staff communicated after completion of design in 2025, future funding would need to be identified for the replacement in 2026 or 2027. With these recommended appropriations, the Epic chiller project will commence in May of 2026 as the chiller system and other items are procured.

- Funding from BFO offer 54.12 “Parks and Recreation Infrastructure Replacement Projects” has available funding and this project is eligible.

- The following 2050 P&R projects in the work plan are still on schedule and fully funded in the coming budget cycles. They are in different stages of design and public outreach and will not utilize the current appropriation.

    - Soft Gold, Landings, Rolland Moore Tennis and Playground, Southeast Community Center

The $3M additional dollars will be funded by:

1) 2050 Tax Parks Rec dedicated tax: $2M; and

2) Recreation departmental fund reserves: $1M.

Available 2050 P&R Reserves as of December 31, 2024	Funding for Project	Remaining Available Reserve Balance
$5.6M	$2M	$3.6M

Available Recreation Fund Reserves as of December 31, 2024	Funding for Project	Remaining Available Reserve Balance
$1.8M	$1.0M	$0.8M

With the modernization and upgrade of the Chiller system, the City will see annual general fund savings of approximately $100,000. Utility costs are expected to decrease $50,000 per year with the addition of the water heat recovery system. Not only does this align with the City’s Climate Future and reducing the carbon footprint of municipal operations, it reduces the general fund dollars that support EPIC Ice. The water heat recovery system will cost $425,000 and see a ROI of 7.5 years in energy savings. The efficiency and modernization is also estimated to save approximately $50,000 per year in maintenance costs. Finally, the new system will have a projected reduction of GHG emissions of 360 metric tons of CO2 per year.

Ice Chiller System – Total projected cost: $4,944,533

General Contractor costs with Base Chiller System: $3,397,776

1. Alternate 01 – Waste Heat Recovery System - $425,000
    a. $50,000 per year energy bill savings
    b. 7.5-year return on investment
    c. GHG emissions of 360 metric tons of CO2 per year
2. Alternate 02 – Temporary Cooling - $180,000
    a. Ice will be offline for two months (May and June)

b. Ice would be brought back online in July and run off a temporary chiller July to November.

c. This alternate extends the construction timeline from an October 1 end date to November 1 end date, however the ice will be available beginning in July for full use.

d. Ops Services will be hiring a separate contractor to regrade the sand, bring the ice online, and paint the ice. This will be done concurrently with the Chiller improvements and not require any additional downtime.

e. Other planned projects will be completed in addition to the chiller system including lights.

The cost margin to keep the ice operational with the temporary chillers is net positive as shown in the chart below.

EPIC Ice (Whole $)	Jul - Nov
'21 -'24 Avg Revenue	495,494
'21 - '24 Avg Expense (Direct COGS)	183,934
'21 - '24 Avg Contribution Margin	**311,559**
'26 Temporary Cooling Expense	180,000
'26 Est Contribution Margin	**131,559**

Total to modernize key rink infrastructure: ~$1M

1. Dasher Board System (both rinks):

Base Bid: $498,900

Add Alternate – Acrylic Shielding (Both Rinks): +$55,000 ($27,500 per rink)

Deduct Alternate – Trade-In Credit for Existing Boards (Both Rinks): –$15,000 ($7,500 per rink)

Total Potential Range: $483,900 – $553,900

2. Rubber Flooring Replacement Options (supply, demo, install):

Option 1 – Mondo 6mm Rolls: $307,952

Option 2 – Mondo 10mm Rolls: $376,417.80

Option 3 – Nora Grano Tiles (includes moisture mitigation): $348,178.25

Total Potential Range: $307,952 – $376,417.80

3. Combined Project Range (Boards + Flooring):

Low End (Standard Boards + Mondo 6mm): $791,852

High End (Acrylic Boards + Mondo 10mm): $930,317.80

EPIC Chiller Replacement and Rink Renovation Project Projected Cost: ~$6M

Any leftover funding from the project will roll back into the P&R 2050 reserves.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

This project was discussed at the July Parks and Recreation Advisory Board. The board voted 6-0 in favor of funding this project with 2050 and Recreation reserves.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 133, 2025

ORDINANCE NO. 133, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS AND
APPROPRIATING PRIOR YEAR RESERVES FOR THE EDORA
POOL ICE CENTER CHILLER REPLACEMENT AND RINK
RENOVATION PROJECT AND RELATED ART IN PUBLIC
PLACES

A. Edora Pool Ice Center ("EPIC") was built in 1987 and expanded in 2003. EPIC supports a wide range of recreational, competitive and community programming, from learn-to-swim and learn-to-skate classes to figure skating, youth and adult hockey leagues, public skate sessions, and regional swim meets.

B. The facility's original ice chiller system has reached the end of its operational life. A failure of this system would lead to extended facility closures, significant revenue losses and widespread disruption to services being relied on by thousands of EPIC users each year.

C. In tandem with replacing the ice chiller system, staff have identified other ways to modernize key rink infrastructure, including by upgrading dasher boards, tempered safety glass, protective netting, painting and rink flooring (together, the "Project").

D. The Project represents a rare and strategic opportunity to extend the life of a beloved public asset, ensure the facility meets current and future demands and reinforce Fort Collins' commitment to maintaining resilient, inclusive and high-quality infrastructure. The Project directly supports City Council priorities related to infrastructure investment, sustainability, economic health and community livability.

E. The 2050 Tax Parks Rec Transit OCF Fund dedicated tax ("2050 Fund") has already appropriated $3,000,000 for the Project. This Ordinance would appropriate the remaining balance of $3,000,000 from various funds, as outlined below.

F. The Parks and Recreation Advisory Board met in July of this year and voted unanimously to support this Project.

G. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose by aligning with the City's goals to reduce the carbon footprint of municipal operations, invest in aging infrastructure before failure occurs, and ensure that all EPIC users have access to safe, inclusive and welcoming recreation spaces.

H. Article V, Section 9 of the City Charter permits the City Council, upon the recommendation of the City Manager, to make supplemental appropriations by ordinance at any time during the fiscal year from such revenues and funds for expenditure as may

be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

I. The City Manager has recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Recreation Fund reserves and the 2050 Fund.

J. The recommended appropriations will not cause the total amounts appropriated in the 2050 Fund or the Recreation Fund reserves to exceed the current estimate of actual and anticipated revenues and all other funds to be received in these funds during this fiscal year.

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

L. The total Project cost of $3,000,000 has been used to calculate the contribution to the APP Program.

M. The amount to be contributed in this Ordinance to the APP Program will be $30,000

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

O. The City Council wishes to designate the appropriations herein for the EPIC Chiller Replacement and Rink Renovation Project as appropriations that shall not lapse until the completion of the Project.

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

Section 1. There is hereby appropriated from prior year reserves in the 2050 Tax Parks Rec Transit OCF Fund – (Parks and Rec) the sum of TWO MILLION DOLLARS ($2,000,000) to be expended in the 2050 Tax Parks Rec Transit OCF Fund for EPIC Chiller Replacement and Rink Renovation Project.

Section 2. There is hereby appropriated from prior year reserves in the Recreation Fund the sum of ONE MILLION DOLLARS ($1,000,000) to be expended in the Recreation Fund for EPIC Chiller Replacement and Rink Renovation Project.

Section 3. The unexpended and unencumbered appropriated amount of FIFTEEN THOUSAND SIX HUNDRED DOLLARS ($15,600) in the 2050 Tax Parks Rec Transit OCF and SEVEN THOUSAND EIGHT HUNDRED DOLLARS ($7,800) in the Recreation Fund are hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein to fund art projects under the APP Program.

Section 4. The unexpended and unencumbered appropriated amount of FOUR THOUSAND DOLLARS ($4,000) in the 2050 Tax Parks Rec Transit OCF Fund and TWO THOUSAND DOLLARS ($2,000) in the Recreation Fund are hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 5. The unexpended and unencumbered appropriated amount of FOUR HUNDRED DOLLARS ($400) in the 2050 Tax Parks Rec Transit OCF Fund and TWO HUNDRED DOLLARS ($200) in the Recreation Fund is hereby authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 6. The appropriation herein for EPIC Chiller Replacement and Rink Renovation Project is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Sara Arfmann

Exhibit: None

File Attachments for Item:

9. Second Reading of Ordinance No. 134, 2025, Authorizing the City of Fort Collins to Lease Real Property Adjacent to the Overland Electric Substation to Platte River Power Authority for a Battery Storage Project.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, approves a lease agreement between the City and Platte River Power Authority (PRPA) to lease 27,351 square feet of real property at 401 South Overland Trail within the existing site parcel. The agreement, which will require only a nominal annual rental payment by Platte River, allows the parties to evaluate the feasibility of the project and, pending successful analysis, proceed with the installation and operation of a 5MW/20MWh utility-side system connected to Light & Power's distribution system. Platte River and Light & Power are collaborating on this project as part of their commitment to a non-carbon future and a reliable electric grid, with energy storage playing a crucial role in achieving those goals.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Ralph Campano, Real Estate Manager
Travis Walker, Light & Power Director

SUBJECT

Second Reading of Ordinance No. 134, 2025, Authorizing the City of Fort Collins to Lease Real Property Adjacent to the Overland Electric Substation to Platte River Power Authority for a Battery Storage Project.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, approves a lease agreement between the City and Platte River Power Authority (PRPA) to lease 27,351 square feet of real property at 401 South Overland Trail within the existing site parcel. The agreement, which will require only a nominal annual rental payment by Platte River, allows the parties to evaluate the feasibility of the project and, pending successful analysis, proceed with the installation and operation of a 5MW/20MWh utility-side system connected to Light & Power's distribution system. Platte River and Light & Power are collaborating on this project as part of their commitment to a non-carbon future and a reliable electric grid, with energy storage playing a crucial role in achieving those goals.

STAFF RECOMMENDATION

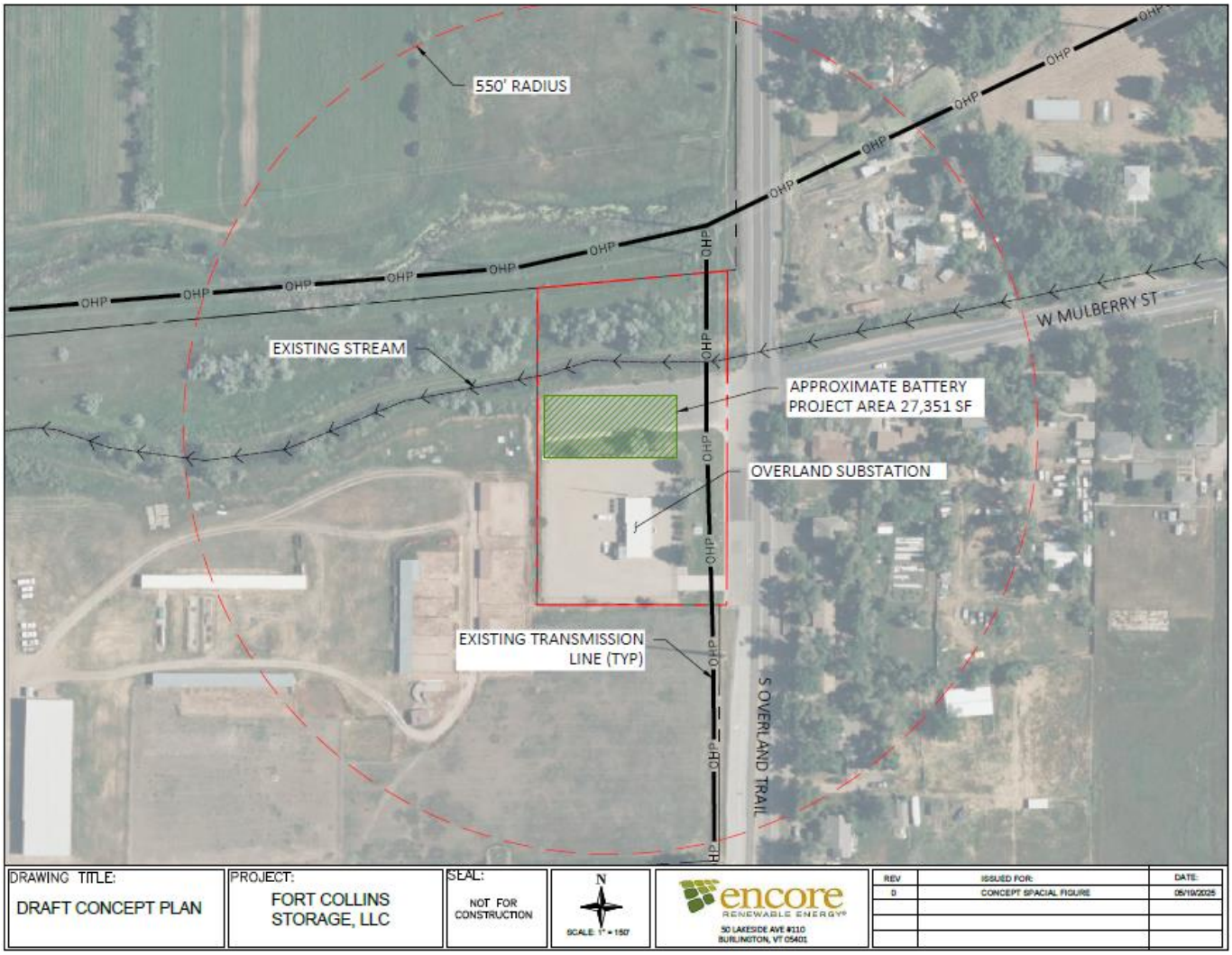
Staff recommend adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

PRPA, the City-owned wholesale power generation and transmission provider, is investing in utility-scale battery storage in each of its four owner communities as part of its commitment to improving reliability and maximizing renewable energy generation.

The City has identified a tract of land within the City-owned parcel where the Overland Substation site is located at 401 S. Overland Trail, 80521. This is an ideal site for placing the battery equipment and integrating it with the existing electric utility infrastructure.

Overland Substation Site – 401 S. Overland Trail



Because PRPA is a non-taxable public entity, it cannot directly benefit from federal tax incentives. To address this, PRPA will sublease the land to Encore Redevelopment who will leverage these incentives.

This proposal:

- Enhances local energy resilience and grid reliability.
- Supports the City's Strategic Plan Goal: Economic Health (ECON 2) Deliver City utility services in response to climate action objectives and opportunities and targeted reliability and resiliency levels and make significant investments in utility infrastructure while communicating and mitigating cost impacts to the community where possible.
- Supports the City's Strategic Plan Goal: Environmental Health (ENV 1) Implement the Climate Future Plan to advance the City's greenhouse gas, energy and waste goals; reduce air pollution; and improve community resilience.
- Leverages grants and private sector investment to fund storage project infrastructure.
- Utilizes City property for a beneficial public utility purpose.

Development of the site will require the elevation to be built up approximately 3 to 4 feet to match the existing substation elevation.

While the battery system will be owned and maintained by a private entity, the project has direct and long-term benefit to our system reliability and a future PRPA virtual power plant.

CITY FINANCIAL IMPACTS

The cost to construct and operate the battery system will be under PRPA's budget. Other than staff time and other administrative expenses, there is no cost to the City associated with conveyance of the Lease.

City staff recommend that the Lease should be conveyed to Platte River for no monetary consideration because such transactions serve a bona fide public purpose.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The duties of the Energy Board include the duty to advise Council and staff regarding the recommendations for improvements to City Energy Systems. The Energy Board is not required to vote on this lease proposal. Platte River presented this plan to the Energy Board during the spring of 2025, and the Energy Board is supportive of the project.

Because the facility would be owned/operated by a public entity, it is eligible for a Site Plan Advisory Review (SPAR) under Article 6 of the Land Use Code. This process allows the Planning & Zoning Commission to conduct an advisory review rather than a full entitlement process, provided the proposal is consistent with the Comprehensive Plan and zoning. Even under SPAR, PRPA would need to submit a site development plan detailing the location, character, and extent of improvements. This includes site layout, access, utility connections, lighting, noise, and screening measures.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No.134, 2025

ORDINANCE NO. 134, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CITY OF FORT COLLINS TO LEASE REAL PROPERTY ADJACENT TO THE OVERLAND ELECTRIC SUBSTATION TO PLATTE RIVER POWER AUTHORITY FOR A BATTERY STORAGE PROJECT

A. Platte River Power Authority ("PRPA") is an electric generation and transmission utility formed under Colorado law to supply the wholesale electric power and energy requirements of its four owner communities including the City of Fort Collins ("City"), the City of Longmont, the City of Loveland and the Town of Estes Park, Colorado.

B. PRPA desires to enter into a Site Lease Agreement ("Lease") regarding 27,351 square feet of real property at the Overland Substation site located at 401 South Overland Trail in Fort Collins from the City for the purpose of designing, developing, constructing, owning, operating, and maintaining a battery energy storage facility at the premises. This site is ideal for placing the battery equipment and integrating it with the existing electric utility infrastructure.

C. The Lease, which will require only a nominal annual rental payment by PRPA, allows PRPA to evaluate the feasibility of the project and, pending successful analysis, proceed with the installation and operation of a 5MW/20MWh utility-side system connected to the City's Light and Power distribution system. PRPA and the City's Light and Power utility are collaborating on this project as part of their commitment to a non-carbon future and a reliable electric grid and energy storage plays a crucial role in achieving those goals.

D. City Code Section 23-113(b) permits the City Council to "lease any and all interests in real property owned in the name of the City if the City Council first finds that the lease is in the best interests of the City. Such leases may be approved by the City Council by resolution unless the proposed term of the lease exceeds twenty (20) years, in which event the lease must be approved by the City Council by ordinance."

E. City Code Section 23-114 requires that "any sale, lease or other conveyance of property interests approved under 23-111(a) or (b) or § 23-113 above must be for an amount equal to or greater than the fair market value of such interest unless the City Council or City Manager, as applicable determines that such sale or lease serves a bona fide public purpose…"

F. City Code Section 23-114 establishes that: "a bona fide public purpose is established if the lease of real property for less than fair market value "(1) the use to which the property will be put promotes health, safety or general welfare and benefits a significant segment of the citizens of Fort Collins; (2) the use to which the property will be put supports one (1) or more of the City Council's goals, adopted policies, project or plans;

(3) the financial support provided by the City through the below-market disposition of the property will be leveraged with other funding or assistance; (4) the sale or lease will not result in any direct financial benefit to any private person or entity, expect to the extent such benefit is only an incidental consequence and is not substantial relative to the public purpose being served; and (5) selling or leasing the property for less than fair market rent will not interference with the current City projects, hinder workload schedules or divert resources needed for primary City functions or responsibilities."

G. This lease serves a bona fide public purpose because it promotes the public health, safety, and welfare of the residents of Fort Collins by providing for the storage of battery power to improve reliability and maximize renewable energy generation.

H. PRPA's use of the property at the Overland Substation site to store the battery also serves a bona fide public purpose because it supports the City Council's renewable energy goals and will benefit electric service reliability for the Fort Collins community.

I. In addition, the financial support provided by the City through this below-market lease serves a bona fide public purpose because it leverages grants and private sector investment to fund storage project infrastructure.

J. Further, this lease serves a bona fide public purpose because the lease will not result in any direct financial benefit to the PRPA except to the extent that the financial benefit of leasing the property for less than fair market value is incidental and is not substantial relative to the public purpose of increasing reliability and resiliency while mitigating cost impacts to the community by using battery to store energy for future use by PRPA's customers, which includes residents of the City of Fort Collins.

K. In addition, this site would not be useful or practical for much else than substation and power distribution related infrastructure expansion such as this Project. The site is not developable because of its proximity to the existing substation on the south and an irrigation canal on the north side.

L. The lease of the property by PRPA for less than fair market value also serves a bona fide public purpose because this lease will not interfere with current City projects, hinder workload schedules or divert resources needed for primary City functions or responsibilities and will further the City's economic health and environmental health goals.

M. City Code Section 23-111(b) requires that "With respect to real property which is a part of the City's water or utility systems, the City Council must also find that the disposition will not materially impair the viability of the particular utility system as a whole and that it will be for the benefit of the citizens of the City." Here, lease of the property will not impair the viability of electric utility and it will actually benefit the citizens

of the City by helping to ensure the reliability and resiliency of services provided by PRPA.

N. City Code Section 23-113(c) provides that "a lease approved by the City Council…" is "presumed to include the right of the tenant to sublease all or a portion of the leased property for a definite term of five (5) years or less with the written consent, and in the sole discretion, of the City Manager or the City Manager's designee, unless the terms of such lease further restrict, condition or prohibit subleasing." The lease agreement with PRPA includes a sublease.

O. City Code Section 23-111(e) establishes that "The Mayor is authorized to execute all leases, deeds and other instruments of conveyance. The City Council may also authorize the City Manager to execute such instruments of conveyance." The lease will be signed by the Mayor and will meet the requirements of City Code Section 23-112.

P. The City's Energy Board, which advises the City Council on policy matters pertaining to the municipal electric system, reviewed this lease proposal during its March 13, 2025, meeting and expressed its support for this project.

Q. Because PRPA, which is a public entity, will own and operate the facility, the facility will be eligible for Site Plan Advisory Review (SPAR) under Article 6 of the Land Use Code. This process will allow the Planning and Zoning Commission to conduct an advisory review after PRPA submits a site development plan detailing the location, character, and extent of the improvements under the lease.

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

Section 1. The City Council finds that the Site Lease Agreement to Platte River Power Authority is in the best interests of the City.

Section 2. The City Council find that the Site Lease Agreement to Platte River Power Authority will not materially impair the viability of the electric utility system as a whole and that it will be for the benefit of the citizens of the City.

Section 3. The City Council approves the Site Lease Agreement to Platte River Power Authority for up to thirty (30) years and authorizes the sublease as described in the sublease agreement.

Section 4. The City Council approves the Site Lease Agreement for a nominal amount and finds that the lease will serve a bona fide public purpose.

Section 5. The City Council authorizes the Mayor to sign the Site Lease Agreement, on behalf of the City, substantially in a form attached as Exhibit A that is now before the City Council, and approved by the City Attorney, for the premises, to the tenant, as well as any additional documents required to be signed in the course of leasing or subleasing the premises.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Yvette Lewis-Molock

Exhibit: Exhibit A - Site Lease Agreement

EXHIBIT A TO ORDINANCE NO. 134, 2025

SITE LEASE AGREEMENT

This Site Lease Agreement ("**Lease Agreement**") dated as of _____, 2025 ("**Effective Date**") is made by and between Platte River Power Authority, a political subdivision of the State of Colorado ("**Primary Tenant**") with an address of 2000 E. Horsetooth Road, Fort Collins, CO 80525, and City of Fort Collins, a Colorado municipal corporation, with an address of 300 LaPorte Avenue, Fort Collins, Colorado (**Landlord**"). Each of Primary Tenant and Landlord are sometimes referred to individually as a "Party" and together as the "Parties."

Background

A. Landlord is a municipality and the owner of certain real property described in Exhibit A (the "**Property**").

B. Primary Tenant is an electric generation and transmission utility formed under Colorado statute to supply the wholesale electric power and energy requirements of its four owner communities: the City of Fort Collins, the City of Longmont, the City of Loveland and the Town of Estes Park, Colorado.

C. Primary Tenant wishes to lease a portion of the Property, as more particularly depicted on Exhibit B (the "**Premises**"), on the terms and subject to the conditions described herein for the express purpose of subleasing the Premises to Authorized Sublessee (described below) for the purpose of designing, developing, constructing, owning, operating, and maintaining a battery energy storage facility at the Premises (the "**Project**").

D. Landlord is willing to lease the Premises to Primary Tenant for the Project on the terms and subject to the conditions described herein.

NOW, THEREFORE, in consideration of the promises and the mutual covenants contained herein, the sufficiency of which is acknowledged by both Parties, the Parties agree:

1. Lease. Landlord hereby leases the Premises to Primary Tenant, and Primary Tenant hereby leases the Premises from Landlord, under the terms and conditions of this Lease Agreement.

2. Permitted Use. Primary Tenant may use the Premises for the Project and, more specifically, in accordance with Section 3 below, may sublease the Premises to an Authorized Sublessee to construct, install, operate, maintain, improve, repair, and replace the Project for purposes of charging, storing, and discharging electricity. Primary Tenant is permitted to license

subcontractors or agents to perform its obligations or exercise its rights under this Lease Agreement. Primary Tenant may not use the Premises for any purpose other than the Project.

3. Authorized Sublessee. Primary Tenant may sublease this Lease Agreement to Longmont Energy Storage LLC (the "**Authorized Sublessee**"), under the terms and conditions of the Site Sublease Agreement, attached as Exhibit C (the "**Sublease**"). In the event of such sublease to Authorized Sublessee, Sublessee shall have the rights, easements, and benefits assigned to Authorized Sublessee by Primary Tenant as set forth in the Sublease.

4. Access to the Premises. Landlord agrees to allow Primary Tenant access over and across the Property to construct, install, operate, maintain, improve, repair and replace the Project on the Premises and to otherwise access the Premises for the purposes described herein. Landlord will provide Primary Tenant with adequate space on the Property during the construction of the Project for the construction of the Project, including reasonable staging and laydown areas. Primary Tenant must comply (and in its Site Sublease Agreement with Authorized Sublessee, must require Authorized Sublessee to comply) with all laws, rules and regulations regarding use of the Property and the Premises in connection with the construction and operation of the Project, including any reasonable access protocols developed by Landlord governing access and entry into substations.

For the duration of this Lease, Landlord further hereby grants to Primary Tenant, and will execute such additional instruments as may be necessary or appropriate to fully vest in Primary Tenant, the following easements and related rights:

(a) An easement over the Property for ingress and egress for the purpose of siting, development, enhancement, relocation, installation, construction, operation, inspection, maintenance, replacement, repair, improvements and removal of the Project, including the right to construct such access roads as may be necessary or appropriate for such purposes.

(b) An easement over the Property to allow the Project to interconnect to the electrical grid.

(c) A landscaping easement on the Property for purposes of implementing such landscaping and screening requirements as may be required under the Project's applicable permits.

5. Construction of the Project. The installation and construction of the Project must be performed in a good and workmanlike manner and in compliance with all applicable agreements.

6. Interconnection. Primary Tenant, Authorized Sublessee, and Landlord will separately document any applicable interconnection agreements for the Project. Landlord will cooperate with Primary Tenant, the Authorized Sublessee if applicable, and any applicable utility and municipal and regulatory authorities in Primary Tenant's (or Authorized Sublessee's) pursuit of all permits, approvals and other authorizations that may be required for the development, construction,

interconnection and operation of the Project. The date at which the Project is energized and permitted to operate by the applicable utility will be the date of commissioning (the "**Commercial Operations Date**").

7. **Approvals and Permits.** Primary Tenant, and if the Sublease is executed, the Authorized Sublessee, must obtain all necessary approvals and permits required for the installation, construction and operation of the Project, and pay all permit fees required in connection with its activities under this Lease Agreement. Landlord will cooperate with Primary Tenant and if applicable the Authorized Sublessee to obtain all such approvals and permits; provided, however, that Landlord does not commit to grant any specific municipal permit as part of this Lease Agreement.

8. Vegetation and Structures. Landlord covenants that it will use its best efforts to not allow vegetation on the Property to grow in a manner or initiate or conduct any activities that could adversely affect the Project while this Lease Agreement remains in effect. Without limiting the foregoing, Landlord may not: (a) construct or permit to be constructed any structure; or (b) plant or allow to be planted any trees or other vegetation in each case, on the Premises or the Property that is owned by Landlord, that can reasonably be expected to decrease the output or efficiency of the Project.

9. **Non-Interference by Landlord.** Landlord and its representatives may not tamper with or undertake any maintenance or alterations to the Premises or the Project without the prior written permission of Primary Tenant, which may be withheld in Primary Tenant's sole discretion. Landlord will take reasonable measures so that its activities at the Property do not impede, interrupt or prevent the charging, storage, and discharging of electricity by the Project or damage or otherwise adversely impact the installation, operation and maintenance of the Project or Primary Tenant's performance under this Lease Agreement (or, if applicable, Authorized Sublessee's performance under the Site Sublease Agreement).

10. **Non-Interference by Primary Tenant.** Primary Tenant recognizes (and, in its Site Sublease Agreement with Authorized Sublessee, will require Authorized Sublessee to recognize) that the Premises is near or within a highly hazardous and tightly controlled electrical substation. Primary Tenant must cooperate (and in its Site Sublease Agreement with Authorized Sublessee, must require Authorized Sublessee to cooperate) in all respects with Landlord's activities near the Premises, and must immediately follow all directives, policies, or protocols issued by the Landlord for use of the Property and the Premises to allow the substation and Landlord's employees, agents, and contractors to operate safely and efficiently.

11. **Taxes.** Primary Tenant and Landlord are government entities. Both are therefore exempt from taxes and no taxes may be lawfully assessed against Primary Tenant or Landlord in connection with this Lease Agreement. Should any taxing authority seek to assess taxes against the Project, Authorized Sublessee will be wholly responsible for payment of any taxes.

12. **Term**. The initial term of this Lease Agreement begins on the Effective Date and terminates on the date that is twenty-two (22) years after the Effective Date, unless terminated earlier in accordance with the terms and conditions of this Lease Agreement (the "**Initial Term**"). At the option of Primary Tenant, the Term may be extended by one additional term of five (5) years (the "**Extension Term**"). Primary Tenant may exercise the renewal option for an Extension Term by providing Landlord with a written notice of renewal prior to the expiration of the then-current Term. The Initial Term together with any properly exercised Extension Term are referred to collectively herein as the "**Term**". In no case shall the Term, in addition to the Decommissioning period of Section 16, exceed thirty (30) years.

13. **Rent.** Primary Tenant will pay the Landlord a base annual lease payment in the amount of $10.00 ("Rent"), provided that, if any of the owner communities of City of Fort Collins, the City of Longmont, the City of Loveland and the Town of Estes Park, Colorado charge Primary Tenant a greater amount of Rent in their respective Lease Agreements for this or similar Projects, Landlord may choose to charge Primary Tenant a Rent no greater than the highest Rent charged by any other owner community, retroactive to the beginning of this Lease Agreement. Rent shall be due and payable within 30 days of the Effective Date of this Lease Agreement and every anniversary of the Effective Date thereafter for the duration of this Lease Agreement; except that retroactive Rent arising under the preceding sentence shall be due and payable within 30 days of the effective date of the lease agreement for such other owner communities.

14. **Premises Leased.** The Premises consists of the lease area described and depicted on Exhibit B hereto. Before the Commercial Operations Date, Primary Tenant may update or replace Exhibit B with the approval of Landlord, which approval will not be unreasonably conditioned or withheld provided that the location and configuration of the Premises is consistent with applicable law. Following construction of the Project and completion of an as-built survey of the Premises (the "As-Built Survey"), Primary Tenant and Landlord agree to promptly (within not more than ten business days after receipt of a final version) amend this Lease and any of the easements granted by Landlord in connection with the Project as necessary, attaching the As-Built Survey as the final Exhibit B to this Lease Agreement, setting forth the conclusive and definitive depiction of the Premises for the remainder of the Term. The Landlord authorizes its City Manager to execute such clarifying, non-substantive amendments.

15. **Ownership of the Project.** The Project is the personal property of Authorized Sublessee or Primary Tenant, as applicable, and does not and will not consist of fixtures, notwithstanding how the Project is, or may be, affixed to the Premises. Landlord may not permit the Project to become subject to any lien, security interest or encumbrance of any kind, and Landlord expressly disclaims and waives any rights it may have in the Project, at law or in equity. Authorized Sublessee must maintain the Project in a good state of repair and in compliance with this Lease, the Sublease, and any other agreements regarding the Project to which the Primary Tenant or Authorized Sublessee are parties. The Primary Tenant or Authorized Sublessee, as applicable, may

grant a security interest and collateral assignment in the Project for purposes of security to its lenders or investors in accordance with Attachment 1 attached hereto and incorporated herein by reference and Landlord shall provide any consent reasonably requested by any such lender or investor, consenting to such lender's and/or investor's security interest in the Project.

16. **Decommissioning**. Within six months after the expiration or earlier termination of the Term, Primary Tenant must ensure that Authorized Sublessee, or its successors and assigns, sever, disconnect, and remove the Project and all other Project-related equipment from the Premises and restoration of the Premises to as close to original condition as reasonably practicable ("**Decommissioning**"). Authorized Sublessee shall have the right to access the Premises during this sixth-month period for the purposes of Decommissioning.

17. **Title**. Landlord represents and covenants that Landlord owns the Premises and the Property in fee simple, free and clear of all liens, encumbrances, and restrictions of every kind and nature, except for those that currently appear in the recorded chain of title and are reported as exceptions on the commitment for title insurance. Landlord further represents and warrants that Landlord (a) has the right and authority to enter into this Lease, (b) has and will maintain good and marketable title to the Property, free and clear of any encumbrances that could reasonably be expected to have a material adverse effect on development of the Property for a battery energy storage facility, (c) will not enter into any lease, option to lease, purchase and sale agreement, option to purchase, or any other similar agreement at the Premises without the prior written consent of Primary Tenant, with such consent not to be unreasonably withheld, delayed or conditioned, during the Term, (d) is not a party to any, and to Landlord's best knowledge, there are no pending or threatened, legal, administrative, arbitral or other proceedings, claims, actions or governmental or regulatory investigations of any kind or nature whatsoever against Landlord (i) challenging the validity or propriety of this Lease Agreement, or transactions contemplated in this Lease Agreement or (ii) which could reasonably be expected to have a material adverse effect on the ownership or operation of the Property.

18. **Quiet Enjoyment**. Landlord covenants and agrees that Primary Tenant has the right to hold, occupy and enjoy the Premises for the Term of this Lease free from any claim of any entity or person of superior title thereto without hinderance to or interference with the Tenant's use and enjoyment thereof, provided it remains in compliance with obligations under this Lease Agreement.

19. **Environmental Matters**. Primary Tenant is not liable for any past or present contamination or pollution or breach of environmental laws, if any, relating to the Premises or the Property, unless attributable to Primary Tenant's activities, its employees, contractors or agents. If Primary Tenant encounters or becomes aware of any unknown hazardous material at the Premises, it must promptly cease any work in progress in an orderly, safe and efficient manner and inform Landlord of the nature and location of the hazardous material and make any reports required under applicable law. If the Landlord does not elect to eliminate or contain such Hazardous Materials in

a commercially reasonable manner in compliance with law to allow Primary Tenant, or if applicable the Authorized Sublessee, to continue or finalize any work in progress then Primary Tenant, or Authorized Sublessee as applicable, shall have the right, at its option, to terminate this Lease Agreement. If Primary Tenant or Authorized Sublessee terminates this Lease Agreement under this provision, Primary Tenant and Authorized Sublessee will be relieved of all further liability hereunder except for the Decommissioning obligations provided herein. Should any contamination be caused by the activities of Primary Tenant, Primary Tenant agrees to assume responsibility for any liability for response costs for any contamination or pollution or breach of environmental laws related to the Premises and the Property affected by the contamination, except that Landlord shall bear is proportionate share to the extent that such contamination is jointly caused, or exacerbated, by Landlord. Should any contamination be caused by Authorized Sublessee's activities, or those of its employees, contractors or agents, Primary Tenant shall hold Authorized Sublessee responsible for and require it to protect, indemnify and defend the Landlord and Primary Tenant against any liability for response costs for any contamination or pollution or breach of environmental laws, except that to the extent caused or exacerbated, by Landlord or Primary Tenant.

20. Government Approvals. Landlord acknowledges that Primary Tenant's, and if applicable the Authorized Sublessee's, ability to use the Property for the development of a Project is contingent upon obtaining all government and utility approvals. Landlord will cooperate with Primary Tenant or if applicable Authorized Sublessee in its effort to obtain such approvals, provided, however, that Landlord, as a governmental authority, does not commit to approve any application made to Landlord itself, but those applications will be resolved under their respective processes. Should Primary Tenant or Authorized Sublessee, as applicable, be unable to obtain all necessary approvals, or be unable to maintain such approvals due to changes in law, Landlord or Primary Tenant may terminate this Lease Agreement as outlined further in Section 21 below.

21. **Primary Tenant's Right to Terminate**. In addition to the termination provisions described in Section 25 (Revocation) and subject to Attachment 1, before the Commercial Operations Date, Primary Tenant may terminate this Lease Agreement by providing prior written notice to Landlord. On or after the Commercial Operations Date, Primary Tenant may terminate this Lease Agreement by providing at least six months' prior written notice to Landlord. In addition, after the Commercial Operations Date, Primary Tenant may terminate this Lease Agreement after giving not less than 30 days' prior written notice to Landlord, if:

(a) Any governmental agency denies a request by Primary Tenant or Authorized Sublessee, as applicable, for or revokes a permit, license, or approval that is required for Primary Tenant or Authorized Sublessee, as applicable, to construct or operate the Project and infrastructure on the Premises;

(b) Primary Tenant determines that technical problems which cannot reasonably be corrected preclude Primary Tenant or Authorized Sublessee, as applicable, from using the Premises for its intended purpose;

(c) Primary Tenant does not have acceptable and legally enforceable means of ingress and egress to and from the Premises;

(d) Utilities necessary for Primary Tenant's or if applicable Authorized Sublessee's use of the Premises are no longer available to the Premises; or

(e) The Premises or Project are damaged or destroyed to an extent that prohibits or materially interferes with Primary Tenant's or if applicable Authorized Sublessee's use of the Premises.

If Primary Tenant terminates this Lease under this provision, Primary Tenant will be relieved of all further liability accruing hereunder on or after the date of termination except Decommissioning, as provided herein. Should Primary Tenant terminate in accordance with this Section 21, Primary Tenant must ensure that the Authorized Sublessee Decommissions the Project in accordance with Section 16 above.

22. **Assignment.** This Lease Agreement and the rights and obligations of either Party may be assigned only as described in this Agreement, the Site Sublease Agreement, and Attachment 1 to this Lease Agreement. Any other assignment without prior written permission of Landlord will be a breach of this Lease Agreement. In its Master Services Agreement with the Authorized Sublessee, Primary Tenant shall include a right of first refusal for Primary Tenant to purchase the Project from the Authorized Sublessee prior to any sale of the Project to a third-party in an arm's-length transaction that requires assignment of the Lease. For clarity, Primary Tenant's right of first refusal will not apply to any assignment to an affiliate of Authorized Sublessee, to any financing party (including a Tax-Equity Financing Party), assignment in connection with any financing transaction (whether in the form of a sale and leaseback or otherwise), or to any foreclosure as described in Attachment 1.

23. **Liability for Injury and Damage.** Landlord and Primary Tenant are governmental entities in the state of Colorado. To the extent permitted by applicable law, Primary Tenant is responsible for any claims, damages, liability and court awards, including costs, expenses, and attorney fees incurred, as a result of its actions or omissions in connection with the performance of this Lease Agreement. To the extent permitted by applicable law, Landlord is responsible for any claims, damages, liability and court awards, including costs, expenses, and attorney fees incurred, as a result of its actions or omissions in connection with the performance of this Lease Agreement.

24. Insurance. Before Construction Commencement, Primary Tenant and Authorized Sublessee must obtain and provide evidence of the insurance coverages specified below.

A. Commercial General Liability: Including bodily injury, property damage, products and completed operations, personal and advertising injury with limits of $1,000,000 per occurrence and $2,000,000 annual aggregate limit;

B. Automobile Liability: All motor vehicles, including Hired and Non-Owned, used in connection with the Agreement; $1,000,000 combined single limit per accident;

C. Workers' Compensation: As required per the state law including Employer's Liability E.L. $500,000 per accident and $500,000 per employee, and $500,000 caused by disease; and

D. Umbrella Liability excess of General Liability, Auto Liability and Employer's Liability for $5,000,000 Each Occurrence/Aggregate.

Primary Tenant and Authorized Sublessee must provide the Landlord with certificates of insurance naming the Landlord as an additional insured and evidencing the procurement of insurance contemplated in this Section including endorsements, as required.

25. Revocation. In the event of a default in the terms of this Lease Agreement by either Landlord or Primary Tenant, the other Party may terminate this Lease Agreement. Events that constitute a default under this Lease Agreement include: a Party's failure to perform or comply with any material provision of this Lease Agreement; an unauthorized assignment, a Party's insolvency or inability to pay debts as they mature, or (subject to Attachment 1) an assignment for the benefit of creditors; or if a petition under any foreign, state, or United States bankruptcy act, receivership statute, or the like, as they now exist, or as they may be amended, is filed by a Party.

Neither Party will be in default under this Lease Agreement unless and until it has been given written notice of a breach of this Lease Agreement by the other Party and fails to cure such breach within thirty (30) days after receipt of such notice. When a breach cannot reasonably be cured within such thirty (30) day period, the time for curing may be extended by agreement of the Parties, not to be unreasonably withheld, for such time as may be reasonably necessary to complete the cure, provided that the defaulting Party is making good-faith efforts to cure such breach with due diligence.

Notwithstanding anything to the contrary in this Lease Agreement, Landlord may terminate this Lease Agreement if onsite Project construction has not actually substantially begun within five (5) years of the Effective Date; provided, however, that Landlord may not cause this deadline to lapse by delays in approval of any required permit or authorization.

26. Damage to Project. If, at any time during the Term, the Project is substantially damaged or destroyed and rendered inoperable by fire or other occurrence of any kind, Primary Tenant must cause Authorized Sublessee to, at its sole cost and expense either (a) promptly repair or replace the Project, or (b) elect to terminate this Sublease Agreement, in which case Primary Tenant must require Authorized Sublessee to Decommission the Project, as required by this Lease and in accordance with any other agreements to which the Landlord or Primary Tenant are parties.

27. Terminate in Event of Governmental Shutdown. If a governmental authority decrees, orders or demands that operation of the Project cease or that the Project must be removed from the

Premises, for reasons unrelated to any default, violation or breach by Primary Tenant or Authorized Sublessee of any applicable law, permit or consent, Primary Tenant or Authorized Sublessee may terminate this Lease Agreement without penalty to either Party upon delivery to Landlord of thirty (30) days' prior written notice, in which case Primary Tenant must ensure that Authorized Sublessee must Decommission the Project.

28. Force Majeure. In the event of a Force Majeure Event (as defined below), Primary Tenant is relieved from any Rent payments and any other obligations under this Lease Agreement during the period that the Force Majeure Event exists and is continuing. Subject to Attachment 1, if the Force Majeure Event lasts for more than ninety (90) consecutive days or more than one hundred twenty (120) days in any three hundred and sixty five (365) day period, Primary Tenant may terminate this Lease Agreement by delivery to Landlord of a written notice of termination. "**Force Majeure Event**" means any act, event, cause or condition that prevents Primary Tenant from performing its obligations and is beyond Primary Tenant's reasonable control.

A Force Majeure Event may include, but is not limited to the following: an act of god; war (declared or undeclared); sabotage; riot; insurrection; civil unrest or disturbance; military or guerilla action; terrorism; economic sanction or embargo; civil strike, work stoppage, slow-down, or lock-out; explosion; fire; earthquake; abnormal weather condition or actions of the elements; hurricane; flood; lightning; wind; drought; pandemic; the failure to act on the part of any governmental authority (provided that such action has been timely requested and diligently pursued); unavailability of electricity from the utility grid, equipment, supplies or products (but not to the extent that any such availability of any of the foregoing results from the failure of the Party claiming a Force Majeure Event to have exercised reasonable diligence); and failure of equipment not used by or under the control of the party claiming a Force Majeure Event.

Notwithstanding the occurrence of a Force Majeure Event or the termination of this Lease Agreement by Primary Tenant in connection with a Force Majeure Event, Authorized Sublessee's obligation to Decommission the Project will survive, provided that the period for performance of such obligation may be delayed until such time as it becomes reasonably possible to do so.

29. Miscellaneous provisions.

(a) Applicable Law. This Lease Agreement will be interpreted and governed by the laws of the State of Colorado, and venue will be in the state and federal courts of Larimer County, Colorado.

(b) Rules of Interpretation. Titles and headings are included in this Lease Agreement for convenience only, and will not be used for the purpose of construing and interpreting this Lease Agreement. Words in the singular also include the plural and vice versa where the context requires.

(c) Severability. If any provisions of this Lease Agreement are held to be unenforceable or invalid by any court or regulatory agency of competent jurisdiction, the validity and enforceability of the remaining provisions will remain in force.

(d) Entire Agreement; Amendments and Waivers. This Lease Agreement constitutes the entire agreement between the Parties relating to the lease of real property for the Project and supersedes the terms of any previous agreements or understandings, oral or written. Any waiver or amendment of this Lease Agreement must be in writing signed by the Parties. A Party's waiver of any breach or failure to enforce any of the terms of this Lease Agreement will not affect or waive that Party's right to enforce any other term of this Lease Agreement.

(e) Further Assurances. Either Party shall execute and deliver instruments and assurances and do all things reasonably necessary and proper to carry out the terms of this Lease Agreement if the request from the other Party is reasonable.

(f) Recordation. This Lease Agreement will not be recorded. However, the Parties agree that a memorandum of this Lease Agreement shall be recorded in the local land records pursuant to applicable state law or applicable state authority, substantially in the form attached hereto as Exhibit D.

(g) Governmental Immunity. Nothing in this Lease Agreement waives any immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, et seq., or of any other defenses, immunities, and limitations of liability available by law or in equity to Landlord or Primary Tenant.

30. Representations and Warranties.

(a) The Landlord represents and warrants to Primary Tenant as follows:

i. Right, Power and Authority. It has full right, power and authority to enter into this Lease Agreement and there is nothing, which would prevent it from performing its obligations under the terms and conditions imposed on it by this Lease Agreement.

ii. Binding Obligation. This Lease Agreement has been duly authorized by all necessary action of Landlord, and constitutes a valid and binding obligation on the Landlord, enforceable in accordance with its terms.

iii. Performance. To the knowledge of Landlord, no fact or circumstance exists that will have, or is reasonably likely to have, a material adverse effect upon the Landlord's ability to perform its obligations under this Lease Agreement.

iv. Information. To the knowledge of Landlord, the information provided to Primary Tenant in this Lease Agreement is true and accurate in all material respects.

(b) Primary Tenant hereby represents and warrants to the Landlord as follows:

i. Right, Power and Authority. It has full right, power and authority to enter into this Lease Agreement and there is nothing which would prevent it from performing its obligations under the terms and conditions imposed on it by this Lease Agreement.

ii. Binding Obligation. This Lease Agreement has been duly authorized by all necessary action of Primary Tenant, and constitutes a valid and binding obligation on Primary Tenant, enforceable in accordance with its terms.

iii. Performance. To the knowledge of Primary Tenant, no fact or circumstance exists that will have, or is reasonably likely to have, a material adverse effect upon Primary Tenant's ability to perform its obligations under this Lease Agreement.

iv. Information. To the knowledge of Primary Tenant, the information provided to the Landlord in this Lease Agreement is true and accurate in all material respects.

31. **Notices**. All notices, demands, requests, consents, approvals, and other instruments required or permitted to be given pursuant to this Lease Agreement must be in writing, signed by the notifying Party, or officer, agent, or attorney of the notifying Party, and will be deemed to have been effective upon delivery if served personally, including but not limited to delivery by electronic mail, messenger, overnight courier service or overnight express mail, or upon posting if sent by registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

To Landlord: City of Fort Collins
300 LaPorte Avenue
Fort Collins, Colorado 80526

To Primary Tenant: Platte River Power Authority
2000 E. Horsetooth Road
Fort Collins, CO 80526
hammittj@prpa.org

The address to which any notice, demand, or other writing may be delivered to either Party as above provided may be changed by written notice given by such Party as above provided.

32. Counterparts. This Lease Agreement may be executed in counterparts, which, when taken together constitute a single instrument.

[*Remainder of Page Intentionally Left Blank; Signature Page Follows*]

EXHIBIT A TO ORDINANCE NO. 134, 2025

Lease Agreement – Signature Page

IN WITNESS WHEREOF, the Parties, as evidenced by the signatures of their Duly Authorized Agents, do hereby execute this Lease Agreement the date first set forth above.

THE CITY OF FORT COLLINS, COLORADO, a Colorado municipal corporation

Date: _____ By:_____
Jeni Arndt, Mayor

STATE OF COLORADO)
) ss
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this ____ day of _____, 202__, by Jeni Arndt as Mayor of the City of Fort Collins.

Witness my hand and official seal.

My Commission expires: _____

_____
Notary Public

ATTEST:

_____
City Clerk
Printed Name: _____

APPROVED AS TO FORM:

_____
Assistant City Attorney
Name: _____

EXHIBIT A TO ORDINANCE NO. 134, 2025

Lease Agreement – Signature Page Cont'd

PRIMARY TENANT:

[INSERT]

By: _____
Name:
Title: Duly Authorized Agent
STATE OF COLORADO
COUNTY OF _____

On this day of _____, 2025, _____, duly authorized agent of _____ personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed and the free act and deed of _____.

Before me,_____
Notary Public:
Commission Expires:
License #:

ATTACHMENT 1

Grant of Lender-Related and other Step-In Rights

This Grant of Lender-Related and other Step-in Rights is attached and incorporated into that certain Site Lease Agreement between Primary Tenant and Landlord dated ____, 2025. Primary Tenant and Landlord agree that Landlord will grant Primary Tenant and the Authorized Sublessee through its Site Sublease Agreement (the "**Sublease**") the rights set forth herein.

Nothing in this Lease Agreement, including in this Attachment 1, is intended to change the relationship between Platte River Power Authority and Landlord as described in the Organic Contract and applicable Power Supply Agreement. Primary Tenant does not intend to exercise these rights on its own behalf or on behalf of any third party or Leasehold Mortgagee (as the term is defined below).

a. Authorized Sublessee shall have the right at any time and from time to time, without Primary Tenant's or Landlord's prior written consent or approval (but with prior written notice to Landlord and Primary Tenant) to: (i) assign, encumber, hypothecate, mortgage or pledge (including by mortgage, deed of trust or personal property security instrument), or otherwise transfer all or any portion of its right, title or interest under the Sublease to its Lender(s) (as such term is defined below), as security for the repayment of any indebtedness and/or the performance of any obligation owed by Authorized Sublessee to such Lender(s); and (ii) mortgage its leasehold interest hereunder and/or collaterally assign its interest in the Sublease and in any monies due under the Sublease in connection with obtaining financing from any Lender(s) for the Project and all appurtenances thereto (including the interconnection facilities and the transmission facilities and improvements), or otherwise encumber and grant security interests in all or any part of its interest in the Sublease, the Premises, the Project, interconnection facilities or transmission facilities (holders of these various security interests are referred to as "**Leasehold Mortgagees**").

b. Following an event of default under any financing documents relating to the Project and all appurtenances thereto (including the interconnection facilities and the transmission facilities and improvements), any Lender or Leasehold Mortgagee may (but shall not be obligated to) assume, or cause their designees to assume, all of the interests, rights and obligations of Authorized Sublessee thereafter arising under the Sublease. Any Leasehold Mortgagee that has succeeded to Authorized Sublessee's interests under the Sublease in accordance with the provisions of this Section shall also have the right, without Landlord's prior written consent or approval (but with prior written notice to Landlord), to assign or sublet the whole or any portion or portions of its interest in the Sublease, the Premises, the Project and all appurtenances thereto (including the interconnection facilities and the transmission facilities and improvements) for the uses permitted under the Sublease, to one (1) or more Creditworthy persons or entities (each, an "**Assignee**"). As used herein, "**Creditworthy**" shall mean an entity which has a Credit Rating of (a) "Baa3" or higher by Moody's, and (b) "BBB-" or higher by S&P. Following any such sale, conveyance, lease, assignment or sublet, the term "**Authorized Sublessee**" shall be deemed to

include each "**Assignee**" then holding Authorized Sublessee's interest (or portion thereof) in the Sublease. However, no Lender, Leasehold Mortgagee or Assignee shall by virtue of Authorized Sublessee's conveyance to it or its assumption or interests, rights and obligations of Authorized Sublessee arising under the Sublease acquire any greater interest in the Premises (including any easements created in the Sublease) or any other rights than Authorized Sublessee then has under the Sublease. Any such Lender, Leasehold Mortgagee, or Assignee shall be subject to Landlord's Municipal Code and any and all of Landlord's security and access protocols.

c. As used herein, the term "**Lender**" means any financial institution or other entity or person (including a Leasehold Mortgagee) that from time to time provides debt or equity financing for some or all of Authorized Sublessee's Project, collectively with any security or collateral agent, indenture trustee, loan trustee or participating or syndicated lender involved in whole or in part in such financing, and their respective representatives, successors and assigns. References to Authorized Sublessee in the Sublease shall be deemed to include any entity or person that succeeds (whether by assignment or otherwise) to all of the then-Authorized Sublessee's then-existing right, title and interest under the Sublease in accordance with the provisions of this Section.

d. If the rights and interests of Authorized Sublessee in the Sublease are assigned in accordance with this Section (which requires the assuming party to agree in writing to be bound by, and to assume, the terms and conditions hereof and any and all obligations to Landlord arising or accruing hereunder from and after the date of such assumption), Authorized Sublessee shall be released and discharged from the terms and conditions hereof (but not from the terms and conditions of any other agreements) and each such obligation hereunder from and after such date, and Landlord shall continue the Sublease with the assuming party as if such person had been named as Authorized Sublessee under the Sublease, provided, however, that the assuming party is Creditworthy.

e. Landlord agrees to enter into a commercially reasonable non-disturbance consent and recognition agreement (an "**NDA**") by and among any Lender(s) or Leasehold Mortgagee(s), Landlord, and Authorized Sublessee which shall include, without limitation, consent by Landlord to the Authorized Sublessee's collateral assignment of the Sublease and Authorized Sublessee's leasehold interest hereunder, cure rights and step in rights in favor of the Lender or Leasehold Mortgagees.

f. Any Lender or Leasehold Mortgagee or Assignee who acquires Authorized Sublessee's leasehold interest pursuant to foreclosure or assignment in lieu of foreclosure that does not directly hold an interest in the Sublease, or that holds an interest, lien or security interest in the Sublease solely for security purposes, shall have no obligation or liability under the Sublease for obligations arising prior to the time such Lender, Leasehold Mortgagee or Assignee directly holds an interest in the Sublease, or succeeds to title to such interest, or to the Sublease, except for any past due Rent, which shall become immediately due and payable upon such Lender, Leasehold Mortgagee or Assignee's assumption of interest in the Sublease. With the exception of such past

due Rent, any such Lender, Leasehold Mortgagee or Assignee shall be liable to perform obligations under the Sublease only for and during the period it directly holds such interest or title.

g. Within thirty (30) days after written request therefor, Landlord shall execute such estoppel certificates (certifying as to such truthful matters as Authorized Sublessee, Lender(s), Assignee(s) or Leasehold Mortgagee(s) may reasonably request, including that no default then exists under the Sublease, if such be the case, and that the Sublease remains in full force and effect), commercially reasonable consents to assignment and non-disturbance agreements as Authorized Sublessee or any Lender, Leasehold Mortgagee or Assignee may request from time to time, it being intended that any such estoppel certificates, consents to assignment and the like may be relied upon by any Lender(s), Leasehold Mortgagee(s) or Assignee(s) or prospective Lender(s), Leasehold Mortgagee(s), or Assignee(s), or any prospective and/or subsequent purchaser or transferee of all or a part of Authorized Sublessee's interest in the Premises, any easements granted hereunder, the interconnection facilities and/or transmission facilities and/or the Project.

h. The provisions of this Attachment 1 are for the benefit of any Lender(s), Leasehold Mortgagee(s) and Assignee(s), as well as the Parties hereto, and shall be enforceable by any such Lender(s), Leasehold Mortgagee(s) and Assignee(s) as express third-party beneficiaries hereof. Landlord hereby agrees that no Lender, Leasehold Mortgagee or Assignee, nor any entity or person for whom they may act, shall be obligated to perform any obligation or be deemed to incur any liability or obligation provided in the Sublease on the part of Authorized Sublessee or shall have any obligation or liability to Landlord with respect to the Sublease except to the extent any of them becomes a party hereto pursuant to this Attachment 1 or through the exercise of its rights or remedies and the written assumption of the Sublease or the easements granted hereunder. Any exercise by any Lender, Leasehold Mortgagee or Assignee of any rights and remedies hereunder shall be subject to all rights, defenses and remedies available to Landlord, in each case subject to the terms of any NDA entered into between or among any Lender(s), Leasehold Mortgagee(s) and Assignee(s) and Landlord.

i. A Lender, Leasehold Mortgagee or Assignee shall have the right: (a) to enforce its lien and acquire title to Authorized Sublessee's leasehold estate and easement rights by any lawful means; (b) to take possession of and operate the Premises or any portion thereof, in accordance with the terms of the Sublease and to perform all obligations to be performed by Authorized Sublessee under the Sublease, or to cause a receiver to be appointed to do so; and (c) to acquire such leasehold estate and easement rights by foreclosure or by an assignment in lieu of foreclosure and thereafter to assign or transfer such leasehold estate to a third party.

j. To prevent termination of the Sublease or any partial interest in the Sublease, each Lender, Leasehold Mortgagee or Assignee shall have the right, but not the obligation, at any time prior to termination of the Sublease, to perform any act necessary to cure any default and to prevent the termination of the Sublease or any partial interest in the Sublease. As a precondition to exercising any rights or remedies as a result of any alleged default by Authorized Sublessee, Landlord or Primary Tenant shall give written notice of such default to each Lender, Leasehold

Mortgagee or Assignee previously disclosed by Authorized Sublessee, concurrently with delivery of notice to Authorized Sublessee, specifying in detail the alleged event of default and the required remedy. Authorized Sublessee, Lender, and Leasehold Mortgagee agree that no such notice may be used by Authorized Sublessee, Lender, and Leasehold Mortgagee (or any party claiming by or through those parties) as a basis for a civil claim against Landlord or Primary Tenant for defamation, libel, slander, false light, or similar causes of action. Each such Lender, Leasehold Mortgagee or Assignee shall have the same amount of time to cure the default as to Authorized Sublessee's interest in the Sublease as is given to Authorized Sublessee. The cure period for each Lender, Leasehold Mortgagee or Assignee shall begin to run at the end of the cure period given to Authorized Sublessee in the Sublease; provided, however, that in no case will the cure periods permit the Lease or Sublease to extend beyond thirty (30) years from the Effective Date.

k. If any default by Authorized Sublessee under the Sublease cannot be cured without the Lender, Leasehold Mortgagee or Assignee obtaining possession of all or part of the Premises and/or all or part of the Project and/or all or part of Authorized Sublessee's interest in the Sublease, then any such default shall be deemed remedied if: (i) during the cure period for Lender, Leasehold Mortgagee or Assignee pursuant to Subsection j above, either Lender, Leasehold Mortgagee or Assignee shall have acquired possession of all or part of the Premises and/or all or part of the Project and/or all or part of such interest in the Sublease, or shall have commenced appropriate judicial or non-judicial proceedings to obtain the same; (ii) the Lender, Leasehold Mortgagee or Assignee, as the case may be, shall be in the process of diligently prosecuting any such proceedings to completion, the completion of which must occur no later than three (3) years after receiving notice from Landlord or Primary Tenant; and (iii) after gaining possession of all or part of the Premises and/or all or part of the Project and/or all or part of such interest in the Sublease, the Lender, Leasehold Mortgagee or Assignee performs all other obligations as and when the same are due in accordance with the terms of the Sublease, but only for the period attributable to its possession of the Premises, provided, however, that the Lender, Leasehold Mortgagee or Assignee shall pay the Rent and perform all the other obligations of Authorized Sublessee hereunder as of the date that Landlord could have terminated the Sublease for an event of default. If a Lender, Leasehold Mortgagee or Assignee is prohibited by any process or injunction issued by any court or by reason of any action by any court having jurisdiction over any bankruptcy or insolvency proceeding involving Authorized Sublessee or any defaulting Assignee, as the case may be, from commencing or prosecuting the proceedings described above, the time period specified in subsection k above for commencing such proceeding shall be extended for the period of such prohibition. Notwithstanding any other provision of the Lease Agreement, the Lender, Leasehold Mortgagee or Assignee, as the case may be, must complete the prosecution of any such proceedings to completion no later than five (5) years after first receiving notice of default from Landlord or Primary Tenant, and in no case will the total time for proceedings allow the Lease or Sublease to extend beyond thirty (30) years from the Effective Date.

During any period of possession of the Premises by a Lender, Leasehold Mortgagee or Assignee and/or during the pendency of any foreclosure proceedings instituted by a Lender, Leasehold Mortgagee or Assignee, the Lender, Leasehold Mortgagee or Assignee shall pay or cause to be

paid the fees, Rent and all other monetary charges payable by Authorized Sublessee under the Sublease which have accrued and are unpaid at the commencement of such period and those which accrue thereafter during such period. Following acquisition of Authorized Sublessee's leasehold estate by the Lender, Leasehold Mortgagee or Assignee as a result of either foreclosure or acceptance of an assignment in lieu of foreclosure, or by a purchaser at a foreclosure sale (all of which are included in the term "Assignee"), the Sublease shall continue in full force and effect and the Lender, Leasehold Mortgagee or Assignee shall, as promptly as reasonably possible (but in no case longer than one hundred twenty (120) days after Landlord or Primary Tenant's written notice), commence the cure of all defaults under the Sublease and thereafter diligently process such cure to completion, and upon such completion of the cure of all defaults under the Lease Landlord's right to terminate the Sublease based upon such defaults shall be deemed waived; provided, however, that the Lender, Leasehold Mortgagee or Assignee or such party acquiring title to Authorized Sublessee's leasehold estate shall not be required to cure those defaults which are not reasonably susceptible of being cured or performed by such party ("**Non-curable defaults**"). Non-curable defaults shall be deemed waived by Landlord upon completion of foreclosure proceedings or acquisition of Authorized Sublessee's interest in the Sublease by such party. For purposes of clarity, although Non-curable defaults are waived, the party acquiring the Authorized Sublessee's estate shall be obligated to bring the Sublease into current compliance. By way of example, Authorized Sublessee failure to maintain insurance is a Non-curable default and the party acquiring the Authorized Sublessee's estate shall immediately obtain insurance in accordance with the requirements of the Sublease.

l. Any Lender, Leasehold Mortgagee or Assignee who acquires Authorized Sublessee's leasehold interest, pursuant to foreclosure or assignment in lieu of foreclosure shall not be liable to perform the obligations imposed on Authorized Sublessee by the Sublease incurred or accruing after the Lender, Leasehold Mortgagee or Assignee no longer has ownership of the leasehold estate or possession of the Premises. Neither the bankruptcy nor the insolvency of Authorized Sublessee shall be grounds for terminating the Sublease as long as all Rent and all other monetary charges payable by Authorized Sublessee under the Sublease are promptly paid by the Lender, Leasehold Mortgagee or Assignee in accordance with the terms of the Sublease. The acceptance of Rent by Landlord shall not be deemed a waiver of any other rights or remedy it may have under the Lease at law or in equity.

m. If the Sublease terminates for any reason, including because of Authorized Sublessee's default or if the leasehold estate is foreclosed, or if the Sublease is rejected or disaffirmed pursuant to applicable bankruptcy law or other applicable requirements affecting creditor's rights and, within ninety (90) days after such event, Authorized Sublessee or any Lender, Leasehold Mortgagee or Assignee shall have arranged to the satisfaction of Landlord for the payment of Rent, fees and other charges due and payable by Authorized Sublessee as of the date of such event, then Landlord shall execute and deliver to such Lender, Leasehold Mortgagee or Assignee or designee, as the case may be, a new lease to the Premises which (a) shall be for a term equal to the remainder of the Term; (b) shall contain the same covenants, agreements, terms, provisions and limitations as the Sublease (except as otherwise provided in this Section and for

any requirements that have been fulfilled by Authorized Sublessee or any Lender, Leasehold Mortgagee or Assignee prior to rejection or termination of the Sublease); and (c) shall include that portion of the Project in which Authorized Sublessee had an interest on the date of rejection or termination. A Lender, Leasehold Mortgagee or Assignee shall pay all of Landlord's reasonable legal fees associated with a new lease of the Premises.

n. Intentionally omitted

o. If more than one (1) Lender, Leasehold Mortgagee or Assignee makes a written request for a new lease pursuant to this provision, the new lease shall be delivered to the Lender, Leasehold Mortgagee or Assignee requesting such new lease whose mortgage or assignment of the Sublease or the Authorized Sublessee's leasehold interest hereunder is prior in lien, and the written request of any other Lender, Leasehold Mortgagee or Assignee whose lien is subordinate shall be void and of no further force or effect. This Section (o) is for notification purposes only.

p. The provisions of this Attachment 1 shall survive the termination, rejection or disaffirmation of the Sublease and shall continue in full force and effect thereafter to the same extent as if this Attachment 1 was a separate and independent contract made by and among Landlord, Primary Tenant, Authorized Sublessee and each Lender, Leasehold Mortgagee or Assignee, and, from the effective date of such termination, rejection or disaffirmation of the Sublease to the date of execution and delivery of such new lease, such Lender, Leasehold Mortgagee or Assignee may use and enjoy said Premises in accordance with the terms of such new lease, provided that all of the conditions for a new lease as set forth above are complied with, and with the understanding that such new lease will grant such Lender, Leasehold Mortgagee or Assignee only those rights as set forth in the original Site Lease Agreement between Landlord and Primary Tenant.

q. Landlord, Primary Tenant, and Authorized Sublessee agree that so long as there exists an unpaid Leasehold Mortgage or loan or other financing held by a Lender that is secured by Authorized Sublessee's grant of a security interest in the Premises, the Sublease, the Project or any other Improvement, then (i) neither the Lease or the Sublease, as applicable, shall be modified or amended without the written consent of Lender, Leasehold Mortgagee or Assignee, as applicable, and (ii) neither Landlord or Primary Tenant shall accept surrender of any part of the Premises or the Lease or Sublease.

r. If the Authorized Sublessee is in default of the Sublease and such default is not cured after the expiration of all notice and cure periods set forth in the Sublease and Lender, Leasehold Mortgagee, and Assignee have not exercised their cure rights set forth in this Attachment 1, then Primary Tenant may terminate the Sublease by providing written notice to Authorized Sublessee without the consent of Lender, Leasehold Mortgagee, or Assignee.

Exhibit A

Legal Description of Landlord's Property
Overland Substation Site- Fort Collins

Exhibit B

Depiction of Leased Premises

Overland Substation Site – 401 S. Overland Trail

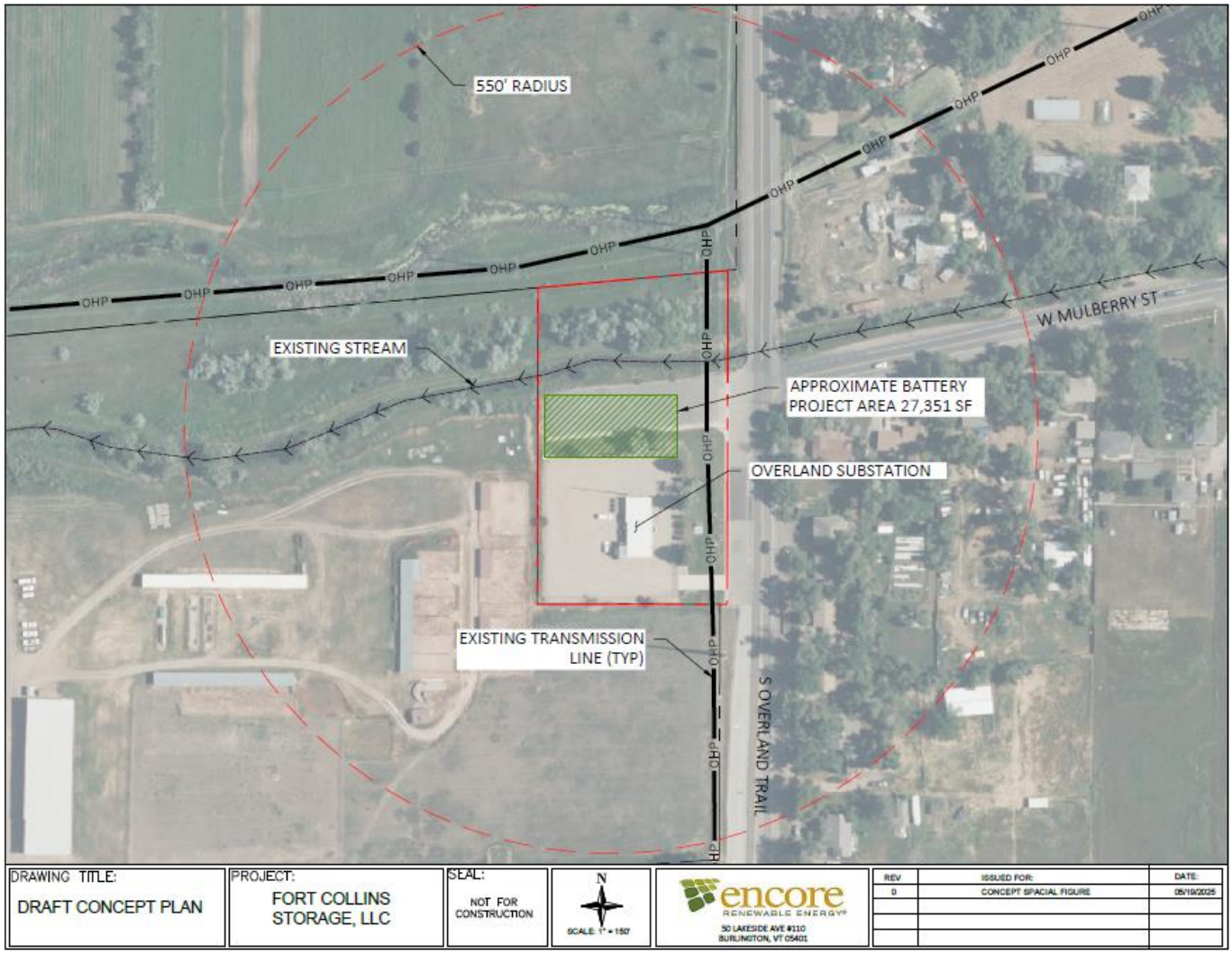


Exhibit D to Lease Agreement and Sublease Agreement

MEMORANDUM OF LEASE

KNOW ALL PERSONS BY THESE PRESENTS that a certain Site Lease Agreement (the "Lease") was entered into on the ___ day of _____, 2025, by and between _____, a _____ limited liability company (the "Tenant") and _____, (the "Landlord").

1. Names of the Parties to the Lease. The names of the parties to the Lease, as set forth in the Lease, are _____, as tenant, and _____, as landlord.

2. Addresses. The addresses set forth in the Lease as those of the parties are as follows:

Landlord: City of Fort Collins
Fort Collins, CO

Tenant: Platte River Power Authority
2000 E. Horsetooth Road
Fort Collins, CO 80525

3. Date of Execution. The date of the execution of the Lease is _____, 202__.

4. Term of Lease. The initial term of the Lease commences on the ____ day of _____, 2025 and continues for twenty-two (22) years following the Effective Date. The Lease may be extended for one (1) additional five (5) year term at the option of the Tenant.

5. Property Affected by the Lease. The leased property, as set forth in the Lease, is set forth on Exhibit A attached hereto.

6. Right of Purchase or First Refusal. There is no purchase right or right of first refusal granted in the Lease or otherwise held by the Tenant.

7. Restrictions on Assignment. The Lease and the rights and obligations of either party may be assigned in accordance with the terms of the Lease so long as any assignee assumes all rights, duties and obligations of the assigning party.

8. Location of Original Lease. The original signed copy of the Lease will be maintained at the principal office of the Tenant.

9. Conflict With Lease. The provisions of this Memorandum should not be used in interpreting the Lease, and in the event of any conflict between this Memorandum and the Lease, the terms of the Lease control in all respects.

10. Use. Tenant may not construct or erect any structure or building on the Premises, if the use or useful occupancy of that structure or building will require the installation of or connection to a potable water supply or wastewater system, without first complying with the applicable rules and obtaining any required permit.

11. Miscellaneous. All capitalized terms not defined herein have the meaning set forth in the Lease. This Memorandum is governed by the laws of Colorado. This Memorandum may be executed in counterparts which, when taken together, constitute a single instrument.

[Remainder of Page Intentionally Left Blank; Signature Page Follows]

THIS MEMORANDUM OF LEASE is executed as of the date first set forth above by the undersigned parties thereto.

THE CITY OF FORT COLLINS, COLORADO, a Colorado municipal corporation

Date: _____ By:_____
City of Fort Collins
Jeni Arndt, Mayor

STATE OF COLORADO)
) ss
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this ____ day of _____, 202__, by Jeni Arndt as Mayor of the City of Fort Collins.

Witness my hand and official seal.

My Commission expires: _____

_____
Notary Public

ATTEST:

_____
City Clerk
Printed Name: _____

APPROVED AS TO FORM:

_____
Assistant City Attorney
Name: _____

Memorandum of Lease – Signature Page Cont'd

TENANT:

[INSERT], LLC

By: _____
Name:
Title: Duly Authorized Agent

STATE OF COLORADO
COUNTY OF _____

On this day of _____, 2025, _____, duly authorized agent of _____ personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed and the free act and deed of _____.

Before me,_____
Notary Public:
Commission Expires:
License #:

Exhibit A to Memorandum of Lease

Property Leased

Overland Substation, Fort Collins

File Attachments for Item:

10. Second Reading of Ordinance No. 135, 2025, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Cordova Road – North of Duff Drive.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, authorizes the use of eminent domain to acquire right-of-way needed for constructing the Cordova Road – North of Duff Drive project (Project).

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Marc Virata, Project Manager
Dana Hornkohl, Capital Projects Manager
Ralph Campano, Real Estate Manager

SUBJECT

Second Reading of Ordinance No. 135, 2025, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Cordova Road – North of Duff Drive.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, authorizes the use of eminent domain to acquire right-of-way needed for constructing the Cordova Road – North of Duff Drive project (Project).

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Cordova Road is an existing roadway from the roundabout at Lincoln Avenue to Duff Drive, built by the Capstone Cottage development in 2017. The Master Street Plan (adopted November 21, 2023) shows Cordova Road extending northeast from Duff Drive, turning southeast, and eventually connecting to the existing section of International Boulevard. This extension will provide alternative ingress/egress to several neighborhoods and schools in the area. The Project seeks to acquire a section of the right-of-way necessary to ensure construction of Cordova Road, north of Duff Drive. (Attachment 1)

The Landing at Lemay Project Development Plan (PDP) directly north of Capstone Cottages, was approved at Planning Commission on September 21, 2023, and depicted the developer's dedication and construction of Cordova Road from Duff Drive to Link Lane. After Planning Commission approval and prior to entitlement, the developer informed the City that they were unable to acquire property intended for the Cordova Road dedication to the City. The site address of the property in question is 1292 East Lincoln Avenue, Parcel No. 8707200015, per Larimer County records.

Via their development agreement, the Landing at Lemay developer agreed to provide the City with $500,000 towards securing the property identified for Cordova Road right-of-way. If the City is successful in acquiring the property while the Landing at Lemay is under construction, the developer will construct Cordova Road. If the City is not successful in acquiring the property in this timeframe, the developer has made an additional $226,564 payment-in-lieu (PIL) for the local portion of Cordova Road associated with the dedication property between Duff Drive and Link Lane. This PIL will be returned to the developer if the property is acquired within the established timeframe. Council appropriated the developer contribution for

the property acquisition with Ordinance No. 116, 2024, and the developer contribution for the PIL with Ordinance No. 034, 2025.

Real Estate Services' (RES) staff contacted the property owner, CCC-Fort Collins LLC, to let them know about the City's intent to acquire the parcel in question and determine the owner's willingness to sell the parcel. After several conversations with the property owner, the property owner has asked and the City has determined to pursue a condemnation process, as the property owner has been unable to negotiate a release from the lender's interest in the property.

Currently, City staff believes the condemnation will be a friendly condemnation (uncontested) and believes that the City and the property owner will be able to come to an agreement on the sale price for the parcel.

The acquisition process will be conducted according to federal and state eminent domain requirements, which must be followed for all property interests throughout the entire acquisition process. These requirements ensure property owners are fairly compensated for their property interests. Staff recommends that City Council authorize the use of eminent domain for this acquisition to provide a fair and equitable process that will allow the City to meet Project goals and construction deadlines.

CITY FINANCIAL IMPACTS

This action will not authorize any new funding for the Project. The action will authorize acquisition of the identified parcel by means of eminent domain. The total fund amount projected for this Project is $726,564 composed of funds appropriated with prior actions. The development contribution PIL is subject to APP program transfers that were completed with prior appropriation.

Prior Appropriated Funds	
Development Contributions	$ 726,564
TOTAL PRIOR APPROPRIATIONS	**$ 726,564**

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Planning Commission approved the Landing at Lemay PDP on September 21, 2023, depicting the dedication and construction of Cordova Road.

PUBLIC OUTREACH

The Landing at Lemay PDP had a neighborhood meeting on October 4, 2021, and was subject to the standard notice to owners of record within 800-feet of the development as prescribed in the Land Use Code.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 135, 2025

ORDINANCE NO. 135, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN
PROCEEDINGS OF CERTAIN LANDS NECESSARY TO CONSTRUCT
CORDOVA ROAD – NORTH OF DUFF DRIVE

A. The City's Master Street Plan, adopted November 21, 2023, shows Cordova Road extending northeast from Duff Drive, turning southeast, and eventually connecting to the existing section of International Boulevard. Cordova Road is an existing roadway from the roundabout at Lincoln Avenue to Duff Drive, built by the Capstone Cottage development in 2017. The Master Street Plan (adopted November 21, 2023) shows Cordova Road extending northeast from Duff Drive, turning southeast, and eventually connecting to the existing section of International Boulevard. This extension will provide alternative ingress and egress to several neighborhoods and schools in the area.

B. To complete the construction of Cordova Road north of Duff Drive (the "Project"), the City of Fort Collins will need to acquire a section of the right-of-way necessary to ensure construction of Cordova Road, north of Duff Drive. This real property is described in Exhibit A, which is attached hereto and incorporated herein (the "Property"). The site address of the Property is 1292 East Lincoln Avenue, Parcel No. 8707200015, according to Larimer County records.

C. The Landing at Lemay Project Development Plan directly north of Capstone Cottages, was approved by the Planning and Zoning Commission on September 21, 2023, and depicted the developer's dedication of the Property and construction of Cordova Road from Duff Drive to Link Lane. After the Planning Commission's approval but before entitlement, the developer informed the City that the developer was unable to acquire the Property.

D. In the development agreement for the Landing at Lemay, the developer agreed to provide the City with $500,000 towards securing the Property identified for the Cordova Road right-of-way. If the City is successful in acquiring the Property while the Landing at Lemay is under construction, the developer will complete the construction of the Project.

E. If the City is not successful in acquiring the Property while the Landing at Lemay is under construction, the developer has made an additional $226,564 payment-in-lieu (PIL) for construction of the local portion of Cordova Road between Duff Drive and Link Lane associated with the Property. This PIL will be returned to the developer if the Property is acquired within the established timeframe. The City Council appropriated the developer contribution for acquisition of the Property with Ordinance No. 116, 2024, and the developer contribution for the PIL with Ordinance No. 034, 2025.

F. The City has begun good faith negotiations for the acquisition of the Property. City staff has contacted the property owner, CCC-Fort Collins LLC, to inform them of the City's intent to acquire the parcel in question and determine the owner's willingness to sell the parcel. After several conversations with the property owner, the

property owner has requested that the City pursue a condemnation process, as the property owner has been unable to negotiate a release from the lender's interest in the property. Currently, City staff believes the condemnation will be a friendly condemnation (uncontested) and believes that the City and the property owner will be able to come to an agreement on the sale price for the parcel.

G. The acquisition process will be conducted according to federal and state eminent domain requirements, which must be followed for all property interests throughout the entire acquisition process. These requirements ensure property owners are fairly compensated for their property interests. Staff recommends that City Council authorize the use of eminent domain for this acquisition to provide a fair and equitable process that will allow the City to meet Project goals and construction deadlines.

H. This action will not authorize any new funding for the Project. The action will authorize acquisition of the identified parcel by means of eminent domain. The total fund amount projected for this Project is $726,564 composed of funds appropriated with prior actions. The development contribution PIL is subject to APP program transfers that were completed with prior appropriation.

I. It is necessary for the City to acquire the Property for the purpose of constructing the Project. The acquisition of the Property may, by law, be accomplished through proceedings of eminent domain.

J. The acquisition of the Property and prompt possession of the Property is desirable and necessary for public use for the construction of the Project, is in the City's and public's best interests, and enhances public health, safety, and welfare because it will allow for the construction of needed public infrastructure within the City.

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

Section 1. The City Council finds and hereby determines that is it necessary in the public interest and for the public health, safety and welfare that the City acquire the Property to be used for the purpose of completing the construction of Cordova Road north of Duff Drive.

Section 2. The City Council hereby authorizes the City Attorney and other appropriate officials of the City to acquire the Property for the City by eminent domain proceedings.

Section 3. The City Council finds that if acquisition by eminent domain of the Property is commenced, immediate possession is necessary for the public's health, safety, and welfare.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Heather N. Jarvis

Exhibit: Exhibit A - Description of Real Property

Exhibit A – Legal Description

A TRACT OF LAND SITUATE IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M., CITY OF FORT COLLINS, COUNY OF LARIMER, STATE OF COLORADO, WHICH CONSIDERING THE WEST LINE OF SAID SECTION 7 AS BEARING S02°04'03"W AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO IS CONTAINED WITHIN THE BOUNDARY LINES WHICH BEGIN AT A POINT WHICH BEARS S02°04'03"W 1349.99 FEET, AND AGAIN S87°55'57"E 318.00 FEET, AND AGAIN S02°04'08"W 300.00 FEET, AND AGAIN S87°55'57"E 503.00 FEET, AND AGAIN S02°04'03"W 62.53 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 7 AND RUN THENCE S87°55'57"E 204.00 FEET;
THENCE S02°04'03"W 38.81 FEET;
THENCE S87°55'57"E 294.16 FEET;
THENCE N33°06'53"E 350.16 FEET;
THENCE S50°01'54"E 150.00 FEET;
THENCE S34°09'38"W 556.45 FEET;
THENCE S59°22'32"E 100.57 FEET;
THENCE S30°37'28"W 300.00 FEET;
THENCE S59°22'32"E 206.10 FEET;
THENCE S30°37'28"W 510.00 FEET TO A POINT ON THE NORTHERLY LINE OF LINCOLN AVENUE;
THENCE ALONG SAID NORTHERLY LINE N59°22'32"W 299.90 FEET;
AND AGAIN ALONG THE ARC OF A 1206.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 133.13 FEET, THE LONG CHORD OF WHICH BEARS N62°32'17"W 133.07 FEET;
THENCE N02°04'03"E 960.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM A TRACT OF LAND SITUATE IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M., CITY OF FORT COLLINS, WHICH CONSIDERING THE WEST LINE OF SAID SECTION 7 AS BEARING S02°04'03"W AND WITH ALL BEARING CONTAINED HEREIN RELATIVE THERETO IS CONTAINED WITH THE BOUNDARY LINES WHICH BEGIN AT A POINT WHICH BEARS S02°04'03"W 1349.99 FEET, AND AGAIN S87°55'57"E 318.00 FEET, AND AGAIN S02°04'03"W 300.00 FEET, AND AGAIN S87°55'57"E 503.00 FEET, AND AGAIN S02°04'03"W 62.53 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 7 AND RUN THENCE S87°55'57"E 204.00 FEET;

THENCE S02°04'03"W 38.81 FEET;
THENCE S87°55'57"E 294.16 FEET;
THENCE S33°06'53"W 170.08 FEET;
THENCE S59°22'32"E 36.29 FEET;
THENCE S30°37'28"W 360.00 FEET;
THENCE N59°22'32"W 106.14 FEET;
THENCE S02°04'03"W 296.45 FEET;THENCE ALONG THE ARC OF A 240.00 FOOT RADIUS CURVE TO THE RIGHT A DISTANCE OF 119.62FEET, THE LONG CHORD OF WHICH BEARS S16°20'45"W 118.38 FEET;

THENCE S30°37'28"W 135.62 FEET TO A POINT ON THE NORTHERLY LINE OF LINCOLN AVENUE;

THENCE ALONG SAID NORTHERLY LINE ALONG THE ARC OF A 1206.00 FOOT RADIUS CURVE TO THE LEFT A DISTANCE OF 91.13 FEET, THE LONG CHORD OF WHICH BEARS N63°32'10"W 91.11 FEET;
THENCE N02°04'03"E 960.00 FEET TO A POINT OF BEGINNING, COUNTY OF LARIMER, STATE OF COLORADO,

AND EXCEPTING THEREFROM A TRACT OF LAND SITUATE IN THE WEST 1/2 OF SECTION 7, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE SIXTH P.M., CITY OF FORT COLLINS, WHICH CONSIDERING THE WEST LINE OF SAID SECTION 7 AS BEARING S02°04'03"W AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO IS CONTAINED WITHIN THE BOUNDARY LINE WHICH BEGIN AT A POINT WHICH BEARS S02°04'03"W 1349.99 FEET, AND AGAIN S87°55'57"E 318.00 FEET, AND AGAIN S02°04'03"W 300.00 FEET, AND AGAIN S87°55'57"E 503.00 FEET, AND AGAIN S02°04'03"W 1022.53 FEET, AND AGAIN S63°32'10"E 91.11 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 7, AND RUN THENCE N30°37'28"E 135.62 FEET;
THENCE ALONG THE ARC OF A 240.00 FEET RADIUS CURVE TO THE LEFT A DISTANCE OF 119.62 FEET, THE LONG CHORD OF WHICH BEARS N16°20'45"E 118.38 FEET;
THENCE N02°04'03"E 296.45 FEET;
THENCE S59°22'32"E 106.14 FEET;

THENCE N30°37'28"E 360.00 FEET;
THENCE S59°22'32"E 103.71 FEET;
THENCE S34°09'38"W 60.11 FEET;
THENCE S59°22'32"E 100.57 FEET;
THENCE S30°37'28"W 300.00 FEET;
THENCE S59°22'32"E 206.10 FEET;
THENCE S30°37'28"W 510.00 FEET TO A POINT ON THE NORTHERLY LINE OF LINCOLN AVENUE;
THENCE ALONG SAID NORTHERLY LINE N59°22'32"W 299.90 FEET, AND AGAIN ALONG THE ARC OF A 1206.00 FOOT RADIUS CURVE TO THE LEFT, A DISTANCE OF 42.01 FEET, THE LONG CHORD OF WHICH BEARS N60°22'24"W 42.01 FEET TO THE POINT OF BEGINNING,

EXCEPT ANY PORTION CONVEYED IN SPECIAL WARRANTY DEED RECORDED MARCH 21, 2016 UNDER RECEPTION NO. **20160017207**,

EXCEPT ANY PORTION CONVEYED IN SPECIAL WARRANTY DEED RECORDED MARCH 28, 2016 UNDER RECEPTION NO. **20160018391**,

EXCEPT ANY PORTION CONVEYED TO THE CITY OF FORT COLLINS IN SPECIAL WARRANTY DEED

RECORDED APRIL 6, 2021 UNDER RECEPTION NO. **20210035057**,

COUNTY OF LARIMER, STATE OF COLORADO.

File Attachments for Item:

11. Items Relating to Amendments and Updates to Tax Provisions in City Code.

A. Second Reading of Ordinance No. 136, 2025, Amending Article III of Chapter 3 of the Code of Fort Collins Relating to Liquor Occupation Tax.

B. Second Reading of Ordinance No. 137, 2025, Amending Articles II and III of Chapter 25 of the Code of Fort Collins Relating to Sales and Use Tax

C. Second Reading of Ordinance No. 138, 2025, Amending Article IV of Chapter 25 of the Code of the City of Fort Collins to Increase the Threshold to Require a Written Settlement Agreement for Lodging Tax.

These Ordinances, unanimously adopted on First Reading on August 19, 2025, recommend amendments to the Liquor Occupation Tax, the Sales and Use Tax, and Lodging Tax as part of the regular housekeeping and necessary updates to promote the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City's taxes.

The changes to the second reading of Ordinance No. 137, 2025 (found at the top of page 14 of the ordinance) remove an outdated statutory reference in Code Sec. 25-216 (Review of decisions of Financial Officer) by deleting the citation in that Section to Colorado Revised Statutes (C.R.S.) § 29-2-106., which was updated and relocated to C.R.S. § 29-2-203 in the omnibus 2024 housekeeping legislation, Senate Bill 24-025 (SB24-025). SB24-025 revised, modernized, and harmonized separate state statutes pertaining to sales and use tax administration.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Jennifer Poznanovic, Sales Tax & Revenue Director

SUBJECT

Items Relating to Amendments and Updates to Tax Provisions in City Code.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 136, 2025, Amending Article III of Chapter 3 of the Code of Fort Collins Relating to Liquor Occupation Tax.

B. Second Reading of Ordinance No. 137, 2025, Amending Articles II and III of Chapter 25 of the Code of Fort Collins Relating to Sales and Use Tax

C. Second Reading of Ordinance No. 138, 2025, Amending Article IV of Chapter 25 of the Code of the City of Fort Collins to Increase the Threshold to Require a Written Settlement Agreement for Lodging Tax.

These Ordinances, unanimously adopted on First Reading on August 19, 2025, recommend amendments to the Liquor Occupation Tax, the Sales and Use Tax, and Lodging Tax as part of the regular housekeeping and necessary updates to promote the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City's taxes.

The changes to the second reading of Ordinance No. 137, 2025 (found at the top of page 14 of the ordinance) remove an outdated statutory reference in Code Sec. 25-216 (Review of decisions of Financial Officer) by deleting the citation in that Section to Colorado Revised Statutes (C.R.S.) § 29-2-106., which was updated and relocated to C.R.S. § 29-2-203 in the omnibus 2024 housekeeping legislation, Senate Bill 24-025 (SB24-025). SB24-025 revised, modernized, and harmonized separate state statutes pertaining to sales and use tax administration.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The various provisions of the City Code relating to taxes that are being recommended for amendment are as follows:

CHAPTER 3, ARTICLE VIII – Liquor Occupation Tax

Clarify liquor occupation tax penalty and interest in aggregate to add "annually"

Staff recommends amending Code Sec. 3-76(d) to specify that the 18 percent interest rate in the penalty and interest section of the liquor occupation tax accrues annually, rather than monthly.

CHAPTER 25, ARTICLE II

Change manufacturing use tax rebate application due date

In Code Sec. 25-65, staff recommend changing the Manufacturing Use Tax Rebate (MUTR) application due date from June 30th to April 30th. This change will allow sufficient staff time to review the applications and, if necessary, time for the taxpayer to petition and for staff review of any disallowed rebate amounts. The final rebate amounts must be sent to the City's Budget Office by mid-August to be included in the annual adjustment process which is finalized in the fourth quarter of the same year.

CHAPTER 25, ARTICLE III

Add manufacturing equipment to sales and use tax definition section of code

Staff recommend amending Code Sec. 25-71, in Article III of Chapter 25, in order to incorporate the definition from Code Section 25-63, in Article II of Chapter 25, of "manufacturing equipment." While the imposition of sales and use tax on manufacturing equipment is clear under existing code, aligning the definition in the tax code provisions with the rebate provisions provides clarity and consistency.

Street maintenance ¼ cent tax renewal

Staff recommend updating the rate of tax in Code Sec. 25-75(a)(2) to incorporate the extension by voter approval of the City's ¼ cent street maintenance tax until December 31, 2045.

Change period for a taxpayer to respond or seek review of notices of denials, delinquencies, and similar from 21 days to 30 days

Staff recommend amending the language in multiple Code Sections to allow taxpayers thirty (30) days, as opposed to the current twenty-one (21) days, to make payment on an assessment, petition the Financial Officer for a hearing, protest in writing to the Financial Officer, and file a final return due to the sale of the business. Staff recommends this change to better align City Code with the Colorado Revised Statues Title 29 Section 29-2-106.1 – Deficiency notice--dispute resolution—repeal.

The Code sections being recommended for proposed amendment are: Sec. 25-94(c), Sec. 25-147(4), Sec. 25-168, Sec. 25-186(b) & 186(c) & 186(d), Sec. 25-191(a) & 191(b), Sec. 25-194(a)(1) & 194(a)(2), Sec. 25-258(e), Sec. 25-264, Sec. 25-265, Sec. 25-266, Sec. 25-276(b) & 276(c) & 276(d), and Sec. 25-278(a)(1) & (a)(2).

Trust funds and authority to require that funds be held in a segregated account

Staff recommend amending Code Sec. 25-117 to clarify the obligation of retailers holding sales tax in trust for the City of "tax money in possession of retailer held in trust". to add clarification regarding segregated accounts and to add provisions to authorize the Financial Officer to require a retailer to hold trust funds in a segregated account when the taxpayer has previously been delinquent in remitting trust funds, has not been timely in filing returns, or when the Financial Officer has good cause to conclude that trust funds are at risk

Providing taxpayers additional time to submit a project cost report before penalty and interest apply

Staff recommend amending Code Sec. 25-119(a) to add a deadline of ninety days (90) from the certificate of occupancy to submit a project cost report to the Financial Officer. The deadline of ninety days (90) allows

sufficient time for contractors and owners to complete and submit their project cost report, after which penalties and interest will be applied.

Payment application priority

Staff recommend amending Code Secs. 25-123(e), 25-124(e), 25-250(g), and 25-279(f) to clarify the order in which taxpayer payments will be applied as follows: first to any penalties, second to interest, and finally to the tax due. The City's current tax collections software is already set up to apply payments using that priority.

Narrow the scope of intra-City tax information sharing

Staff recommends deletion of Subsection 25-166(g) to align with standard industry practices requiring that individual taxpayer information be collected and used for tax administration purposes.

Coordinated audits

Staff recommend amending Code Sec. 25-173 to align the periods limiting the City's right to recover amounts assessed through a coordinated audit with the periods which apply to other audits.

Lookback period for audits

Staff recommend amending Code Sec. 25-186(c), concerning the lookback period for audits, by referencing the three-year period in City Code Sec 25-225(a), rather than restating that period.

Taxpayer protest processes

Staff recommend amending Code Secs. 25-186(d), 25-186(e), 25-216, and 25-220 to clarify and update the process by which a taxpayer may protest a notice of determination, assessment and demand for payment, or a tax deficiency owed or as a result of an audit by filing a petition for review by the Financial Officer.

Change to expressly include items that may have a lien in the lien and distraint sections of code

Staff recommends amending Code Sec. 25-189(a), providing clarity on the City's existing authority to collect unpaid taxes and updating outdated language and practices.

Increase the dollar threshold that requires a settlement agreement (sales tax)

Staff recommend increasing the amount that requires a settlement agreement on a waiver of sales and use tax be increased from $10,000 to $25,000 in Code Sec. 25-198(c), reducing staff time across several service areas.

A settlement agreement requires a signature from the legal department and the City's Financial Officer. Currently, waivers on a tax audit are usually for either a portion or all of the 10% penalty on the tax deficiency. The waivers do not require the taxpayer to file a formal petition, but a request for the waiver is submitted by the taxpayer to show good cause. Other waivers may include waiving the 10% penalty and 1.0% monthly interest on a single return which will typically be well below the threshold.

Chapter 25 of the Code allows the Financial Officer to compromise for good cause and settle assessed taxes or potential claim to taxes, penalties, interest, collection costs and other charges due to the City. Good cause may include legal and factual considerations, considerations of fairness and justice, and the financial inability of the taxpayer to pay a greater amount.

CHAPTER 25, ARTICLE IV

Increase the dollar threshold that requires a settlement agreement (lodging tax)

Staff recommend increasing the amount that requires a settlement agreement on a waiver of lodging tax from $2,500 to $25,000 in Code Sec. 25-281(c). This change to the Lodging Tax Code would align with the recommended increase in the threshold described above for sales and use tax settlement agreements and achieve the same efficiencies across several service areas.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 136, 2025
2. Ordinance No. 137, 2025
3. Ordinance No. 138, 2025

ORDINANCE NO. 136, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE III OF CHAPTER 3 OF THE CODE OF FORT COLLINS
RELATING TO LIQUOR OCCUPATION TAX

A. Businesses that sell at retail any fermented malt beverage, malt, special malt, vinous, or spirituous liquors within the City of Fort Collins are required to pay an annual occupation tax (the "Liquor Occupation Tax").

B. Provisions of the City Code relating to the Liquor Occupation Tax are currently found in Article III of Chapter 3 of the City Code, as amended.

D. City staff reviewed Section 3-76 of the Code, in which the Liquor Occupation Tax is imposed, and recommended a Code amendment to specify that the 18 percent interest rate accrues annually, rather than monthly.

F. City Council hereby finds that amending the Liquor Occupation Tax as proposed in this Ordinance is in the best interests of the City and its taxpayers and promotes the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City's taxes.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Subsection (d) of Section 3-76 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 3-76. Occupation tax.

. . .

(d) If any person fails to pay the tax when due, there shall be added to the amount owing a penalty equal to the sum of fifteen dollars ($15.) or ten (10) percent thereof, whichever is greater, and interest on such delinquent taxes at the rate imposed by § 25-188 plus one-half (0.5) percent per month from the date the tax was due, not exceeding eighteen (18) percent annual interest in the aggregate.

. . .

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

ORDINANCE NO. 137, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLES II AND III OF CHAPTER 25 OF THE
CODE OF THE CITY OF FORT COLLINS RELATING TO SALES
AND USE TAXES

A. Article XX, Section 6(g) of the Colorado Constitution grants to the City of Fort Collins, as a home rule municipality, all powers necessary to levy and collect taxes for municipal purposes, subject to any limitations in the Colorado Constitution.

B. On November 16, 1967, the City Council, in the exercise of its home rule taxing powers, adopted Ordinance No. 058, 1967, to levy, collect, and enforce beginning on January 1, 1968, a sales and use tax on the purchase of tangible personal property sold at retail in the City and on certain taxable services provided in the City.

C. Provisions of the Code relating to tax are currently found in Chapter 25, which has been significantly amended many times since its adoption in 1967.

D. City staff reviewed the Code provisions and recommended further amendments to simplify the Code's language, secure productive tax administration, and ensure the best use of city-collected funds.

E. The effect of the updates recommended by City staff are to:

- Change the Manufacturing Use Tax Rebate application due date in Code Section 25-65 from June 30 to April 30 to provide additional time for staff review and for applicants to petition for additional review of disallowed rebate amounts;
- Add the same definition of "manufacturing equipment" from Article II of Chapter 25 (Manufacturing Use Tax Rebate) to the sales and use tax definitions in Code Section 25-71 for clarity and consistency between Articles II and II of Chapter 25;
- Update the rate of tax in Code Section 25-75(a)(2) to reflect the approval by voters of the extension of the City's ¼ cent street maintenance tax until December 31, 2045;
- Amend various provisions of the Code to increase from twenty-one (21) days to thirty (30) days the period which taxpayers have to make payment on an assessment, petition the Financial Officer for a hearing, protest in writing to the Financial Officer, and file a final return due to the sale of the business to align the Code with Colorado Revised Statutes (C.R.S.) § 29-2-106.1; Code provisions with amendments recommended to effectuate the thirty (30) day period are located in Sections 25-94, 25-147, 25-168, 25-186, 25-191, 25-194, 25-258, 25-264, 25-265, 25-266, 25-276, and 25-278;
- Amend Code Section 25-117 to further clarify a retailer's responsibility to hold sales taxes in trust for the City and to add provisions to authorize

the Financial Officer to require a retailer to hold trust funds in a segregated account when the taxpayer has previously been delinquent in remitting trust funds, has not been timely in filing returns, or when the Financial Officer has good cause to conclude that trust funds are at risk;

- Add a deadline of ninety days (90) from the certificate of occupancy for a contractor to submit a project cost report to Code Sec 25-119(a) to allow contractors and owners sufficient time to complete and submit the report before penalties and interest will apply;
- Amend Code Sections 25-123, 25-124, 25-250, and 25-279 to specify the order in which taxpayer payments will be applied: first to any penalties, second to interest, and finally to the tax due;
- Remove Subsection 25-166(g) of the Code to align with standard industry practices requiring that individual taxpayer information be collected and used for tax administration purposes;
- Amend Code Section 25-173 to align the periods limiting the City's right to recover amounts assessed through a coordinated audit with the periods that apply to other audits;
- Amend for clarity Subsection 25-186(c), concerning the lookback period for audits, by incorporating by reference the three-year period in Subsection 25-225(a), rather than restating that period;
- Amend Code Sections 25-186 and 25-220 to clarify and update the process by which a taxpayer may protest a notice of determination, assessment and demand for payment, or a tax deficiency owed or as a result of an audit by petition for review by the Financial Officer;
- Amend Code Section 25-189 to provide clarity on existing authority to collect unpaid taxes and to update outdated language and practices relating thereto; and
- Increase the threshold in Subsection 25-198(c) of the Code, requiring a written settlement agreement, from $10,000 to $25,000 to save staff time across several service areas.

F. City Council hereby finds that amending the City Code as proposed in this Ordinance is in the best interests of the City and its taxpayers and promotes the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City's taxes.

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

Section 1. Section 25-65 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-65. Application for rebate.

Application for the manufacturing equipment use tax rebate on qualifying manufacturing equipment shall be made on forms to be provided by the City. In order to qualify for such rebate, the application must be filed by April 30th of the year following the year in which the use taxes for which a rebate is requested were paid. Only one (1) application shall be filed per qualifying manufacturer.

Section 2. Section 25-71 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition "*Manufacturing equipment*" which reads in its entirety as follows:

Manufacturing equipment means equipment to be used in the City that is necessary and essential to the operation or performance of an integrated series of operations that places a product, article, substance, commodity, or other tangible personal property in a form, composition, or character different from that in which it was acquired, whether for sale or for use by a qualifying manufacturer. The change in form, composition, or character must result in a new product, article, substance or commodity that is different from and has a distinct name, character, or use from the raw or prepared materials.

Section 3. Section 25-75 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-75. Rate of tax.

(a) The amount of tax hereby levied is four and thirty-five hundredths (4.35) percent of the purchase price of tangible personal property and taxable services except that the amount of use tax levied on manufacturing equipment is three (3) percent of the purchase price. This tax is composed of a rate of two and twenty-five hundredths (2.25) percent that does not expire and is not restricted in the use of its proceeds and the remaining rate of two and ten hundredths (2.10) percent is comprised of the following voter-approved taxes:

. . .

(2) A twenty-five one-hundredths (0.25) percent tax that expires at midnight on December 31, 2045, the proceeds of which are to be used for the purpose of paying the costs of planning, design, right-of-way acquisition, incidental upgrades and other costs associated with the repair and renovation of City streets, including, but not limited to, curbs, gutters, bridges, sidewalks, parkways, shoulders and medians;

. . .

Section 4. Section 25-94 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-94. Exempt organization license; application procedure.

. . .

(c) Upon receipt of an application, the Financial Officer shall examine the same and shall give written notice to the applicant of his or her decision thereon. An applicant whose application has been denied may, within thirty (30) days after such decision is mailed, petition the Financial Officer for a hearing on the claim. The Financial Officer shall notify the applicant in writing of the time and place of the hearing. After such hearing, the Financial Officer shall make such order in the matter as they deem just and proper and shall furnish a copy of such final order to the applicant.

. . .

Section 5. Section 25-117 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-117. Tax money in possession of retailer held in trust.

All sums of money paid by a purchaser to a retailer as taxes imposed by this Article shall be and remain public monies that are the property of the City. The retailer, as trustee, shall hold such monies in trust for the sole use and benefit of the City until remitted to the Financial Officer as herein provided. It shall be unlawful for any retailer to fail or refuse to remit to the Finance Officer all such trust funds.

The Financial Officer may require a retailer to hold trust funds segregated or separated from other amounts in a special account at a bank or other financial institution if the retailer is or has been delinquent in remitting sales tax, has not timely filed tax returns, or if the Financial Officer has good cause to conclude that trust funds are at risk of being converted for the retailer's use, such as but not limited to, knowledge that a retailer's business may be sold, transferred, abandoned, dissolved, terminated, or become insolvent.

Section 6. Section 25-119 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-119. Tax on construction materials and supplies.

(a) Any person who shall build, construct, reconstruct, alter, expand, modify or improve any building, dwelling or other structure or improvement to real property in the City and who shall purchase or acquire fixtures, minerals or any other construction materials and supplies used therefor or any tangible personal property used therein from sources within or without the City and the owner of the real property shall be jointly and severally responsible for paying the tax set out in this Article. Prior to the issuance of a building permit, an amount of tax to be held on deposit shall be estimated by determining the building value for permit purposes and multiplying that value by a percentage

prescribed by the Financial Officer, which amount shall be collected by the City through the owner or contractor. Upon payment of such sales or use tax deposit, the City shall issue a sales or use tax receipt identifying the address for which the purchase is being made and the City building permit number. It shall be the duty of the owner and/or contractor and subcontractors who are hired to do the above stated work or any portion thereof to submit a project cost report to the Financial Officer, within ninety (90) days from the date of issuance of the certificate of occupancy after which penalties and interest will be applied, on forms authorized by the Financial Officer, stating the actual amounts of any purchases of fixtures, minerals or any other construction materials and supplies or tangible personal property for such work and to remit any tax due in excess of the sales or use tax deposit. In any case, the general contractor and/or owner will be held liable for the payment of all taxes for such materials.

. . .

Section 7. Section 25-123 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-123. Remittance of sales tax collected by retailer.

. . .

(d) If any retailer shall, during any reporting period, collect as a sales tax an amount in excess of the rate stated in § 25-75 of this Article, the retailer shall remit to the Financial Officer the full amount of the sales tax imposed and such excess.

(e) If any amount of sales tax is not remitted on or before the date due, penalties and interest as set forth in Subsection 25-186(a) of this Article shall be paid by the retailer for the period from the date due to the date paid.

(f) Any retailer that collects and remits sales tax to the Financial Officer as provided in this Article may use an electronic database of state addresses that is certified by the State Department of Revenue, pursuant to C.R.S. § 39-26-105.3, to determine the jurisdictions to which tax is owed.

(g) Any retailer that uses the data contained in an electronic database certified by the state Department of Revenue pursuant to C.R.S. § 39-26-105.3, to determine the jurisdictions to which tax is owed shall be held harmless for any tax, penalty or interest owed the City that otherwise would be due solely as a result of an error in the electronic database, provided that the retailer demonstrates that it used the most current information available in such electronic database on the date that the sale occurred. Each retailer shall keep and preserve such records as prescribed by the Financial Officer to demonstrate that it used the most current information available in the electronic database on the date that the sale occurred. Notwithstanding the above, if the error in collecting and remitting is a result of a deceptive or false representation or fraud, the provisions of this Section shall not apply.

(h) Untimely payments, partial payments, or any payment insufficient for a deficiency, will be first applied to penalty and collection costs, if any, secondly to accrued interest, and lastly, to the tax itself.

Section 8. Section 25-124 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-124. Remittance of use tax.

. . .

(c) If any amount of use tax is not remitted on or before the date due, penalties and interest as set forth in Subsection 25-186(a) of this Article shall be paid by the taxpayer for the period from the date due to the date paid.

(d) Untimely payments, partial payments, or any payment insufficient for a deficiency, will be first applied to penalty and collection costs, if any, secondly to accrued interest, and lastly, to the tax itself.

Section 9. Section 25-147 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-147. Procedure for refund of disputed tax.

A refund shall be made or credit allowed for the tax paid under dispute by any person who claims that the transaction or item was not taxable, claims an exemption as provided in this Article, or claims that taxes were paid in error or by mistake. Such refund or credit shall be made by the Financial Officer after compliance with the following:

(1) *Application*. An application for a refund or credit of sales or use tax paid under dispute, paid in error by a purchaser or user who claims an exemption under Subsection 25-73(c) or Subsection 25-74(b) of this Article, or paid in error or by mistake shall be made within three (3) years after the date of purchase, storage, use or consumption of the goods or services whereon a refund or credit is claimed. Such applications must be accompanied by the original paid invoice or sales receipt and must be made upon such forms as shall be prescribed and furnished by the Financial Officer;

. . .

(4) *Hearing*. An applicant whose application for a refund has been denied may, within thirty (30) days after such decision is mailed, petition the Financial Officer for a hearing on the claim. The Financial Officer shall notify the applicant in writing of the time and place of the hearing. After such hearing, the Financial Officer shall

make such order in the matter as they deem just and proper and shall furnish a copy of such final order to the applicant.

Section 10. Section 25-166(e) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-166. Preservation of returns and other records; confidentiality.

. . .

(e) Notwithstanding the provisions of this Section, the Financial Officer may furnish to the taxing officials of the State or its political subdivisions, any other state or its political subdivisions or the United States any information contained in any application, report, return or any other document if the recipient jurisdiction agrees with the Financial Officer to grant similar privileges to the City and if such information is to be used by the jurisdiction only for tax-related purposes, except as provided in Subsection 25-173(e) of this Article.

Section 11. Section 25-166 of the Code of the City of Fort Collins is hereby amended by the deletion of subsection (g) in its entirety.

Section 12. Section 25-168 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-168. Examination of returns; recomputation, credits, deficiencies.

As soon as practicable after a return is filed, the Financial Officer shall examine it. If it appears that the correct amount of tax to be remitted may be greater or less than that shown in the return, the tax shall be recomputed by the Financial Officer. If the amount paid exceeds that which is due, the excess shall be refunded or credited against any subsequent remittance from the taxpayer. If the amount paid is less than the amount due and any part of the deficiency is due to negligence or intentional disregard of the provisions of this Article or of authorized rules and regulations of the City with knowledge thereof but without intent to defraud, the amount of the deficiency together with a penalty of ten (10) percent of the amount of the deficiency plus interest on the deficiency at the rate imposed under § 25-188 of this Article from the date the return and the tax was due shall be due and payable by the taxpayer within thirty (30) days after written notice of determination, assessment and demand for payment is mailed to the taxpayer by the Financial Officer as provided in Subsection 25-186(b) of this Article. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added a penalty of one hundred (100) percent of the deficiency and in such case, the amount of the deficiency, the penalty and interest calculated as stated above shall be due and payable by the taxpayer within thirty (30) days after written notice of determination, assessment and demand for payment is mailed to the taxpayer by the Financial Officer and an additional amount of three (3) percent per month on such amount shall be added from the date the return and tax was due until paid. The taxpayer may protest the notice

of determination, assessment and demand for payment issued under this Section as provided in § 25-186 of this Article.

Section 13. The title of Section 25-169 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-169. Investigation of records relating to taxes, hearing.

. . .

Section 14. Section 25-173 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-173. Coordinated audit.

(a) Any taxpayer licensed in the City pursuant to § 25-91 of this Article, and holding a similar sales tax license in at least four (4) other Colorado municipalities that administer their own sales tax collection, may request a coordinated audit as provided herein.

(b) Within fourteen (14) days of receipt of notice of an intended audit by any municipality that administers its own sales tax collection, the taxpayer may provide to the Financial Officer of the City, by certified mail, return receipt requested, a written request for a coordinated audit indicating the municipality from which the notice of intended audit was received and the name of the official who issued such notice. Such request shall include a list of those Colorado municipalities utilizing local collection of their sales tax in which the taxpayer holds a current sales tax license and a declaration that the taxpayer will sign a consent to the extension of the period of limitation upon the City's right to recover amounts owed by the taxpayer for the audit period.

(c) Except as provided in Subsection (g) of this Section, any taxpayer that submits a complete request for a coordinated audit and consents to the extension of the period of limitation may be audited by the City during the twelve (12) months after such request is submitted only through a coordinated audit involving all municipalities electing to participate in such an audit.

(d) If the City desires to participate in the audit of a taxpayer that submits a complete request for a coordinated audit pursuant to Subsection (c) of this Section, the Financial Officer shall so notify the finance director of the municipality whose notice of audit prompted the taxpayer's request within ten (10) days after receipt of the taxpayer's request for a coordinated audit. The Financial Officer shall then cooperate with other participating municipalities in the development of arrangements for the coordinated audit, including arrangement of the time during which the coordinated audit will be conducted, the period of time to be covered by the audit, and a coordinated notice to the taxpayer of those records most likely to be required for completion of the coordinated audit.

(e) If the taxpayer's request for a coordinated audit was in response to a notice of audit issued by the City, the City's Financial Officer shall facilitate arrangements between the City and other municipalities to minimize the number of auditors who will be present on the taxpayer's premises to conduct the coordinated audit on behalf of the participating municipalities. Information obtained by or on behalf of those municipalities participating in the coordinated audit may be shared only among such participating municipalities.

. . .

(g) The coordinated audit procedure set forth in this Section shall not apply:

. . .

(3) When a taxpayer refuses to promptly sign a consent to the extension of the period of limitation upon the City's right to recover amounts owed for the audit period.

Section 15. Section 25-186 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-186. Failure to make return; estimate of taxes; notices; appeal; audit.

(a) If any person fails, neglects or refuses to collect tax or to file a return and pay the tax as required by this Article, the Financial Officer shall make an estimate of the tax due based on available information and shall add thereto interest on such delinquent taxes at the rate imposed by § 25-188 of this Article plus one-half (0.5) percent per month from the date the return and tax was due.

(b) The Financial Officer shall serve upon the delinquent taxpayer personally, by first-class mail or certified mail directed to the last address of the taxpayer on file with the City, or by electronic mail directed to the last such address on file with the City, written notice of such estimated taxes, penalty and interest. Such notice shall constitute a notice of determination, assessment and demand for payment and, which payment shall be due and payable within thirty (30) days from the date the notice is mailed.

(c) The Financial Officer may, pursuant to the limits in § 25-225 of this Article, serve upon any taxpayer personally, by first-class mail or certified mail directed to the last address of the taxpayer on file with the City, or by electronic mail directed to the last such address on file with the City, a written notice of audit notifying the taxpayer that the Financial Officer will be conducting an audit of the taxpayer's books and records to determine the exact amount of any tax, penalty, interest, collection costs and other charges due. Within thirty (30) days of the date such notice is mailed or within such longer time period as permitted by the Financial Officer, the taxpayer shall make available to Financial Officer all of the taxpayer's relevant books and records requested by the Financial Officer for the audit. If as a result of the audit the Financial Officer determines the taxpayer owes the City any additional tax, penalties, interest, collection costs or other

charges under this Article, the Financial Officer shall serve upon the taxpayer a notice of determination, assessment and demand for payment for such tax deficiency as provided in paragraph (b) above and payment shall be due and payable thirty (30) days from the date such notice is mailed. If as a result of the audit the Financial Officer determines the taxpayer has overpaid tax to the City, the Financial Officer shall serve upon the taxpayer a notice of overpayment. Taxpayer must sign and submit the notice back to the Financial Officer within thirty (30) days from the date such notice is mailed to be entitled to a refund or credit in the amount of the overpayment.

(d) A taxpayer may protest a notice of determination, assessment and demand for payment issued to a taxpayer for failure to file a return, tax deficiency owed or as a result of an audit by submitting an appeal petition in writing to the Financial Officer within thirty (30) days from the date the notice of determination, assessment and demand for payment is mailed to the taxpayer. A written petition must be submitted under oath by the taxpayer or the taxpayer's authorized representative and must include: the name, mailing address, phone number, electronic mail address, and sales and use tax license number of the taxpayer; the amount of tax and the tax periods in dispute; a statement of the facts and laws on which the protest is based; the taxpayer's requested change; and whether the taxpayer is requesting a hearing or a decision after review of submitted documents. In lieu of a hearing, the taxpayer and the City may agree to file written briefs and such other written materials or documents relating to the matter and request the Financial Officer to consider the appeal without a hearing. The submission of written material shall be considered for all purposes the same as a request for and submission of testimony and material at a hearing.

(e) In response to the written protest, if a hearing was requested, the Financial Officer shall notify the taxpayer in writing of the time of the hearing. The hearing is informal and may be conducted in person or remotely, pursuant to § 25-220 of this Article. After such hearing, or after a consideration of the documents if no hearing is requested, the Financial Officer will provide a decision in writing on the matter as they deem just and proper and must provide a copy of that decision to the taxpayer by first class or certified mail or by email.

Section 16. Section 25-189 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-189. Tax constitutes lien.

(a) The sales and use tax imposed by this Article, together with all penalties, interest, collection costs and other charges pertaining thereto, is a first and prior lien superior to all other liens or claims upon the tangible personal property sold, purchased, stored, used, distributed or consumed, goods, stock-in-trade and business furniture and fixtures, tools, equipment, cash bank accounts, and accounts receivable in which the retailer has an ownership interest or used by the retailer under lease, lease sale, title retaining contracts, or other contract arrangement, except for goods that have been purchased in the ordinary course of business by retail purchasers.

. . .

(c) Whenever the business or property of any taxpayer is placed in receivership, bankruptcy, seized under distraint for nonpayment of property taxes or an assignment is made for the benefit of creditors, all taxes, penalties, interest, collection costs, and other charges imposed by this Article and for which the taxpayer is in any way liable under this Article are a prior and preferred claim against all the property of the taxpayer, except as to preexisting claims or liens of a bona fide mortgagee, pledgee, judgment creditor or purchaser whose rights have attached prior to the filing of the notice of lien provided for in (d) below, on the property of the taxpayer, other than the goods, stock-in-trade and business fixtures of such taxpayer. No sheriff, receiver, assignee or other officer shall sell the property of any taxpayer subject to the provisions of this Article under process or order of any court without first ascertaining from the Financial Officer the amount of tax deficiency due and payable under this Article. If there is any such tax deficiency owing or unpaid, it is the duty of such officer to first pay that amount out of the proceeds of such sale before paying any monies to judgment creditors or other claimants, except that the officer may pay costs of the proceedings and other preexisting liens or claims as provided in this Subsection (c).

. . .

Section 17. Section 25-191 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-191. Sale of business subject to lien.

(a) Any person who sells a business or stock of goods or closes a business shall complete and file the returns required under this Article and pay any tax deficiency due within thirty (30) days of the date on which such person sold the business or stock of goods or closed the business and indicate that it is a final return, that the business is sold or closed, and the name and address of the purchaser of the business, if any.

(b) A purchaser of a business who has acquired the furniture, fixtures and/or equipment of the business shall withhold sufficient funds from the purchase money to cover the amount of the tax deficiency, imposed by this Article due and unpaid until the seller provides a receipt from the Financial Officer showing that such tax deficiency has been paid. If a tax deficiency imposed by this Article is due and unpaid after the thirty (30) day period herein provided, such purchaser of the business is personally liable for the payment of that tax deficiency to the City to the same extent as the seller of the business or stock of goods.

Section 18. Section 25-194 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-194. Enforcing the collection of taxes due.

(a) The Financial Officer may issue a warrant directed to any employee, agent or representative of the City or any sheriff of any county of the State, commanding such person either to distrain, seize and sell any personal property in which the taxpayer has an ownership interest, except such property as is exempt from the execution and sale by any statute of the State, or to demand such person to surrender, discharge, or release amounts held in a bank account for the payment of tax due together with interest, penalties, collection costs and other charges thereon in the following circumstances:

(1) When any assessed tax deficiency is not paid within thirty (30) days from the date of mailing of the notice of determination, assessment and demand for payment and no hearing or extension has been requested in a timely manner;

(2) When assessed tax deficiency is not paid within thirty (30) days from the date of mailing of the notice of determination, assessment and demand for payment and no appeal from such notice has been docketed within twenty-eight (28) days after such notice in a court having jurisdiction, except that if the Financial Officer finds that collection of the tax deficiency will be jeopardized during such period, the Financial Officer may immediately issue a distraint warrant;

. . .

(4) Immediately upon making a jeopardy assessment or issuing a demand for payment upon jeopardy assessment as provided in § 25-193 of this Article; or

(5) After or concurrently with the filing of a notice of lien as provided in Subsection 25-189(d) of this Article.

(b) The Financial Officer may apply to the Judge of the City's Municipal Court for a warrant authorizing the Financial Officer to search for and seize property located within the City limits for the purpose of enforcing the collection of any tax deficiency owed under this Article. The Municipal Judge shall issue such warrant after the Financial Officer demonstrates that:

. . .

(2) At least one (1) of the preconditions of (a) above has been satisfied; but if a jeopardy assessment has been declared under § 25-193 of this Article, the Financial Officer must set forth the reasons that collection of the tax will be jeopardized.

(c) The procedures to be followed in issuing and executing a warrant pursuant to Subsection (b) of this Section shall comply with the Colorado Municipal Court Rules of Procedure, Rule 241(c) and (d).

. . .

(g) In the case where a taxpayer has refused or neglected to pay any tax deficiency due to the City under this Article and a lien has been filed as provided in Subsection 25-189(d) of this Article, the Financial Officer may, in addition to pursuing other collection remedies, certify the amount of the tax deficiency, together with ten (10) percent of the delinquent amount for costs of county collection, to the County Treasurer to be levied against the person's property for collection by the County in the same manner as delinquent general taxes upon such property are collected. Before certifying such amounts to the County for collection, the Financial Officer shall provide to the property owner an opportunity for a hearing to contest the authority of the City to impose and collect the tax deficiency, or the amount thereof. The Financial Officer shall mail the notice to the property owner by first class mail addressed to the last known owner of the property on the records of the County Assessor. If the Financial Officer's decision after a hearing affirms the imposition of charges, the decision shall include notice that the charges are due and payable within fourteen (14) days of the date of the decision and that, if not paid when due, they will be certified to the County Treasurer for collection, along with ten (10) percent of the charges for the cost of county collection. Whenever the Financial Officer certifies any such amounts to the County Treasurer for collection, the Financial Officer shall record notice of such certification with the county Clerk and Recorder.

Section 19. Section 25-198 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-198. Compromise and settlement by Financial Officer.

. . .

(c) Whenever a settlement by the Financial Officer results in a compromise of an assessed amount of twenty-five thousand dollars ($25,000) or more or for a potential claim the amount of which cannot be reasonably determined, a written settlement agreement between the City and the taxpayer shall be required as a condition of settlement. The fully executed settlement agreement shall be retained in the files of Financial Services together with the Financial Officer's opinion.

. . .

Section 20. Section 25-216 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-216. Review of decisions of Financial Officer.

The taxpayer may apply for a review of the decision of the Financial Officer in a hearing held pursuant to § 25-169 of this Article. Such review may be in the District Court and the proceedings shall be conducted in accordance with Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The review must be sought no later than twenty-eight (28) days after

the date of the final decision of the Financial Officer. The taxpayer may also seek review as provided in ~~C.R.S § 29-2-106.1 until June 30, 2025, and~~ C.R.S. § 29-2-302 ~~thereafter~~.

Section 21. Section 25-220 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-220. Hearings to be held in City.

Hearings before the Financial Officer may be conducted in person in the City or remotely using remote technologies. For purposes of this Section, *remote technology* means telephonic, online platforms or other technological methods or a combination thereof, used to conduct or participate in a hearing without being in the same physical location as other participants. The Financial Officer will determine, giving consideration to fairness, justice, and efficiency, if a hearing will be conducted in person or remotely.

Section 22. Section 25-226 of the Code of the City of Fort Collins is hereby deleted in its entirety and held in reserve.

Section 23. Section 25-281(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-281. Compromise and settlement by financial officer.

. . .

(c) Whenever a settlement by the Financial Officer results in a compromise of an assessed amount of twenty-five thousand dollars ($25,000.) or more or for a potential claim the amount of which cannot be reasonably determined, a written settlement agreement between the City and the taxpayer shall be required as a condition of settlement. The fully executed settlement agreement shall be retained in the files of Financial Services together with the Financial Officer's opinion.

. . .

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

ORDINANCE NO. 138, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE IV OF CHAPTER 25 OF THE CODE OF
THE CITY OF FORT COLLINS TO INCREASE THE THRESHOLD
TO REQUIRE A WRITTEN SETTLEMENT AGREEMENT FOR
LODGING TAX

A. Article XX, Section 6(g) of the Colorado Constitution grants to the City of Fort Collins, as a home rule municipality, all powers necessary to levy and collect taxes for municipal purposes, subject to any limitations in the Colorado Constitution.

B. On February 21, 1984, the City Council, in the exercise of its home rule taxing powers, adopted Ordinance No. 20, 1984, adding a new chapter to the City Code to levy, collect and enforce a tax on the price of lodging accommodations provided in the City (the "Lodging Tax Code").

C. Provisions of the Lodging Tax Code relating to tax are currently found in Article IV of Chapter 25 of the City Code, as amended since its adoption in 1984.

D. City staff reviewed the provisions of the Lodging Tax Code and recommended a further amendment to increase the threshold in Subsection 25-281(c) of the Code, requiring a written settlement agreement, from $10,000 to $25,000 for the purpose of efficiency, saving staff time across several service areas.

F. City Council hereby finds that amending the Lodging Tax Code as proposed in this Ordinance is in the best interests of the City and its taxpayers and promotes the health, safety and welfare of the community by providing for the accurate and efficient imposition, collection, and enforcement of the City's taxes.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 25-281(c) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 25-281. Compromise and settlement by financial officer.

. . .

(c) Whenever a settlement by the Financial Officer results in a compromise of an assessed amount of twenty-five thousand dollars ($25,000.) or more or for a potential claim the amount of which cannot be reasonably determined, a written settlement agreement between the City and the taxpayer shall be required as a condition of settlement. The fully executed settlement agreement shall be retained in the files of Financial Services together with the Financial Officer's opinion.

. . .

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

12. Second Reading of Ordinance No. 139, 2025, Amending Section 15-383 of the Code of the City of Fort Collins Regarding the Licensing of Outdoor Vendors.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends amending the Outdoor Vendors Code to adopt an annual expiration date of the license issued by the City to align with the cadence of regulation by other local governments and for purposes of efficient regulation of vendors by the City.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Jennifer Poznanovic, Sales Tax & Revenue Director

SUBJECT

Second Reading of Ordinance No. 139, 2025, Amending Section 15-383 of the Code of the City of Fort Collins Regarding the Licensing of Outdoor Vendors.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends amending the Outdoor Vendors Code to adopt an annual expiration date of the license issued by the City to align with the cadence of regulation by other local governments and for purposes of efficient regulation of vendors by the City.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Staff recommend amending Code Sec. 15-383(b)(c) for an outdoor vendor license to set an annual license term that expires each year on December 31st.

Currently an outdoor vendor license is issued for a period of either six or twelve months, a rolling time period which may commence and expire at any time during the calendar year.

This proposed amendment to the Code will align with the expiration and renewal dates of Poudre Fire Authority and the County Health Department ensuring there is not overlap in outdoor vendors that have an outdoor vendor license but an expired fire or health permit. Having one date for all required inspections and renewals creates an easier application and renewal process for outdoor vendors and ensures that outdoor vendors operating in Fort Collins are properly licensed.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 139, 2025

ORDINANCE NO. 139, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 15-383 OF THE CODE OF THE CITY OF FORT COLLINS
REGARDING THE LICENSING OF OUTDOOR VENDORS

A. In 2012, City staff completed a comprehensive study of the City's then-existing outdoor vendor regulations, the outcome of which was the approval, by City Council adoption of Ordinance No. 058, 2012, of new regulations of such vendors (the "Outdoor Vendors Code").

B. Provisions of the Outdoor Vendors Code are currently found in Article XIV of Chapter 15 of the City Code, as from time to time amended.

C. City staff reviewed the provisions of the Outdoor Vendors Code and recommended a further amendment to adopt an annual expiration date of the license issued by the City to align with the cadence of regulation by other local governments and for purposes of efficient regulation of vendors by the City.

D. City Council hereby finds that amending the Outdoor Vendors Code as proposed in this Ordinance is in the best interests of the City and its residents and promotes the health, safety and welfare of the community by providing for effective and efficient regulation of these activities.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 15-383 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-383. Application for license; license modifications.

. . .

(b) A license may be issued under this Article for a period of twelve (12) months and shall expire on December 31st of each year, except that a special vending license as described in Subsection 15-382(c) above may be issued for a specified period not to exceed three (3) days.

(c) A request for a modification of a license to add new vehicles, operations or locations or to modify other license restrictions or conditions, as applicable, shall be submitted to the Financial Officer and shall meet all of the requirements and be reviewed in the same manner as an application for a license hereunder. The term of a license may not be modified to extend beyond December 31st of that year.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

13. Second Reading of Ordinance No. 140, 2025, Amending Article IV of Chapter 15 of the Code of the City of Fort Collins to Update the Door-to-Door Solicitation Permitting Processes.

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends amendments and updates to the City's regulation of door-to-door solicitors.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Jennifer Poznanovic, Sales Tax & Revenue Director

SUBJECT

Second Reading of Ordinance No. 140, 2025, Amending Article IV of Chapter 15 of the Code of the City of Fort Collins to Update the Door-to-Door Solicitation Permitting Processes.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on August 19, 2025, recommends amendments and updates to the City's regulation of door-to-door solicitors.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

CHAPTER 15, ARTICLE IV – Door-to-Door Solicitation

Door-to-door solicitation program administration

Staff recommends amendment of the door-to-door solicitation provisions of the Fort Collins City Code (the "Code") to better align the administration of solicitor permits with other permitting processes used citywide. Under the proposed changes, businesses engaged in door-to-door solicitation would be required to obtain a company-wide permit and assume full responsibility for the actions of their individual solicitors.

Currently, the City Code mandates that each solicitor must obtain a City-issued badge in addition to any company licensing requirements. The proposed amendments would streamline this by shifting more accountability to the business, fostering a more regulated and compliant program. Notably, under the revised structure, a complaint against a single solicitor could result in the revocation of the entire company's permit.

The Code provisions being recommended for amendment are Subsections 15-106(b)(1), 15-110(b)(3)(4)(c)(d)(e), 15-111(a)(3-7)(b)(c)(d), 15-112(b), 15-114(1)(2), 15-115(3), 15-117(a)(b), 15-120(1)(2), 15-121(3), and 15-122(a)(b), and Sections 15-123, 15-124, 15-125, 15-126, and 15-128.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 140, 2025

ORDINANCE NO. 140, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE IV OF CHAPTER 15 OF THE CODE OF THE CITY OF FORT COLLINS TO UPDATE THE DOOR-TO-DOOR SOLICITATION PERMITTING PROCESSES

A. In 1938, the City Council adopted Ordinance No. 002, 1938, prohibiting solicitors from going in or upon private residences, public buildings and offices in the City, and declaring such practice to be a nuisance.

B. In 1972, the City Council adopted regulations relating to solicitation at a private premises for the purpose of immediate or future sale of goods, services, or anything of value in Chapter 15, Article IV, Division I, of the City Code (the "Code").

C. In 1994, in response to survey results and input from citizens, City Council approved by adoption of Ordinance No. 041, 1994 the repeal and reenactment Sections 15-106 through 15-108 of Article IV, Division 1 of the Code, with revised language that was intended to better protect the privacy and safety interests of the citizens of the City.

D. In 2002, the City Council further amended Section 15-106, by adoption of Ordinance No. 098, 2002, to clarify that the prohibition of door-to-door solicitation applied only to residential premises, unless a "no trespassing" or "no solicitation" sign was posted at or near the entrance of a business premises.

E. On May 27, 2011, the City's prohibition on commercial door-to-door residential solicitation was updated and replaced with the current permit system to regulate such solicitation by City Council adoption of Ordinance No. 060, 2011, reflecting evolving First Amendment jurisprudence.

F. The current door-to-door solicitation permit system remains an effective regulatory scheme; however, the permits pursuant to Code are issued to individual solicitors, which is inconsistent with other types of City licensing or permitting processes which require a business owner to be responsible for the regulatory compliance of its employees, representatives, or agents.

G. A review of the current door-to-door solicitation permit system also demonstrates opportunities to create administrative efficiencies and savings by shifting primary responsibility for compliance on business owners.

H. Council concludes that amendments to align the requirements of Article IV, Division 1 of the Code with other City licenses and permits will consistency in City regulation, efficient use of public resources, and continuation of the program to serve the privacy and safety interests of City residents.

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

FORT COLLINS that Chapter 15, Article IV, Division 1 of the Code of the City of Fort Collins is hereby amended to read as follows:

ARTICLE IV.
AUCTIONS, SPECIAL SALES AND
SOLICITATIONS

Division 1

Door-to-Door Solicitation

Sec. 15-106. Title; purpose.

. . .

(b) The provisions of this Division are intended to balance the First Amendment rights of residential solicitors in the City with the privacy, safety, health and welfare, of the City residents by:

(1) Requiring all commercial solicitors to conduct any door-to-door residential solicitation within the City pursuant to a permit and in compliance with this Division;

. . .

Sec. 15-107. Definitions.

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

. . .

Door-to-door commercial solicitation means attempting to make personal contact with a resident at their residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

. . .

Door-to-door noncommercial solicitation means attempting to make personal contact with a resident at their residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

. . .

Sec. 15-109. No-solicitation list for commercial solicitations.

(a) Any owner or lawful occupant of any residence within the City who wishes to prohibit door-to-door commercial solicitation at their residence may register the address of such residence with the City by completing a form prepared by the Financial Officer, which form may be submitted to the City either in person, by mail, or on the City's website. Such registration shall take effect thirty (30) calendar days after the date of the City's receipt of the registration form.

. . .

Sec. 15-110. Permit required for all commercial solicitors.

. . .

(b) All permits shall be issued in the name of the applicant. It shall be the sole responsibility of the permit holder to:

(1) Provide a copy of the permit to each person authorized to engage in solicitation under the permit;

(2) Ensure that each person authorized to solicit under the permit is wearing a visible identification badge with the name of the employer, permit holder, or commercial business represented; and

(3) Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this Division;

(c) The Financial Officer shall, within ten (10) business days of the City's receipt, via mail or in person, of a complete application for a permit under this Division, issue such permit, unless the Financial Officer determines that the permit application is denied under the criteria stated in § 15-115.

Sec. 15-111. Application contents; fees.

(a) Each person applying for a door-to-door commercial solicitation permit shall file with the Financial Officer an affidavit on a form supplied by the Financial Officer stating:

(1) The full name, business address and business telephone number of the applicant;

(2) Information regarding the business as required by the Financial Officer, including, without limitation, its legal status and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State;

(3) A brief explanation of the nature of the solicitation activity that requires a permit under this Division;

(4) If the applicant is a foreign corporation or an employee of such corporation, the name, address and telephone number of an agent for process residing in the state;

(5) Proof that the applicant has obtained a valid City sales and use tax license;

(6) Any other information determined to be relevant by the Financial Officer.

(b) At the time of application, each applicant shall pay a nonrefundable fee in an amount determined by the Financial Officer to be sufficient to defray the costs incurred by the City in processing the application.

Sec. 15-112. Duration of permit; renewal.

. . .

(b) Any permit holder wishing to renew a permit issued under this Division must apply for the renewal of the permit no less than thirty (30) days prior to the expiration of its term. If a permit holder fails to apply for such renewal within said thirty (30)-day period of time, the permit will expire. The nonrefundable renewal fee for each permit holder shall be determined by the Financial Officer in an amount sufficient to defray the costs incurred by the City in processing the renewal application.

. . .

Sec. 15-114. Reserved

Sec. 15-115. Denial of permit.

The Financial Officer shall deny an application for a permit or any renewal of a permit under this Division if the Financial Officer determines that the applicant has:

(1) Made any material misrepresentation or false statement in the application for the permit; or

(2) Failed to obtain a sales and use tax license as required by the City or to remit any sales tax due the City.

. . .

Sec. 15-117. Reserved

. . .

Sec. 15-120. Reserved

Sec. 15-121. Suspension, revocation or nonrenewal of permit.

After written notice of no less than ten (10) calendar days and a hearing if requested in writing by the permit holder within twenty (20) calendar days after the date of the mailing of such notice, the Financial Officer may suspend and revoke the permit of any permit holder or if the permit holder or its commercial solicitors have engaged in any unlawful solicitation. The grounds for such suspension or revocation may include, but shall not be limited to, the following:

(1) Fraud, misrepresentation or false statement in the application for the permit or any renewal application, including, without limitation, representations made as to the criminal history of any person to be authorized to solicit under the permit;

(2) Failure to obtain a sales and use tax license as required by the City or to remit any sales tax due the City;

(3) Failure to supervise solicitation conducted under the permit so as to reasonably ensure that such solicitation is in compliance with the terms and conditions of the permit and with the provisions of this Division; or

(4) Authorizing, condoning or knowingly tolerating any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety or general welfare of the public.

In the event the alleged conduct that is the basis for the suspension or revocation of the permit is the subject of a pending criminal or non-traffic civil citation, the Financial Officer may either defer their decision regarding suspension or revocation until such citation has been resolved or immediately proceed with the foregoing administrative action prior to the resolution of such citation.

Sec. 15-122. Emergency summary suspension of permit.

(a) If reasonable grounds exist to believe that the permit holder or its commercial solicitors have engaged in illegal activity such that the public health, safety or welfare imperatively requires emergency action, the Financial Officer may summarily suspend the permit issued under this Division pending the outcome of the proceedings set forth in § 15-120 or § 15-121 above, as applicable.

(b) The temporary suspension of a permit without notice pending a hearing shall be for a period not to exceed fifteen (15) days.

Sec. 15-123. Reserved

Sec. 15-124. Reserved

Sec. 15-125. Reserved

Sec. 15-126. Appeal.

An applicant may appeal any decision relating to the applicant's permit by the Financial Officer or hearing officer to the City Manager in accordance with Chapter 2, Article VI of the City Code. The City Manager's decision is final and not subject to further appeal.

. . .

Sec. 15-128. Violations and penalties.

In addition to the revocation, suspension or denial of a permit issued under this Division, any applicant, permit holder, or solicitor who violates any of the provisions of this Division, and any person who violates §§ 15-108, 15-109, 15-115 or 15-117, shall be guilty of a misdemeanor punishable in accordance with § 1-15.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 12, 2025
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

14. First Reading of Ordinance No. 142, 2025, Appropriating Philanthropic Revenue Received through City Give for The Gardens on Spring Creek as Designated by the Donor.

The purpose of this item is to appropriate $326,351 in philanthropic revenue received through City Give to benefit the Gardens on Spring Creek (the “Gardens”). These estate gifts to the Gardens align with both the City’s strategic priorities and the respective donors’ designation.

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

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Emily Land, Director of Philanthropy & Strategic Partnerships

SUBJECT

First Reading of Ordinance No. 142, 2025, Appropriating Philanthropic Revenue Received through City Give for The Gardens on Spring Creek as Designated by the Donor.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate $326,351 in philanthropic revenue received through City Give to benefit the Gardens on Spring Creek (the “Gardens”). These estate gifts to the Gardens align with both the City’s strategic priorities and the respective donors’ designation.

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

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The City has long been the beneficiary of local generosity and has a valuable role in our community’s philanthropic landscape. Generosity is demonstrated in both large and modest gifts; each appreciated for its investment in the mission and the range of services the City strives to deliver.

As acknowledged by Section 2.5 of the City's Fiscal Management Policy 2-revenue, approved by City Council, the City Manager has adopted the Philanthropic Governance Policy to provide for the responsible and efficient management of charitable donations to the City.

This item appropriates $326,351 from the estate of John Ardary received through City Give. The donor’s estate bequest directed the City to use this generous donation for the benefit of the Gardens.

CITY FINANCIAL IMPACTS

This Ordinance will appropriate $326,351 in unanticipated philanthropic revenue received through City Give for the Gardens.

The donations shall be expended from the designated fund solely for the donor's directed intent. The funds have been received and accepted per City Give Administrative and Financial Policy.

The City Manager has also determined that these appropriations are available and previously unappropriated from their designated City Fund and will not cause the total amount appropriated in those Funds to exceed the current estimate of actual and anticipated revenues.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Ordinance No. 142, 2025

ORDINANCE NO. 142, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PHILANTHROPIC REVENUE RECEIVED
THROUGH CITY GIVE FOR THE GARDENS ON SPRING CREEK
AS DESIGNATED BY THE DONOR

A. The City of Fort Collins has long been the beneficiary of local philanthropy. Generosity is demonstrated in both large and modest gifts, each appreciated for its investment in the mission and the range of services the City strives to deliver.

B. The City has received a philanthropic gift of $326,351 that requires appropriation by City Council. This gift came from the estate of John Ardary with the designation that it benefit The Gardens on Spring Creek.

C. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of supporting a municipal botanical garden.

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

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

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

G. The City Council wishes to designate the appropriation herein for the Estate of John Ardary City Give Donation as an appropriation that shall not lapse until the earlier of the expiration of the grant (or donation) or the City's expenditure of all funds received from such grant (or donation).

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

Section 1. There is hereby appropriated from new revenue or other funds in the Cultural Services and Facilities Fund the sum of THREE HUNDRED TWENTY-SIX THOUSAND THREE HUNDRED FIFTY-ONE DOLLARS ($326,351) to be expended in the Cultural Services and Facilities Fund for The Gardens on Spring Creek.

Section 2. The appropriation herein for the Estate of John Ardary City Give Donation is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the grant (or donation) or the City's expenditure of all funds received from such grant (or donation).

Introduced, considered favorably on first reading on September 2, 2025, and approved on second reading for final passage on September 16, 2025.

_____
Mayor

ATTEST:

_____
Sr. Deputy City Clerk

Effective Date: September 26, 2025
Approving Attorney: Ted Hewitt

Exhibit: None

File Attachments for Item:

15. First Reading of Ordinance No. 143, 2025, Vacating a Portion of the Right-of-Way of Giddings Road.

The purpose of this item is to vacate a portion of the public right-of-way (ROW) at Giddings Road between Mountain Vista Drive and Richards Lake Road. The outside 8-ft of ROW on either side of the existing road can be vacated, and the road will still meet the minimum Larimer County Urban Area Street Standards for a 2-lane arterial street.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Tim Dinger, Civil Engineer III, Engineering Development Review

SUBJECT

First Reading of Ordinance No. 143, 2025, Vacating a Portion of the Right-of-Way of Giddings Road.

EXECUTIVE SUMMARY

The purpose of this item is to vacate a portion of the public right-of-way (ROW) at Giddings Road between Mountain Vista Drive and Richards Lake Road. The outside 8-ft of ROW on either side of the existing road can be vacated, and the road will still meet the minimum Larimer County Urban Area Street Standards for a 2-lane arterial street.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The developer is seeking to vacate a portion of the ROW for Giddings Road, related to their adjacent development of Montava Phase D. Giddings Road is classified as a 2-lane arterial street between Mountain Vista Drive and Richards Lake Road, per the City's Master Street Plan. The current ROW width for this portion of Giddings Road is 100-feet, which exceeds the 84-foot minimum that is the required ROW width for the street classification, according to the Larimer County Urban Area Street Standards (LCUASS). The developer is proposing to vacate the outer 8-feet of ROW from both sides of Giddings Road, which would bring the proposed ROW width to meet the exact minimum requirement (84-feet). The final plat for Montava Phase D – Infrastructure will dedicate 15-foot width utility easements adjacent to the ROW.

The City Engineer and the Planning, Development, and Transportation Director recommend approval of this right-of-way vacation.

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Potentially affected utility agencies and City staff have been notified of the request for right-of-way vacation. The Montava Metro District will be the sole property owner for both sides of this portion of Giddings Road at the time the right-of-way vacation is recorded.

ATTACHMENTS

1. Ordinance No. 143, 2025

ORDINANCE NO. 143, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
VACATING A PORTION OF THE RIGHT-OF-WAY OF GIDDINGS ROAD

A. The Montava Construction & Development, Inc. (the "Developer") is under contract with the Anheuser-Busch Foundation to purchase the properties surrounding a portion of Giddings Road between Mountain Vista Drive and Richards Lake Road including Parcel numbers 8833000002, 8833000001, 8832000001, 8832000002 with the intention of constructing a housing development.

B. In order to develop these properties and maximize the developable area, the Developer is requesting that the City vacate a portion of the Giddings Road right-of-way dedicated via Road Book R, Page 152 & Book 2289, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference.

C. Specifically, the Developer is requesting to vacate the outer 8-feet of right-of-way from both sides of Giddings Road. The existing right-of-way is 100-feet, which exceeds the 84-ft standard minimum width for street classification as described by Larimer County Urban Area Street Standards ("LCASS") for a 2-lane arterial street. The proposed vacation would bring the right-of-way within the exact minimum requirement of 84-ft as set forth in the LCASS for a 2-lane arterial street.

D. This proposed right-of-way vacation relates to the phase of the Montava Phase D development related to infrastructure ("Montava Subdivision Phase D Infrastructure") This phase is currently proceeding through the City's site plan review processes. The Final Plat for Montava Subdivision Phase D Infrastructure is described in Exhibit B, attached hereto and incorporated herein by this reference. The Montava Subdivision Phase D Infrastructure plan proposes to improve the right-of-way and frontage of Giddings Road and construct a roundabout to serve the development.

E. City Code Section 23-115 provides that the City Council may vacate a City right-of-way upon finding "that the right-of-way being considered for vacation is no longer needed for right-of-way purposes," and that the vacation is in the public's interest.

F. Colorado Revised Statutes ("C.R.S.") Section 43-2-303(1)(a) provides that the City Council may by ordinance "vacate any roadway or part thereof located within the corporate limits" of the city. C.R.S. Section 43-2-303(3) further provides that upon vacation, "rights-of-way may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances."

G. In accordance with City Code Section 23-115(d), pertinent City staff, potentially affected utility companies, emergency service providers, and affected property owners in the vicinity of the right-of-way have been contacted, no objection has been reported to the proposed vacation, and the City Engineer recommends approval of the

right-of-way vacation. The City will continue to reserve the existing right-of-way for utility purposes.

H. As required under City Code Section 23-115(e), the Planning Development and Transportation Director recommends approval that a portion of the Giddings Road right-of-way be vacated.

I. Vacating a portion of the Giddings Road right-of-way will not prejudice or injure the rights of the residents of Fort Collins.

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

Section 1. The City Council hereby finds and determines that a portion of the Giddings Road right-of-way dedicated via Road Book R, Page 152 & Book 2289, more particularly described in Exhibit A, is no longer needed for right-of-way purposes, and that it is in the public interest to vacate the same.

Section 2. The portion of Giddings Road right-of-way dedicated via Road Book R, Page 152 & Book 2289, as described by Exhibit A, is hereby vacated, abated, and abolished.

Section 3. In accordance with City Code Section 23-115(f), title to the Giddings Road right-of-way vacated by this Ordinance shall vest in accordance with C.R.S. Section 43-2-302.

Section 4. This Ordinance shall not effective until the final plat for Montava Phase D – Infrastructure, more particularly described in Exhibit B, is submitted by the Developer for recordation.

Section 5. Upon the fulfillment of the condition stated in Section 4 of this Ordinance, the City shall record this Ordinance with the Larimer County Clerk and Recorder, at which point the vacation shall become effective.

Section 6. Maintenance of the Vacation Area shall be the responsibility of those in whom title vests and shall be undertaken as provided in City Code Section 20-42, Section 24-42, and any other applicable requirements.

Introduced, considered favorably on first reading on September 2, 2025, and approved on second reading for final passage on September 16, 2025.

_____
Mayor

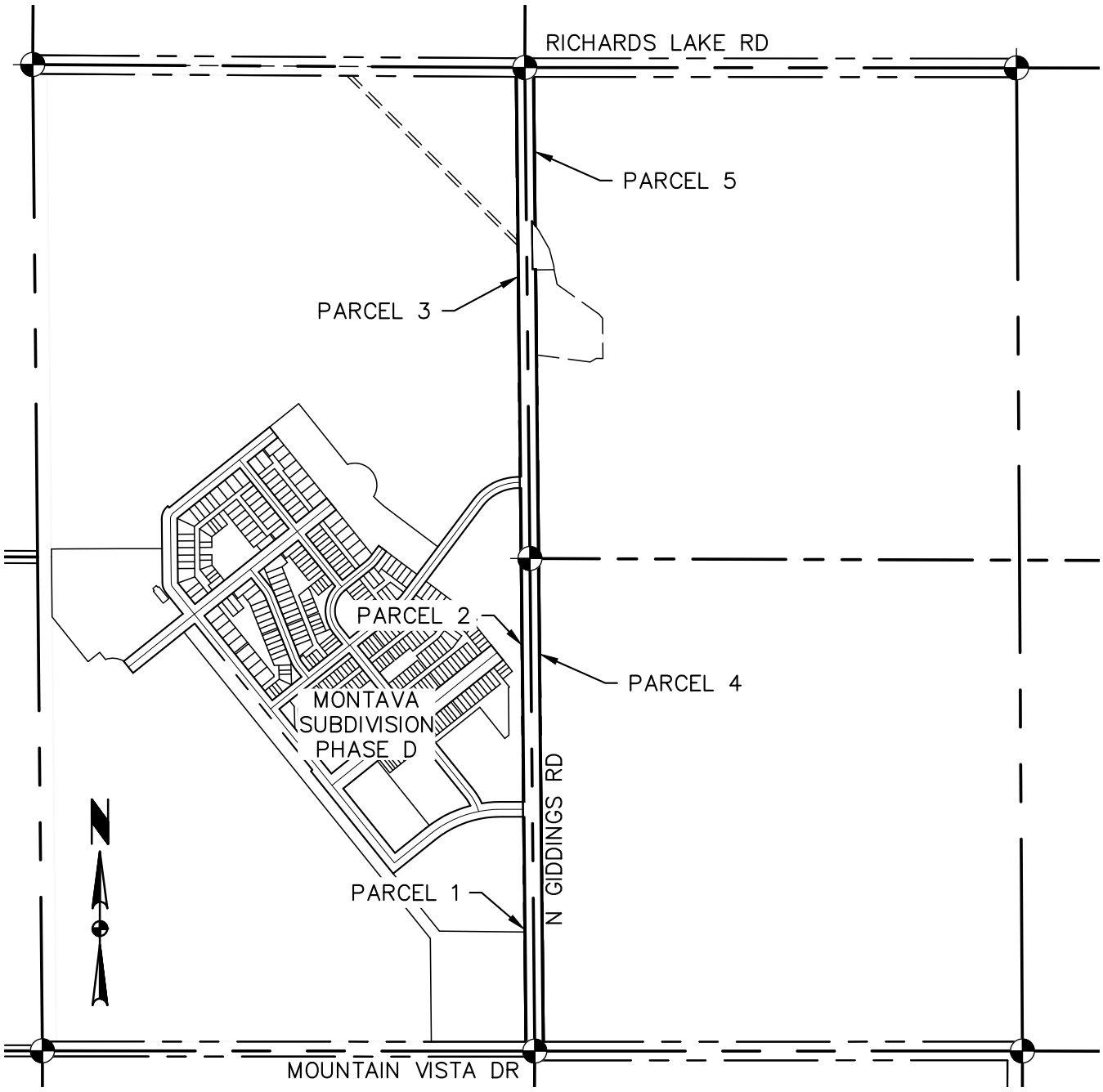
ATTEST:

_____
Sr. Deputy City Clerk

Effective Date: September 26, 2025
Approving Attorney: Stefanie Boster

Exhibit: Exhibit A – Legal Description
Exhibit B – Montana Subdivision Phase D Infrastructure

A DEPICITON OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION



A DEPICTION OF NORTH GIDDINGS
ROAD RIGHT-OF-WAY VACATION
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 1 OF 1

800 400 0 800

scale 1"=800' feet

TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DESCRIPTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION PARCEL 1

A parcel of land, situate in the Southeast Quarter of Section 32, Township 8 North, Range 68 West of the 6th Principal Meridian, City of Fort Collins, County of Larimer, State of Colorado; and being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 32 and assuming the East line of said Southeast Quarter as bearing North 00°33'45" West a distance of 2642.14 feet, monumented by a 2-½" aluminum cap stamped LS 17497 in a Monument Box at the Southeast corner and a 3-¼" brass cap stamped LS 15278 in a Monument Box at the East Quarter corner and with all other bearing contained herein relative thereto;

THENCE North 00°33'45" West, along said East line, a distance of 50.00 feet;
THENCE North 89°57'58" West a distance of 42.00 feet to the **POINT OF BEGINNING**;

THENCE North 89°57'58" West a distance of 8.00 feet, to the North Right-of-Way (ROW) line of Mountain Vista Drive and West ROW line of North Giddings Road, as described in the Special Warranty Deed recorded September 14, 1984 as Reception No. 587201 of the Larimer County Clerk & Recorder;
THENCE North 00°33'45" West, along said West line, a distance of 1207.02 feet to a point on the South line of Goodheart Drive Right-of-Way, as described in the Plat recorded _____ __, ____ as Reception No. _____ of the Larimer County Clerk & Recorder;
THENCE South 89°59'26" East a distance of 8.00 feet to a line that is Parallel with the aforementioned West ROW line;
THENCE South 00°33'45" East a distance of 1207.02 feet to the **POINT OF BEGINNING**;

Said described parcel of land contains 9,656 Square Feet or 0.222 Acres, more or less (±).

SURVEYOR'S STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state this Parcel Description was prepared from under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

_____
Steven Parks - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348

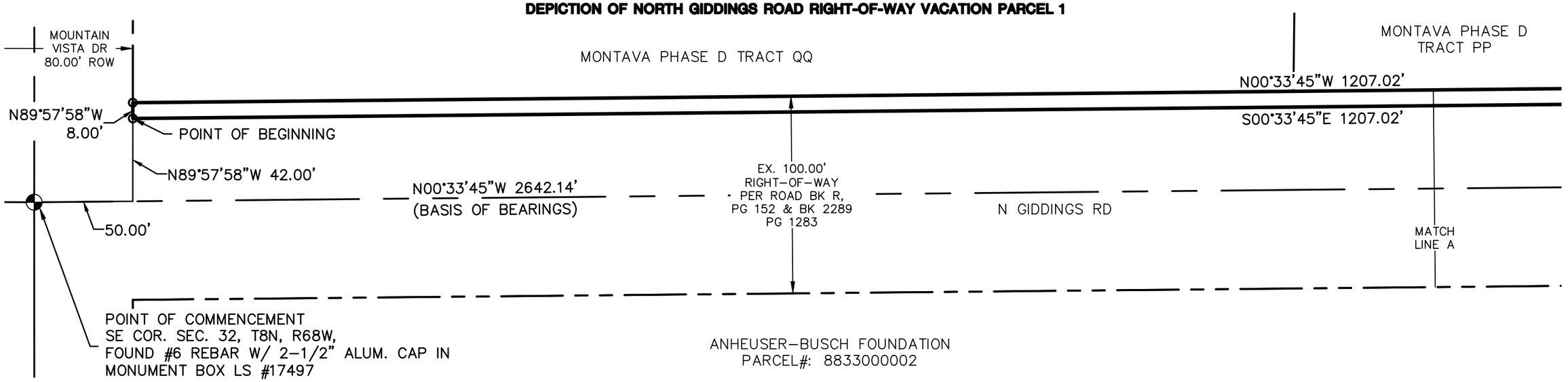
NORTH GIDDINGS ROAD
RIGHT-OF-WAY VACATION PARCEL 1
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 1 OF 2

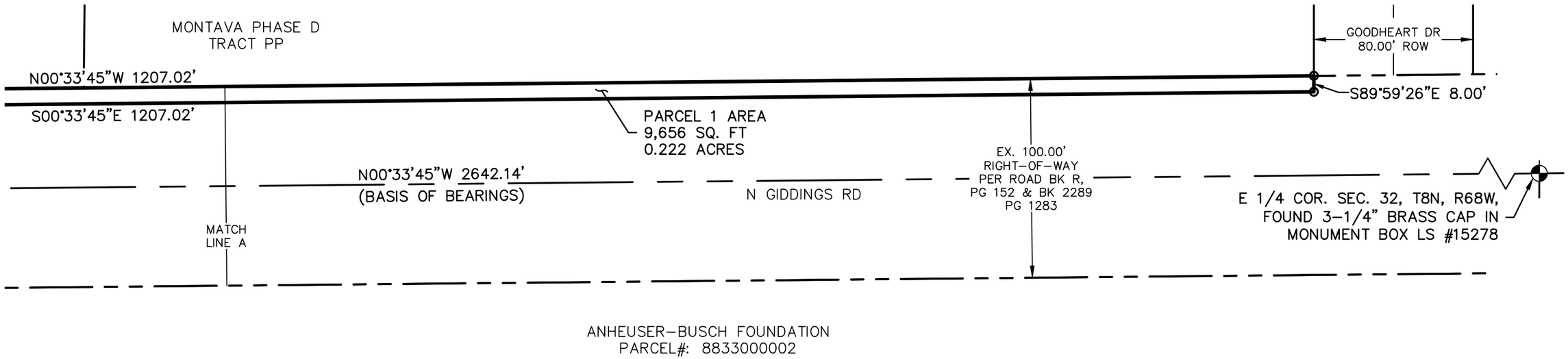
TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DEPICTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION PARCEL 1





Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)

50 25 0 50
scale 1"=50' feet

NORTH GIDDINGS ROAD
RIGHT-OF-WAY VACATION PARCEL 1
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 2 OF 2

TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DESCRIPTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION PARCEL 2

A parcel of land, situate in the East Half of Section 32, Township 8 North, Range 68 West of the 6th Principal Meridian, City of Fort Collins, County of Larimer, State of Colorado; and being more particularly described as follows:

COMMENCING at the Southeast corner of said Section 32 and assuming the East line of said Southeast Quarter as bearing North 00°33'45" West a distance of 2642.14 feet, monumented by a 2-$\frac{1}{2}$" aluminum cap stamped LS 17497 in a Monument Box at the Southeast corner and a 3-$\frac{1}{4}$" brass cap stamped LS 15278 in a Monument Box at the East Quarter corner and with all other bearing contained herein relative thereto;

THENCE North 00°33'45" West, along said East line, a distance of 1337.05 feet;
THENCE North 89°59'26" West a distance of 42.00 feet to the **POINT OF BEGINNING**;

THENCE North 89°59'26" West a distance of 8.00 feet to a point on the West Right-of-Way (ROW) line of that parcel as described in the Special Warranty Deed recorded September 14, 1984 as Reception No. 587201 of the Larimer County Clerk & Recorder and the North ROW line of Goodheart Drive, as described in the Plat recorded _____ __, ____ as Reception No. _____ of the Larimer County Clerk & Recorder;
THENCE along said West ROW line for the following two (2) courses:
THENCE North 00°33'45" West a distance of 1304.60 feet;
THENCE North 00°35'37" West a distance of 378.64 feet to a point on the South ROW line of Longwood Drive, as described in the Plat recorded _____ __, ____ as Reception No. _____;
THENCE North 89°25'19" East a distance of 8.00 feet to a line that is Parallel with the aforementioned West ROW line;
THENCE South 00°35'37" East a distance of 378.65 feet;
THENCE South 00°33'45" East a distance of 1304.66 feet to the **POINT OF BEGINNING**;

Said described parcel of land contains 13,466 Square Feet or 0.309 Acres, more or less (±).

SURVEYOR'S STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state this Parcel Description was prepared from under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

_____
Steven Parks - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348

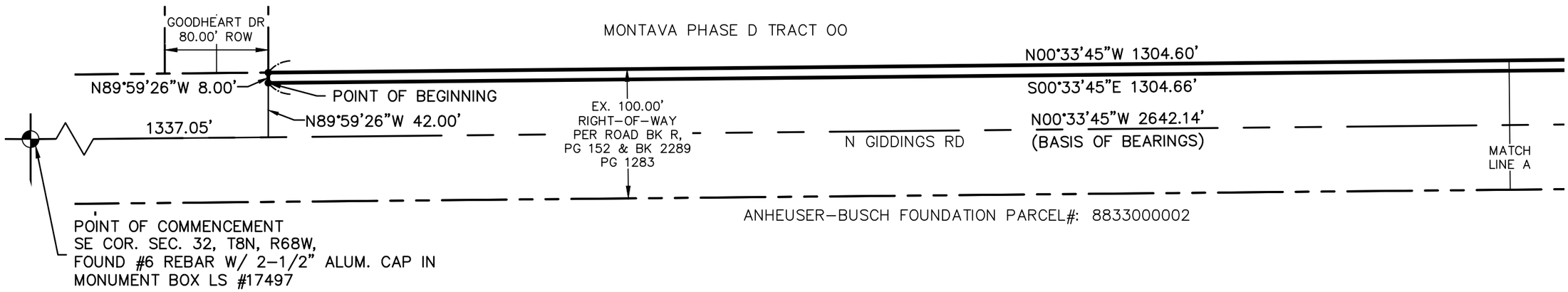
NORTH GIDDINGS ROAD
RIGHT-OF-WAY VACATION PARCEL 2
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 1 OF 2

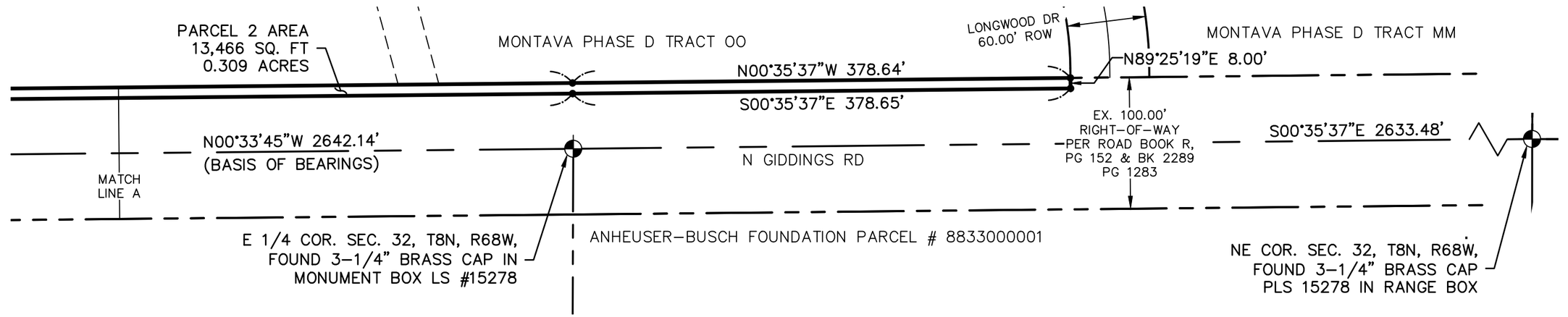
TST TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DEPICTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION
PARCEL 2





Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)

80 40 0 80
scale 1"=80' feet

NORTH GIDDINGS ROAD
RIGHT-OF-WAY VACATION PARCEL 2
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 2 OF 2

TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DESCRIPTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION PARCEL 3

A parcel of land, situate in the Northeast Quarter of Section 32, Township 8 North, Range 68 West of the 6th Principal Meridian, City of Fort Collins, County of Larimer, State of Colorado; and being more particularly described as follows:

COMMENCING at the Northeast corner of said Section 32 and assuming the East line of said Northeast Quarter as bearing South 00°35'37" East a distance of 2633.48 feet, monumented by a 3-$\frac{1}{4}$" brass cap stamped LS 15278 in a Range Box at the Northeast Quarter corner and a 3-$\frac{1}{4}$" brass cap stamped LS 15278 in a Monument Box at the East Quarter corner and with all other bearing contained herein relative thereto;

THENCE South 00°35'37" East, along said East line, a distance of 49.98 feet;
THENCE North 89°39'06" East a distance of 42.01 feet to the **POINT OF BEGINNING**;

THENCE South 00°35'37" East a distance of 2145.50 feet;
THENCE South 89°25'19" West a distance of 8.00 feet to a point on the West Right-of-Way (ROW) line of that parcel as described in the Special Warranty Deed recorded September 14, 1984 as Reception No. 587201 of the Larimer County Clerk & Recorder and the North line of Longwood Drive ROW, as described in the Plat recorded , ____ as Reception No. _____ of the Larimer County Clerk & Recorder;
THENCE North 00°35'37" West, along said West line, a distance of 2145.63 feet to a point on the South ROW line of Richards Lake Road, as described in the Special Warranty Deed recorded September 14, 1984 as Reception No. 587201 of the Larimer County Clerk & Recorder;
THENCE South 89°39'06" East a distance of 8.00 feet to the **POINT OF BEGINNING**;

Said described parcel of land contains 17,165 Square Feet or 0.394 Acres, more or less (±).

SURVEYOR'S STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state this Parcel Description was prepared from under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

_____
Steven Parks - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348

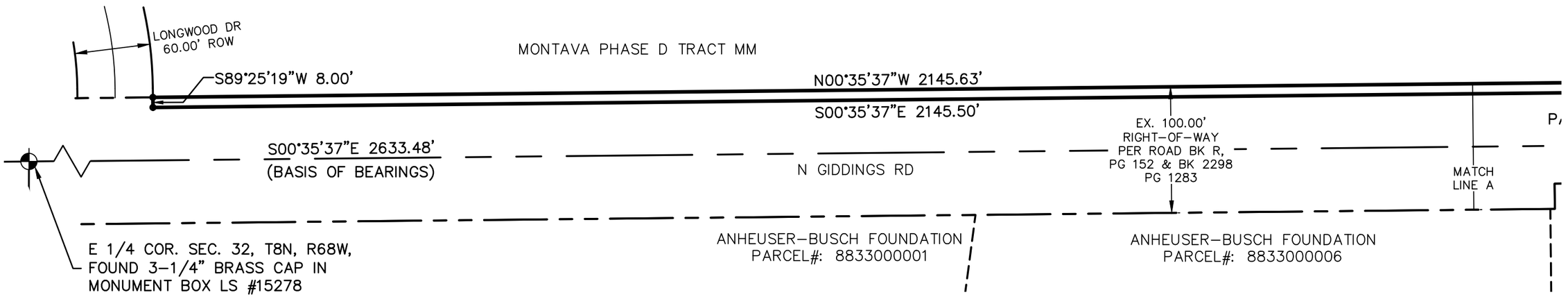
NORTH GIDDINGS ROAD
RIGHT-OF-WAY VACATION PARCEL 3
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 1 OF 2

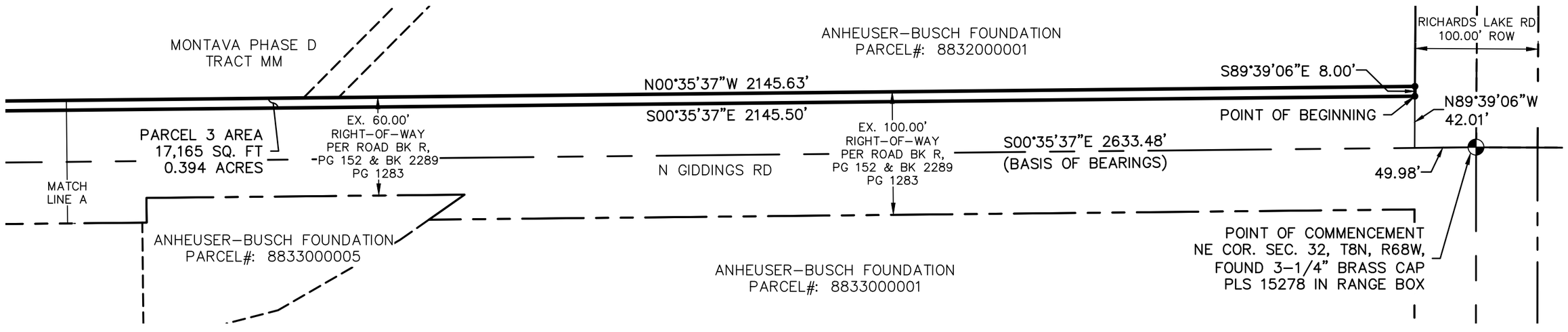
TST TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DEPICTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION
PARCEL 3





Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)

80 40 0 80
scale 1"=80' feet

NORTH GIDDINGS ROAD
RIGHT-OF-WAY VACATION PARCEL 3
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 2 OF 2

TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DESCRIPTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION PARCEL 4

A parcel of land, situate in the Southwest Quarter of Section 33, Township 8 North, Range 68 West of the 6th Principal Meridian, City of Fort Collins, County of Larimer, State of Colorado; and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 33 and assuming the West line of said Southwest Quarter as bearing North 00°33'45" West a distance of 2642.14 feet, monumented by a 2-$\frac{1}{2}$" aluminum cap stamped LS 17497 in a Monument Box at the Southwest corner and a 3-$\frac{1}{4}$" brass cap stamped LS 15278 in a Monument Box at the West Quarter corner and with all other bearing contained herein relative thereto;

THENCE North 00°33'45" West, along said West line, a distance of 50.00 feet;
THENCE North 89°58'54" East a distance of 42.00 feet to the **POINT OF BEGINNING**;

THENCE North 00°33'45" West a distance of 2592.55 feet;
THENCE North 00°35'37" West a distance of 1551.54 feet to the North line of that parcel as described in the Special Warranty Deed recorded September 14, 1984 as Reception No. 587201 of the Larimer County Clerk & Recorder;
THENCE along said parcel for the following (3) courses
THENCE North 89°24'18" East a distance of 8.00 feet ;
THENCE South 00°35'37" East a distance of 1551.53 feet;
THENCE South 00°33'45" East a distance of 2592.64 feet;
THENCE South 89°58'54" West a distance of 8.00 feet to the **POINT OF BEGINNING**;

Said described parcel of land contains 33,153 Square Feet or 0.761 Acres, more or less (±).

SURVEYOR'S STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state this Parcel Description was prepared from under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

Steven Parks - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348

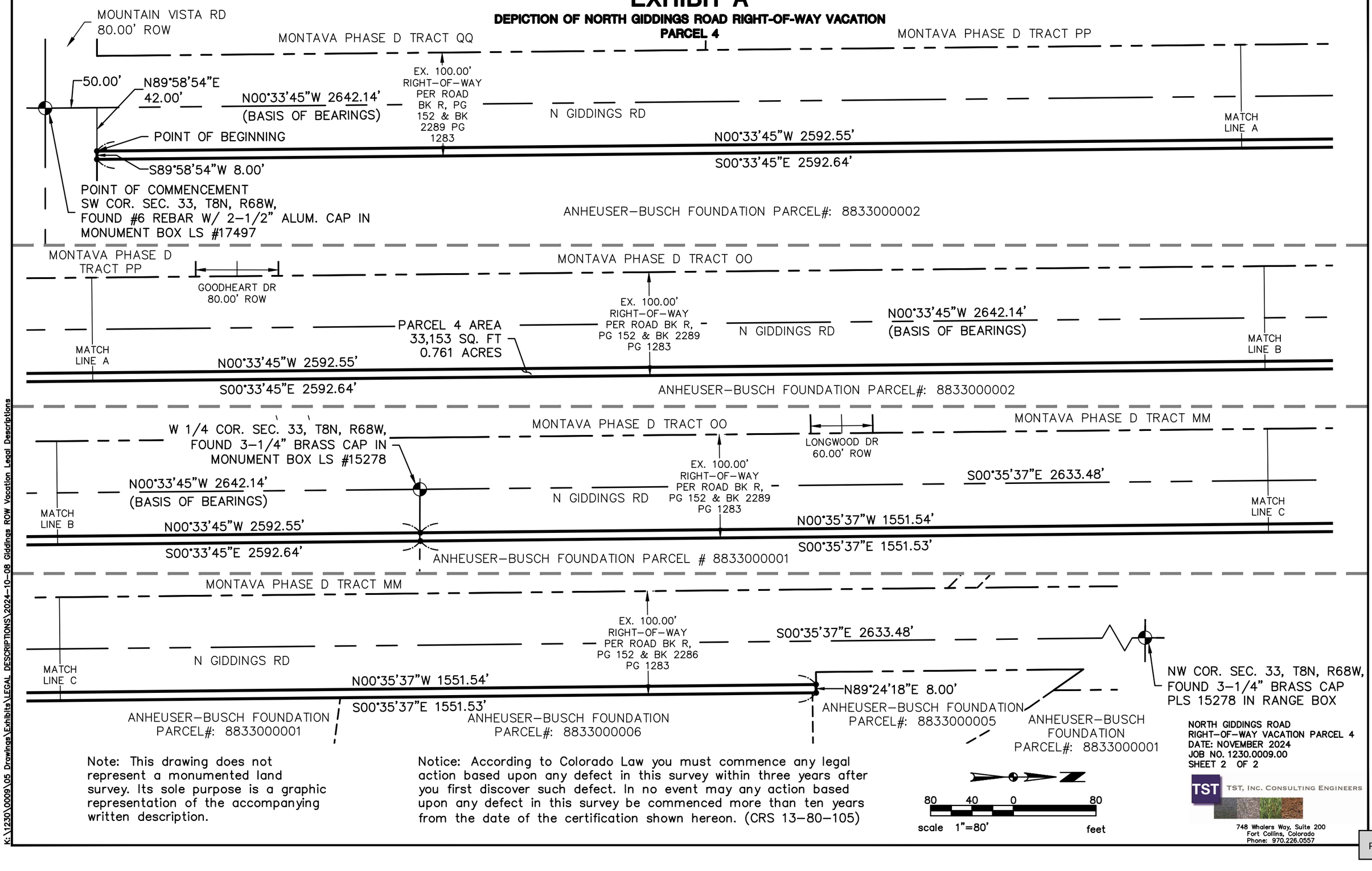
NORTH GIDDINGS ROAD
RIGHT-OF-WAY VACATION PARCEL 4
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 1 OF 2

TST TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DEPICTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION
PARCEL 4



Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13-80-105)

80 40 0 80

scale 1"=80' feet

NORTH GIDDINGS ROAD
RIGHT-OF-WAY VACATION PARCEL 4
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 2 OF 2

TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DESCRIPTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION PARCEL 5

A parcel of land, situate in the Northwest Quarter of Section 33, Township 8 North, Range 68 West of the 6th Principal Meridian, City of Fort Collins, County of Larimer, State of Colorado; and being more particularly described as follows:

COMMENCING at the Northwest corner of said Section 33 and assuming the West line of said Northwest Quarter as bearing South 00°35'37" East a distance of 2633.48 feet, monumented by a 3-$\frac{1}{4}$" brass cap stamped LS 15278 in a Range Box at the Northwest corner and a 3-$\frac{1}{4}$" brass cap stamped LS 15278 in a Monument Box at the West Quarter corner and with all other bearing contained herein relative thereto;

THENCE South 00°35'37" East, along said West line, a distance of 49.98 feet;
THENCE South 89°57'45" East a distance of 42.00 feet to the **POINT OF BEGINNING**;

THENCE South 89°57'45" East a distance of 8.00 feet to the East Right-of-Way (ROW) line of North Giddings Road and the South ROW line of Richards Lake Road, as described in the Special Warranty Deed recorded September 14, 1984 as Reception No. 587201 of the Larimer County Clerk & Recorder;
THENCE South 00°35'37" East, along said East line a distance of 801.85 feet to the North line of that parcel as described in the Special Warranty Deed recorded May 31, 2016 as Reception No. 20160033867 of the Larimer County Clerk & Recorder;
THENCE North 35°00'49" West, along said North line, a distance of 14.15 feet to a line that is Parallel to the aforementioned East ROW line;
THENCE North 00°35'37" West a distance of 790.26 feet to the **POINT OF BEGINNING**;

Said described parcel of land contains 6,368 Square Feet or 0.146 Acres, more or less (±).

SURVEYOR'S STATEMENT

I, Steven Parks, a Colorado Licensed Professional Land Surveyor do hereby state this Parcel Description was prepared from under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

Steven Parks - on behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348

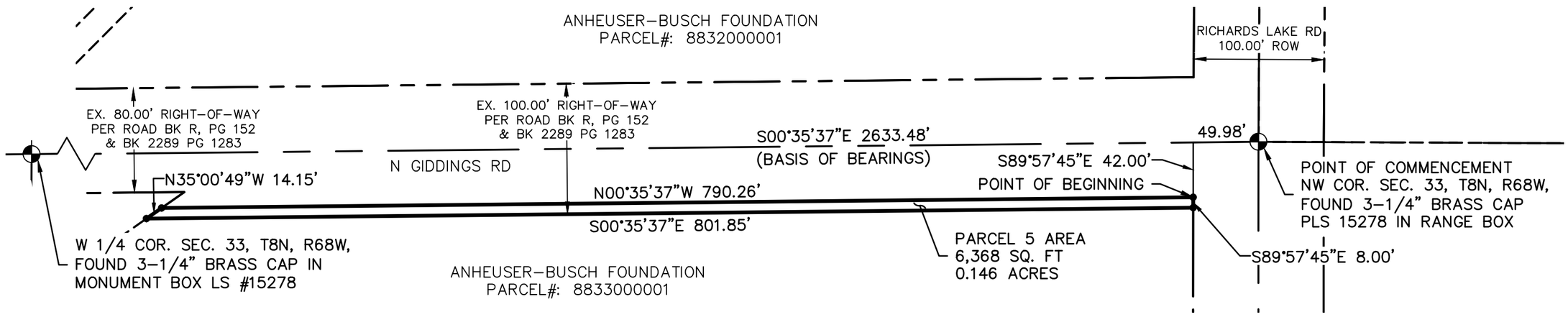
NORTH GIDDINGS ROAD
RIGHT-OF-WAY VACATION PARCEL 5
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 1 OF 2

TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

EXHIBIT A

DEPICTION OF NORTH GIDDINGS ROAD RIGHT-OF-WAY VACATION
PARCEL 5



Note: This drawing does not represent a monumented land survey. Its sole purpose is a graphic representation of the accompanying written description.

Notice: According to Colorado Law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (CRS 13–80–105)

80 40 0 80
scale 1"=80' feet

NORTH GIDDINGS ROAD
RIGHT–OF–WAY VACATION PARCEL 5
DATE: NOVEMBER 2024
JOB NO. 1230.0009.00
SHEET 2 OF 2

TST, INC. CONSULTING ENGINEERS
748 Whalers Way, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557

K:\1230\0009\05 Drawings\Exhibits\LEGAL DESCRIPTIONS\2024-10-08 Giddings ROW Vacation Legal Descriptions

FINAL PLAT FOR

MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE

A REPLAT OF TRACT NN AND TRACT OO OF MONTAVA SUBDIVISION PHASE D AND VACATED RIGHT-OF-WAY LOCATED IN A PORTION OF SECTION 32 AND SECTION 33, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO.

STATEMENT OF OWNERSHIP AND SUBDIVISION

KNOW ALL PERSONS BY THESE PRESENTS, THAT THE UNDERSIGNED, BEING OWNERS OF THE FOLLOWING DESCRIBED LAND:

FOUR (4) PARCELS OF LAND, SITUATE IN THE EAST HALF (E1/2) OF SECTION THIRTY-TWO (32), AND THE WEST HALF (W1/2) OF SECTION THIRTY-THREE (33), TOWNSHIP EIGHT NORTH (T.8N.), RANGE SIXTY-EIGHT WEST (R.68W.) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 32 AND ASSUMING THE EAST LINE OF THE SOUTHEAST QUARTER (SE1/4) AS BEARING NORTH 00°33'45" WEST, A DISTANCE OF 2642.14 FEET, MONUMENTED BY A #6 REBAR WITH 2.5" ALUMINUM CAP STAMPED LS 17497 AT THE SOUTH END AND BY A 3.25" BRASS CAP STAMPED LS 15278 AT THE NORTH END AND WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE SOUTH 00°33'45" EAST, ALONG SAID EAST LINE, A DISTANCE OF 1304.68 FEET;
THENCE SOUTH 89°26'15" WEST, A DISTANCE OF 42.00 FEET, TO THE WEST RIGHT OF WAY (ROW) OF NORTH GIDDINGS ROAD AND TO AN EXTENSION OF THE SOUTH LINE OF TRACT OO OF MONTAVA SUBDIVISION PHASE D AS RECORDED _____ AS RECEPTION NO. _____ OF THE LARIMER COUNTY CLERK & RECORDER AND TO THE POINT OF BEGINNING;
THENCE ALONG SAID EXTENSION AND ALONG THE SOUTH, WEST AND NORTH LINES, AND EXTENSIONS THEREOF OF SAID TRACT OO, THE FOLLOWING SEVENTEEN (17) COURSES;
THENCE NORTH 89°59'26" WEST A DISTANCE OF 127.98 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH A DISTANCE OF 101.24 FEET, HAVING A RADIUS OF 640.00 FEET, A DELTA OF 09°03'47" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 85°28'07" WEST A DISTANCE OF 101.13 FEET TO THE BEGINNING POINT OF A CURVE, NON-TANGENT TO THE AFORESAID CURVE;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST A DISTANCE OF 83.27 FEET, HAVING A RADIUS OF 305.00 FEET, A DELTA OF 15°38'36" AND IS SUBTENDED BY A CHORD THAT BEARS NORTH 30°58'17" WEST A DISTANCE OF 83.01 FEET A POINT OF TANGENCY;
THENCE NORTH 38°47'35" WEST A DISTANCE OF 326.00 FEET;
THENCE NORTH 51°12'25" EAST A DISTANCE OF 303.00 FEET;
THENCE SOUTH 38°47'35" EAST A DISTANCE OF 214.28 FEET;
THENCE NORTH 51°12'25" EAST A DISTANCE OF 28.00 FEET;
THENCE NORTH 00°33'45" WEST A DISTANCE OF 253.69 FEET;
THENCE NORTH 51°12'25" EAST A DISTANCE OF 7.00 FEET;
THENCE NORTH 38°47'35" WEST A DISTANCE OF 56.00 FEET;
THENCE NORTH 51°12'25" EAST A DISTANCE OF 65.00 FEET;
THENCE NORTH 38°47'35" WEST A DISTANCE OF 328.71 FEET;
THENCE NORTH 36°58'24" EAST A DISTANCE OF 26.91 FEET;
THENCE NORTH 53°01'36" WEST A DISTANCE OF 342.00 FEET;
THENCE NORTH 36°58'24" EAST A DISTANCE OF 503.12 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST A DISTANCE OF 224.27 FEET, HAVING A RADIUS OF 245.00 FEET, A DELTA OF 52°26'55" AND IS SUBTENDED BY A CHORD THAT BEARS NORTH 63°11'51" EAST A DISTANCE OF 216.52 FEET A POINT OF TANGENCY;
THENCE NORTH 89°25'19" EAST A DISTANCE OF 15.37 FEET TO THE WEST ROW LINE OF NORTH GIDDINGS ROAD;
THENCE SOUTH 00°35'37" EAST, ALONG SAID WEST ROW LINE, A DISTANCE OF 378.65 FEET;
THENCE SOUTH 00°33'45" EAST, CONTINUING ALONG SAID WEST ROW LINE, A DISTANCE OF 1304.66 FEET TO THE POINT OF BEGINNING.

PARCEL 2
COMMENCING AT SAID EAST QUARTER CORNER;
THENCE NORTH 89°25'19" EAST, A DISTANCE OF 42.00 FEET, TO THE EAST ROW OF NORTH GIDDINGS ROAD AND TO THE POINT OF BEGINNING;
THENCE NORTH 00°35'37" WEST, ALONG SAID ROW A DISTANCE OF 222.62 FEET;
THENCE SOUTH 01°45'05" EAST A DISTANCE OF 173.22 FEET;
THENCE SOUTH 00°35'37" EAST A DISTANCE OF 49.43 FEET;
THENCE SOUTH 00°33'45" EAST A DISTANCE OF 9.03 FEET A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST A DISTANCE OF 127.12 FEET, HAVING A RADIUS OF 93.50 FEET, A DELTA OF 77°53'44" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 39°30'37" EAST A DISTANCE OF 117.55 FEET A POINT OF TANGENCY;
THENCE SOUTH 77°33'53" EAST A DISTANCE OF 6.69 FEET;
THENCE SOUTH 00°36'49" EAST A DISTANCE OF 98.55 FEET TO THE BEGINNING POINT OF A CURVE, NON-TANGENT TO AFORESAID COURSE;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST A DISTANCE OF 84.65 FEET, HAVING A RADIUS OF 83.50 FEET, A DELTA OF 58°05'14" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 41°31'26" WEST A DISTANCE OF 81.07 FEET A POINT OF COMPOUND CURVATURE;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE EAST A DISTANCE OF 86.25 FEET, HAVING A RADIUS OF 105.50 FEET, A DELTA OF 46°50'24" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 10°56'23" EAST A DISTANCE OF 83.87 FEET A POINT OF COMPOUND CURAVTURE;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST A DISTANCE OF 46.85 FEET, HAVING A RADIUS OF 63.50 FEET, A DELTA OF 42°16'30" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 55°29'50" EAST A DISTANCE OF 45.80 FEET;
THENCE SOUTH 03°29'03" EAST, ALONG A LINE NON-TANGENT TO THE AFORESAID CURVE, A DISTANCE OF 90.70 FEET TO THE BEGINNING POINT OF A CURVE, NON-TANGENT TO AFORESAID COURSE;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST A DISTANCE OF 27.20 FEET, HAVING A RADIUS OF 123.50 FEET, A DELTA OF 12°37'02" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 70°42'04" WEST A DISTANCE OF 27.14 FEET A POINT OF TANGENCY;
THENCE SOUTH 64°23'33" WEST A DISTANCE OF 16.88 FEET TO A POINT OF CURVATURE;
THENCE ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST A DISTANCE OF 83.33 FEET, HAVING A RADIUS OF 73.50 FEET, A DELTA OF 64°57'31" AND IS SUBTENDED BY A CHORD THAT BEARS SOUTH 31°54'54" WEST A DISTANCE OF 78.93 FEET TO A POINT OF TANGENCY;
THENCE SOUTH 00°33'45" EAST A DISTANCE OF 75.86 FEET;
THENCE SOUTH 00°35'00" WEST A DISTANCE OF 175.00 FEET TO THE EAST ROW LINE OF NORTH GIDDINGS ROAD;
THENCE NORTH 00°33'45" WEST, ALONG SAID EAST ROW LINE, A DISTANCE OF 793.32 FEET TO THE POINT OF BEGINNING.

PARCEL 3
COMMENCING AT SAID EAST QUARTER CORNER;
THENCE NORTH 00°35'37" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 32, A DISTANCE OF 1551.53 FEET;
THENCE NORTH 89°24'23" EAST A DISTANCE OF 30.00 FEET TO THE SOUTHEAST CORNER OF RECEPTION NO. 20160033867 AND TO THE POINT OF BEGINNING;
THENCE ALONG THE WEST AND NORTH LINES OF RECEPTION NO. 20160033867 THE FOLLOWING TWO COURSES:
THENCE NORTH 00°35'37" WEST A DISTANCE OF 258.74 FEET;
THENCE SOUTH 35°00'49" EAST A DISTANCE OF 21.23 FEET.
THENCE SOUTH 00°35'37" EAST A DISTANCE OF 241.22 FEET;
THENCE SOUTH 89°24'23" WEST A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

PARCEL 4
TRACT NN, MONTAVA SUBDIVISION PHASE D

SAID DESCRIBED PARCELS OF LAND CONTAIN 729,674 SQUARE FEET OR 16.75 ACRES, MORE OR LESS (±).

HAVE CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED AND SUBDIVIDED INTO LOTS, TRACTS AND STREETS AS SHOWN ON THIS PLAT TO BE KNOWN AS MONTAVA PHASE D INFRASTRUCTURE, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY NOW OF RECORD OR EXISTING OR INDICATED ON THIS PLAT.

NOTICE

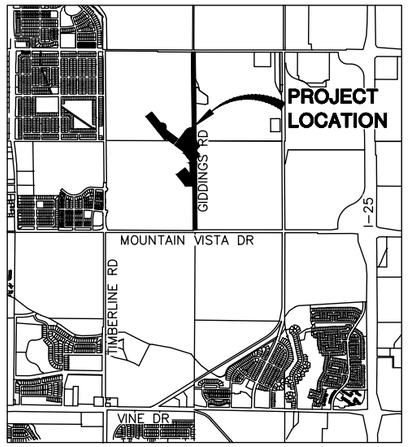
ALL RESPONSIBILITIES AND COSTS OF OPERATION, MAINTENANCE AND RECONSTRUCTION OF THE PRIVATE STREETS AND/OR DRIVES LOCATED ON THE PRIVATE PROPERTY THAT IS THE SUBJECT OF THIS PLAT SHALL BE BORNE BY THE OWNERS OF SAID PROPERTY, EITHER INDIVIDUALLY, OR COLLECTIVELY, THROUGH A PROPERTY OWNERS' ASSOCIATION, IF APPLICABLE. THE CITY OF FORT COLLINS SHALL HAVE NO OBLIGATION OF OPERATION, MAINTENANCE OR RECONSTRUCTION OF SUCH PRIVATE STREETS AND/OR DRIVES NOR SHALL THE CITY HAVE ANY OBLIGATION TO ACCEPT SUCH STREETS AND/OR DRIVES AS PUBLIC STREETS OR DRIVES.

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

APPLICANT
MONTAVA DEVELOPMENT & CONSTRUCTION LLC
430 N. COLLEGE AVE, SUITE 410
FORT COLLINS, CO, 80524
PHONE:(512)-507-5570

ENGINEER
TST INC. CONSULTING ENGINEERS
748 WHALERS WAY, SUITE 200
FORT COLLINS, CO, 80525
PHONE: (970) 226-0557

SURVEYOR
STEVEN PARKS, PLS
1111 DIAMOND VALLEY DR,
SUITE 104
MAJESTIC SURVEYING, LLC
PHONE: (970) 833-5698



VICINITY MAP
NOT TO SCALE

NOTICE OF OTHER DOCUMENTS:

ALL PERSONS TAKE NOTICE THAT THE OWNER HAS EXECUTED CERTAIN DOCUMENTS PERTAINING TO THIS DEVELOPMENT WHICH CREATE CERTAIN RIGHTS AND OBLIGATIONS OF THE DEVELOPMENT, THE OWNER AND/OR SUBSEQUENT OWNERS OF ALL OR PORTIONS OF THE DEVELOPMENT SITE, MANY OF WHICH OBLIGATIONS CONSTITUTE PROMISES AND COVENANTS THAT, ALONG WITH THE OBLIGATIONS UNDER THIS PLAT, RUN WITH THE LAND. THE SAID DOCUMENTS MAY ALSO BE AMENDED FROM TIME TO TIME AND MAY INCLUDE, WITHOUT LIMITATION, THE DEVELOPMENT AGREEMENT, SITE AND LANDSCAPE COVENANTS, FINAL SITE PLAN, FINAL LANDSCAPE PLAN, AND ARCHITECTURAL ELEVATIONS, WHICH DOCUMENTS ARE ON FILE IN THE OFFICE OF THE CLERK OF THE CITY AND SHOULD BE CLOSELY EXAMINED BY ALL PERSONS INTERESTED IN PURCHASING ANY PORTION OF THE DEVELOPMENT SITE.

BASIS OF BEARINGS

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN IS ASSUMED TO BEAR N 00°33'45" W A DISTANCE OF 2642.14 FEET, BEING MONUMENTED ON THE NORTH BY A 3-1/4" BRASS CAP IN MONUMENT BOX L.S. 15278 AND ON THE SOUTH BY A 2-1/2" ALUMINUM CAP MARKER L.S. 17497 IN MONUMENT BOX.

NOTES:

1. FOR ALL INFORMATION REGARDING EASEMENTS, AND RIGHTS-OF-WAY TST INC. AND MAJESTIC SURVEYING, LLC RELIED ON TITLE COMMITMENT NO. 13833-4187956 PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, DATED JULY 26, 2024. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY MAJESTIC SURVEYING, LLC OR TST INC.
2. THERE SHALL BE NO PRIVATE CONDITIONS, COVENANTS OR RESTRICTIONS THAT PROHIBIT OR LIMIT THE INSTALLATION OF RESOURCE CONSERVING EQUIPMENT OR LANDSCAPING THAT ARE ALLOWED BY SECTIONS 12-120 – 12-122 OF THE CITY CODE.
3. PER C.R.S. 38-51-106, "ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37/12 U.S. SURVEY FEET, EXACTLY ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
4. MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE IS LOCATED WITHIN THE MONTAVA PUD MASTER PLAN AND MONTAVA PUD OVERLAY, ODP 180002 APPROVED PURSUANT TO ORDINANCE NO. 014, 2020, RECORDED JUNE 4, 2020 AT RECEPTION #20200039330 IN THE RECORDS OF THE CLERK AND RECORDER OF LARIMER COUNTY, COLORADO.
5. MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE MAY BECOME SUBJECT TO THE CONSOLIDATED SERVICE PLAN FOR MONTAVA METROPOLITAN DISTRICT NOS. 1-7 APPROVED BY RESOLUTION 2018-083.
6. MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE IS SUBJECT TO THE DEVELOPMENT AGREEMENT TO SECURE PUBLIC BENEFITS FOR MONTAVA PLANNED UNIT DEVELOPMENT MASTER PLAN APPROVED BY RESOLUTION 2020-007 AND RECORDED DECEMBER 14, 2020 AT RECEPTION NO. 20200105298 AND RE-RECORDED APRIL 7, 2022 AT RECEPTION NO. 20220022462 IN THE RECORDS OF THE CLERK AND RECORDER OF LARIMER COUNTY, COLORADO.
7. NOTWITHSTANDING SECTION 24-42(A) OF THE CITY CODE, OR ANYTHING ELSE TO THE CONTRARY, MONTAVA METROPOLITAN DISTRICT NO. 1 (OR ITS ASSIGNS) SHALL BE RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF ANY PARKWAY, AS DEFINED IN SECTION 24-6, BETWEEN A PROPERTY OWNER'S PROPERTY LINE AND THE EDGE OF THE ADJACENT LOCAL OR COLLECTOR STREET.
8. ALL EXISTING PUBLIC EASEMENTS DEDICATED BY PREVIOUS PLATTING WITHIN THE SUBJECT PROPERTY BOUNDARY ARE HEREBY VACATED AND REDEDICATED AS SHOWN HEREON.

SURVEYOR'S STATEMENT

I, STEVEN PARKS, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY STATE THIS SUBDIVISION PLAT WAS PREPARED FROM AN ACTUAL SURVEY UNDER MY PERSONAL SUPERVISION, THAT THE MONUMENTATION AS INDICATED HEREON WERE FOUND OR SET AS SHOWN, AND THAT THE FORGOING PLAT IS AN ACCURATE REPRESENTATION HEREOF, ALL THIS TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

_____
STEVEN PARKS
COLORADO PLS

PLANNING APPROVAL:

BY THE DIRECTOR OF COMMUNITY DEVELOPMENT AND NEIGHBORHOOD SERVICES THE CITY OF FORT COLLINS, COLORADO,

ON THIS DAY, _____,

_____
DIRECTOR OF PLANNING

APPROVED AS TO FORM, CITY ENGINEER:

BY THE CITY ENGINEER OF THE CITY OF FORT COLLINS, COLORADO,

ON THIS DAY, _____,

_____
CITY ENGINEER

OWNER

MONTAVA PARTNERS LLC
A COLORADO LIMITED LIABILITY COMPANY

BY: _____ PRINTED NAME: _____,
BY: _____,

STATE OF COLORADO)
) SS
COUNTY OF LARIMER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS DAY, _____,
BY _____ AS _____ OF MONTAVA DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL.

_____,
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____,

CONTRACT PURCHASER

MONTAVA DEVELOPMENT & CONSTRUCTION LLC
A COLORADO LIMITED LIABILITY COMPANY

BY: _____ PRINTED NAME: _____,
BY: _____,

STATE OF COLORADO)
) SS
COUNTY OF LARIMER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS DAY,_____,
BY _____ AS _____ OF MONTAVA DEVELOPMENT, LLC, A COLORADO LIMITED LIABILITY COMPANY.

WITNESS MY HAND AND OFFICIAL SEAL.

_____,
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____,

ACKNOWLEDGED AND AGREED TO BY

MONTAVA METROPOLITAN DISTRICT NO. 1,
QUASI-MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF COLORADO

BY: _____ PRINTED NAME: _____,

TITLE: _____,

STATE OF COLORADO)
) SS
COUNTY OF LARIMER)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS DAY, _____,
BY _____ AS PRESIDENT OF MONTAVA METROPOLITAN DISTRICT NO. 1, QUASI-MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF COLORADO.

WITNESS MY HAND AND OFFICIAL SEAL.

_____,
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____,

ATTORNEY'S CERTIFICATE:

I CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN DULY EXECUTED AS REQUIRED PURSUANT TO SECTION 2.2.3(C)(3)(A) THROUGH (E) INCLUSIVE OF THE LAND USE CODE OF THE CITY OF FORT COLLINS AND THAT ALL PERSONS SIGNING THIS SUBDIVISION PLAT ON BEHALF OF A CORPORATION OR OTHER ENTITY ARE DULY AUTHORIZED SIGNATORIES UNDER THE LAWS OF THE STATE OF COLORADO. THIS CERTIFICATION IS BASED UPON THE RECORDS OF THE CLERK AND RECORDER OF LARIMER COUNTY, COLORADO AS OF THE DATE OF EXECUTION OF THE PLAT AND OTHER INFORMATION DISCOVERED BY ME THROUGH REASONABLE INQUIRY AND IS LIMITED AS AUTHORIZED BY SECTION 2.2.3(C)(3)(F) OF THE LAND USE CODE.

ATTORNEY _____ DATE _____
(NAME)

ADDRESS:

REGISTRATION NO.:

REVISIONS

BY	DATE	DESCRIPTION

DRAWN: BRB
CHECKED: DAP
DESIGNED: BRB
FILENAME: 0009_Plat Cover_Infra

MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE

PLAT COVER

MAJESTIC SURVEYING

TST
TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 1230.0009.00
SCALE N.T.S.
DATE JULY 2025
SHEET 1 of 6

EXHIBIT B TO ORDINANCE NO. 143, 2025

FINAL PLAT FOR

MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE

A REPLAT OF TRACT NN AND TRACT OO OF MONTAVA SUBDIVISION PHASE D AND VACATED RIGHT-OF-WAY LOCATED IN A PORTION OF SECTION 32 AND SECTION 33, TOWNSHIP 8 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO.

CERTIFICATE OF DEDICATION

THE OWNER DOES HEREBY DEDICATE AND CONVEY TO THE CITY OF FORT COLLINS, COLORADO (HEREAFTER "CITY"), FOR PUBLIC USE, FOREVER, A PERMANENT RIGHT-OF-WAY FOR STREET PURPOSES AND THE "EASEMENTS" AS LAID OUT AND DESIGNATED ON THIS PLAT; PROVIDED, HOWEVER, THAT (1) ACCEPTANCE BY THE CITY OF THIS DEDICATION OF EASEMENTS DOES NOT IMPOSE UPON THE CITY A DUTY TO MAINTAIN THE EASEMENTS SO DEDICATED, AND (2) ACCEPTANCE BY THE CITY OF THIS DEDICATION OF STREETS DOES NOT IMPOSE UPON THE CITY A DUTY TO MAINTAIN STREETS SO DEDICATED UNTIL SUCH TIME AS THE PROVISIONS OF THE MAINTENANCE GUARANTEE HAVE BEEN FULLY SATISFIED. THE STREETS DEDICATED ON THIS PLAT ARE THE FEE PROPERTY OF THE CITY AS PROVIDED IN SECTION 31-23-107 C.R.S. THE CITY'S RIGHTS UNDER THE EASEMENTS INCLUDE THE RIGHT TO INSTALL, OPERATE, ACCESS, MAINTAIN, REPAIR, RECONSTRUCT, REMOVE AND REPLACE WITHIN THE EASEMENTS PUBLIC IMPROVEMENTS CONSISTENT WITH THE INTENDED PURPOSE OF THE EASEMENTS; THE RIGHT TO INSTALL, MAINTAIN AND USE GATES IN ANY FENCES THAT CROSS THE EASEMENTS; THE RIGHT TO MARK THE LOCATION OF THE EASEMENTS WITH SUITABLE MARKERS; AND THE RIGHT TO PERMIT OTHER PUBLIC UTILITIES TO EXERCISE THESE SAME RIGHTS. OWNERS RESERVE THE RIGHT TO USE THE EASEMENTS FOR PURPOSES THAT DO NOT INTERFERE WITH THE FULL ENJOYMENT OF THE RIGHTS HEREBY GRANTED. THE CITY IS RESPONSIBLE FOR MAINTENANCE OF ITS OWN IMPROVEMENTS AND FOR REPAIRING ANY DAMAGE CAUSED BY ITS ACTIVITIES IN THE EASEMENTS, BUT BY ACCEPTANCE OF THIS DEDICATION, THE CITY DOES NOT ACCEPT THE DUTY OF MAINTENANCE OF THE EASEMENTS, OR OF IMPROVEMENTS IN THE EASEMENTS THAT ARE NOT OWNED BY THE CITY. OWNERS WILL MAINTAIN THE SURFACE OF THE EASEMENTS IN A SANITARY CONDITION IN COMPLIANCE WITH ANY APPLICABLE WEED, NUISANCE OR OTHER LEGAL REQUIREMENTS.

EXCEPT AS EXPRESSLY PERMITTED IN AN APPROVED PLAN OF DEVELOPMENT OR OTHER WRITTEN AGREEMENT WITH THE CITY, OWNER NOT WILL INSTALL ON THE EASEMENTS, OR PERMIT THE INSTALLATION ON THE EASEMENTS, OF ANY BUILDING, STRUCTURE, IMPROVEMENT, FENCE, RETAINING WALL, SIDEWALK, TREE OR OTHER LANDSCAPING (OTHER THAN USUAL AND CUSTOMARY GRASSES AND OTHER GROUND COVER). IN THE EVENT SUCH OBSTACLES ARE INSTALLED IN THE EASEMENTS, THE CITY HAS THE RIGHT TO REQUIRE THE OWNERS TO REMOVE SUCH OBSTACLES FROM THE EASEMENTS. IF AN OWNER DOES NOT REMOVE SUCH OBSTACLES, THE CITY MAY REMOVE SUCH OBSTACLES WITHOUT ANY LIABILITY OR OBLIGATION FOR REPAIR AND REPLACEMENT THEREOF, AND CHARGE THE OWNER THE CITY'S COSTS FOR SUCH REMOVAL. IF THE CITY CHOOSES NOT TO REMOVE THE OBSTACLES, THE CITY WILL NOT BE LIABLE FOR ANY DAMAGE TO THE OBSTACLES OR ANY OTHER PROPERTY TO WHICH THEY ARE ATTACHED.

THE RIGHTS GRANTED TO THE CITY BY THIS PLAT INURE TO THE BENEFIT OF THE CITY'S AGENTS, LICENSEES, PERMITTEES, AND ASSIGNS.

MAINTENANCE GUARANTEE:

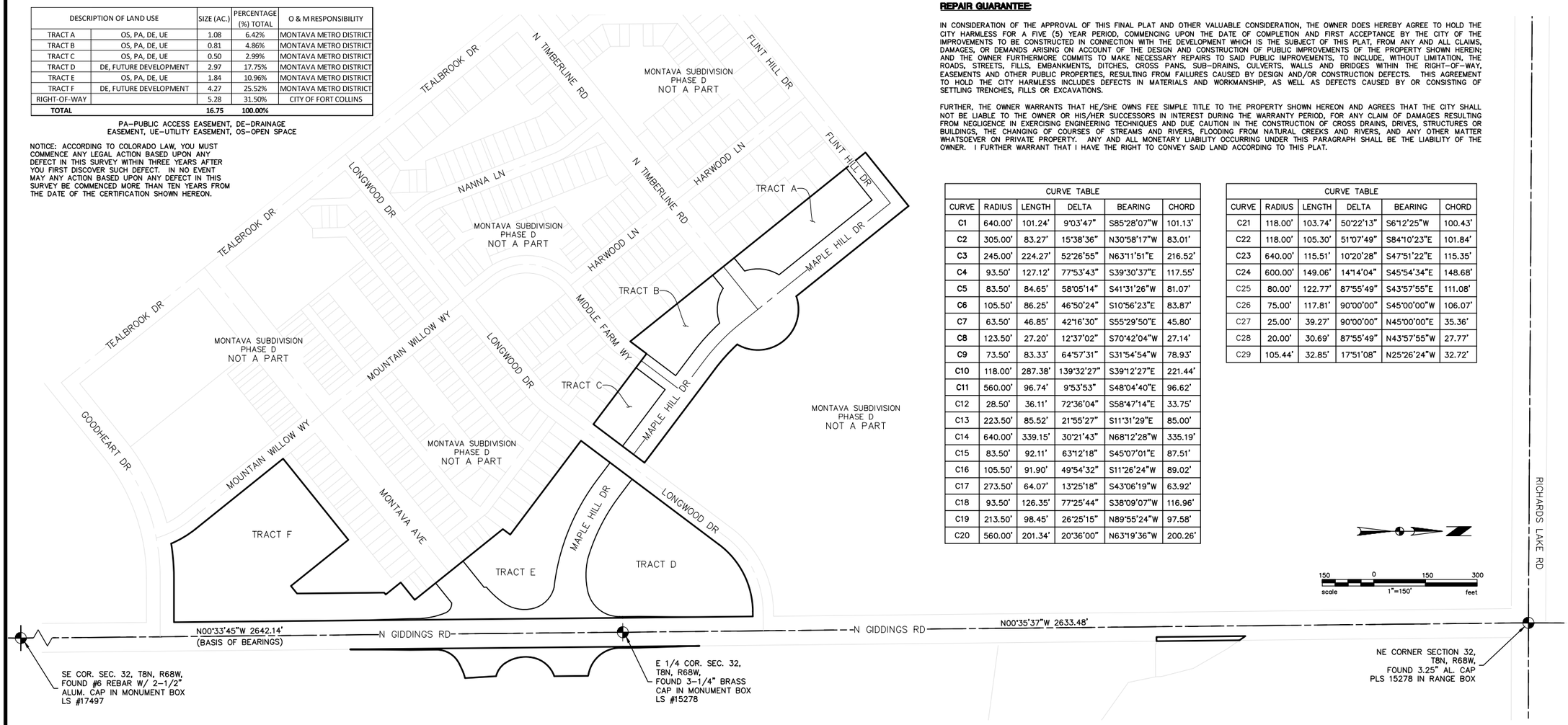
THE OWNER HEREBY WARRANTS AND GUARANTEES TO THE CITY, FOR A PERIOD OF TWO (2) YEARS FROM THE DATE OF COMPLETION AND FIRST ACCEPTANCE BY THE CITY OF THE IMPROVEMENTS WARRANTED HEREUNDER, THE FULL AND COMPLETE MAINTENANCE AND REPAIR OF THE IMPROVEMENTS TO BE CONSTRUCTED IN CONNECTION WITH THE DEVELOPMENT WHICH IS THE SUBJECT OF THIS PLAT. THIS WARRANTY AND GUARANTEE IS MADE IN ACCORDANCE WITH THE CITY LAND USE CODE AND/OR THE TRANSITIONAL LAND USE REGULATIONS, AS APPLICABLE. THIS GUARANTEE APPLIES TO THE STREETS AND ALL OTHER APPURTENANT STRUCTURES AND AMENITIES LYING WITHIN THE RIGHTS-OF-WAY, EASEMENTS AND OTHER PUBLIC PROPERTIES, INCLUDING, WITHOUT LIMITATION, ALL CURBING, SIDEWALKS, BIKE PATHS, DRAINAGE PIPES, CULVERTS, CATCH BASINS, DRAINAGE DITCHES AND LANDSCAPING. ANY MAINTENANCE AND/OR REPAIR REQUIRED ON UTILITIES SHALL BE COORDINATED WITH THE OWNING UTILITY COMPANY OR DEPARTMENT.

THE OWNER SHALL MAINTAIN SAID IMPROVEMENTS IN A MANNER THAT WILL ASSURE COMPLIANCE ON A CONSISTENT BASIS WITH ALL CONSTRUCTION STANDARDS, SAFETY REQUIREMENTS AND ENVIRONMENTAL PROTECTION REQUIREMENTS OF THE CITY. THE OWNER SHALL ALSO CORRECT AND REPAIR, OR CAUSE TO BE CORRECTED AND REPAIRED, ALL DAMAGES TO SAID IMPROVEMENTS RESULTING FROM DEVELOPMENT-RELATED OR BUILDING-RELATED ACTIVITIES. IN THE EVENT THE OWNER FAILS TO CORRECT ANY DAMAGES WITHIN THIRTY (30) DAYS AFTER WRITTEN NOTICE THEREOF, THEN SAID DAMAGES MAY BE CORRECTED BY THE CITY AND ALL COSTS AND CHARGES BILLED TO AND PAID BY THE OWNER. THE CITY SHALL ALSO HAVE ANY OTHER REMEDIES AVAILABLE TO IT AS AUTHORIZED BY LAW. ANY DAMAGES WHICH OCCURRED PRIOR TO THE END OF SAID TWO (2) YEAR PERIOD AND WHICH ARE UNREPAIRED AT THE TERMINATION OF SAID PERIOD SHALL REMAIN THE RESPONSIBILITY OF THE OWNER.

DESCRIPTION OF LAND USE		SIZE (AC.)	PERCENTAGE (%) TOTAL	O & M RESPONSIBILITY
TRACT A	OS, PA, DE, UE	1.08	6.42%	MONTAVA METRO DISTRICT
TRACT B	OS, PA, DE, UE	0.81	4.86%	MONTAVA METRO DISTRICT
TRACT C	OS, PA, DE, UE	0.50	2.99%	MONTAVA METRO DISTRICT
TRACT D	DE, FUTURE DEVELOPMENT	2.97	17.75%	MONTAVA METRO DISTRICT
TRACT E	OS, PA, DE, UE	1.84	10.96%	MONTAVA METRO DISTRICT
TRACT F	DE, FUTURE DEVELOPMENT	4.27	25.52%	MONTAVA METRO DISTRICT
RIGHT-OF-WAY		5.28	31.50%	CITY OF FORT COLLINS
TOTAL		**16.75**	**100.00%**	

PA-PUBLIC ACCESS EASEMENT, DE-DRAINAGE EASEMENT, UE-UTILITY EASEMENT, OS-OPEN SPACE

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.



REPAIR GUARANTEE:

IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAT AND OTHER VALUABLE CONSIDERATION, THE OWNER DOES HEREBY AGREE TO HOLD THE CITY HARMLESS FOR A FIVE (5) YEAR PERIOD, COMMENCING UPON THE DATE OF COMPLETION AND FIRST ACCEPTANCE BY THE CITY OF THE IMPROVEMENTS TO BE CONSTRUCTED IN CONNECTION WITH THE DEVELOPMENT WHICH IS THE SUBJECT OF THIS PLAT, FROM ANY AND ALL CLAIMS, DAMAGES, OR DEMANDS ARISING ON ACCOUNT OF THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS OF THE PROPERTY SHOWN HEREIN; AND THE OWNER FURTHERMORE COMMITS TO MAKE NECESSARY REPAIRS TO SAID PUBLIC IMPROVEMENTS, TO INCLUDE, WITHOUT LIMITATION, THE ROADS, STREETS, FILLS, EMBANKMENTS, DITCHES, CROSS PANS, SUB-DRAINS, CULVERTS, WALLS AND BRIDGES WITHIN THE RIGHT-OF-WAY, EASEMENTS AND OTHER PUBLIC PROPERTIES, RESULTING FROM FAILURES CAUSED BY DESIGN AND/OR CONSTRUCTION DEFECTS. THIS AGREEMENT TO HOLD THE CITY HARMLESS INCLUDES DEFECTS IN MATERIALS AND WORKMANSHIP, AS WELL AS DEFECTS CAUSED BY OR CONSISTING OF SETTLING TRENCHES, FILLS OR EXCAVATIONS.

FURTHER, THE OWNER WARRANTS THAT HE/SHE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT THE CITY SHALL NOT BE LIABLE TO THE OWNER OR HIS/HER SUCCESSORS IN INTEREST DURING THE WARRANTY PERIOD, FOR ANY CLAIM OF DAMAGES RESULTING FROM NEGLIGENCE IN EXERCISING ENGINEERING TECHNIQUES AND DUE CAUTION IN THE CONSTRUCTION OF CROSS DRAINS, DRIVES, STRUCTURES OR BUILDINGS, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS, AND ANY OTHER MATTER WHATSOEVER ON PRIVATE PROPERTY. ANY AND ALL MONETARY LIABILITY OCCURRING UNDER THIS PARAGRAPH SHALL BE THE LIABILITY OF THE OWNER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO CONVEY SAID LAND ACCORDING TO THIS PLAT.

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	640.00'	101.24'	9°03'47"	S85°28'07"W	101.13'
C2	305.00'	83.27'	15°38'36"	N30°58'17"W	83.01'
C3	245.00'	224.27'	52°26'55"	N63°11'51"E	216.52'
C4	93.50'	127.12'	77°53'43"	S39°30'37"E	117.55'
C5	83.50'	84.65'	58°05'14"	S41°31'26"W	81.07'
C6	105.50'	86.25'	46°50'24"	S10°56'23"E	83.87'
C7	63.50'	46.85'	42°16'30"	S55°29'50"E	45.80'
C8	123.50'	27.20'	12°37'02"	S70°42'04"W	27.14'
C9	73.50'	83.33'	64°57'31"	S31°54'54"W	78.93'
C10	118.00'	287.38'	139°32'27"	S39°12'27"E	221.44'
C11	560.00'	96.74'	9°53'53"	S48°04'40"E	96.62'
C12	28.50'	36.11'	72°36'04"	S58°47'14"E	33.75'
C13	223.50'	85.52'	21°55'27"	S11°31'29"E	85.00'
C14	640.00'	339.15'	30°21'43"	N68°12'28"W	335.19'
C15	83.50'	92.11'	63°12'18"	S45°07'01"E	87.51'
C16	105.50'	91.90'	49°54'32"	S11°26'24"W	89.02'
C17	273.50'	64.07'	13°25'18"	S43°06'19"W	63.92'
C18	93.50'	126.35'	77°25'44"	S38°09'07"W	116.96'
C19	213.50'	98.45'	26°25'15"	N89°55'24"W	97.58'
C20	560.00'	201.34'	20°36'00"	N63°19'36"W	200.26'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C21	118.00'	103.74'	50°22'13"	S6°12'25"W	100.43'
C22	118.00'	105.30'	51°07'49"	S84°10'23"E	101.84'
C23	640.00'	115.51'	10°20'28"	S47°51'22"E	115.35'
C24	600.00'	149.06'	14°14'04"	S45°54'34"E	148.68'
C25	80.00'	122.77'	87°55'49"	S43°57'55"E	111.08'
C26	75.00'	117.81'	90°00'00"	S45°00'00"W	106.07'
C27	25.00'	39.27'	90°00'00"	N45°00'00"E	35.36'
C28	20.00'	30.69'	87°55'49"	N43°57'55"W	27.77'
C29	105.44'	32.85'	17°51'08"	N25°26'24"W	32.72'

REVISIONS

BY	DATE	DESCRIPTION

DRAWN BRB
CHECKED DAP
DESIGNED BRB
FILENAME 0009_Plat Cover_Infra

MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE

PLAT OVERALL

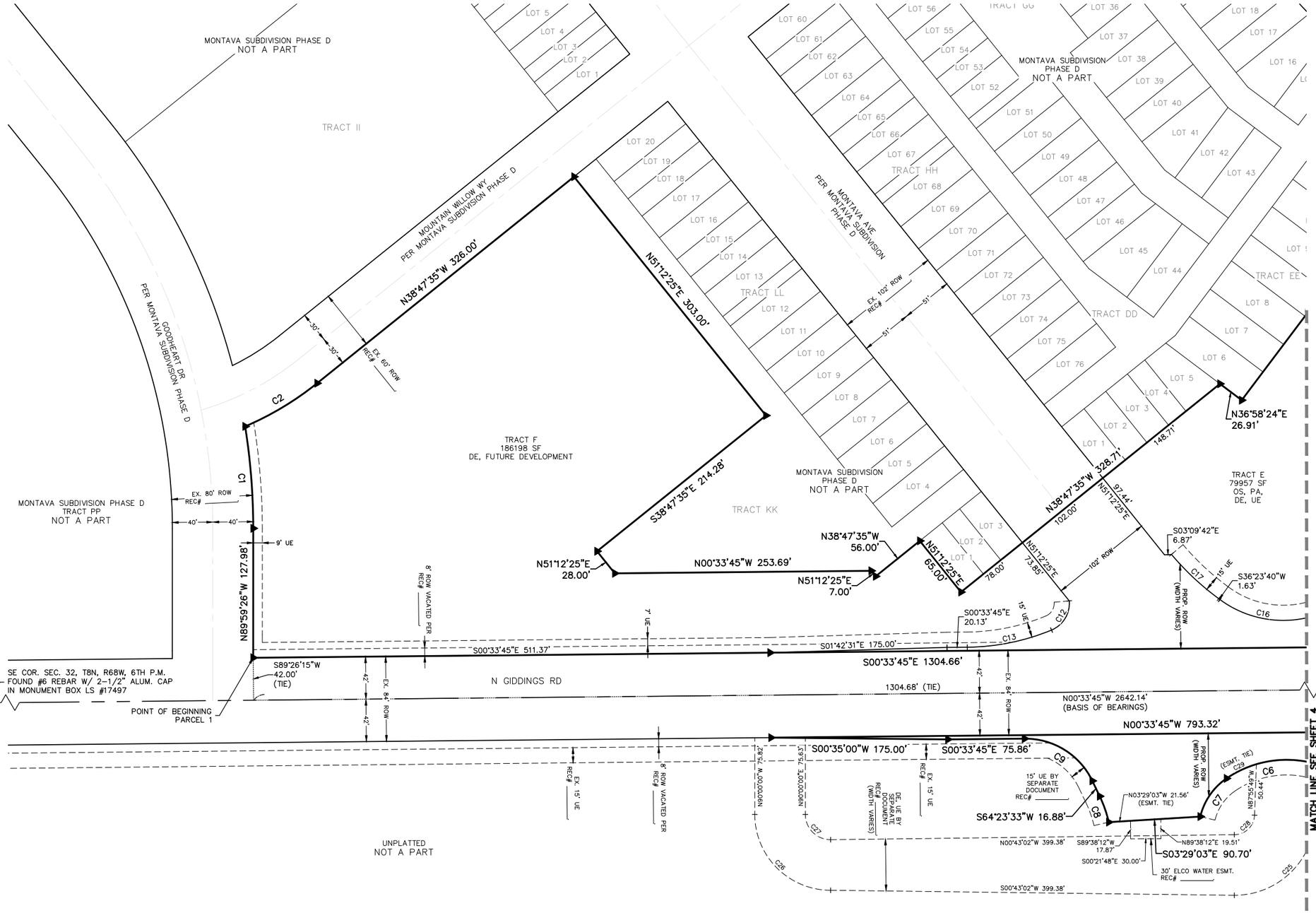
MAJESTIC SURVEYING

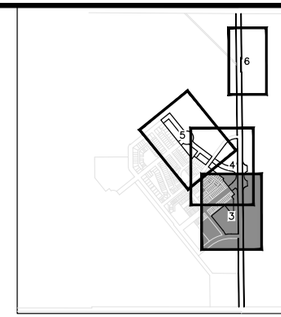
TST

TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 1230.0009.00
SCALE 1" = 150'
DATE JULY 2025
SHEET 2 of 6

EXHIBIT B TO ORDINANCE NO. 143, 2025





KEY MAP
N.T.S.

LEGEND

⊕	FOUND SECTION CORNER AS DESCRIBED
▲	SET #4 REBAR W/ RED CAP, PLS #38348
———	PROPOSED LOT LINE
———	EXISTING LOT LINE
- - - - -	EASEMENT
———	RIGHT-OF-WAY
— — —	SECTION LINE
———	PLAT BOUNDARY
·····	TIE
PA	PUBLIC ACCESS EASEMENT
DE	DRAINAGE EASEMENT
UE	UTILITY EASEMENT
OS	OPEN SPACE

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

50 0 50 100
scale 1"=50' feet

REVISIONS

BY	DATE	DESCRIPTION

DRAWN BRB
CHECKED DAP
DESIGNED BRB
FILENAME 0009_Plat_Infra

MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE

PLAT

MAJESTIC SURVEYING

TST
TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 1230.0009.00
SCALE 1" = 50'
DATE JULY 2025
SHEET 3 of 6

EXHIBIT B TO ORDINANCE NO. 143, 2025

MATCH LINE SEE SHEET 5

MATCH LINE SEE SHEET 3

MONTAVA SUBDIVISION PHASE D NOT A PART

MONTAVA SUBDIVISION PHASE D TRACT MM NOT A PART

TRACT C 21836 SF OS, PA, DE, UE

TRACT D 129493 SF DE, FUTURE DEVELOPMENT

TRACT E 79957 SF OS, PA, DE, UE

TRACT F 186198 SF DE, FUTURE DEVELOPMENT

TRACT GG

TRACT HH

TRACT DD

TRACT EE

TRACT FF

TRACT T

TRACT V

MOUNTAIN WILLOW WY PER MONTAVA SUBDIVISION PHASE D

LONGWOOD DR PER MONTAVA SUBDIVISION PHASE D

MONTAVA AVE PER MONTAVA SUBDIVISION PHASE D

MAPLE HILL DR

N GIDDINGS RD

MONTAVA SUBDIVISION PHASE D NOT A PART

S36°58'24"W 59.37'

S36°58'24"W 165.37'

N53°01'36"W 83.97'

N36°58'24"E 146.00'

S36°58'24"W 106.00'

N53°01'36"W 257.00'

N53°01'36"W 206.00'

N53°01'36"W 340.97'

S53°01'36"E 340.97'

N53°01'36"W 60.00' (TIE)

S36°58'24"W 186.00'

N53°01'36"W 342.00'

N36°58'24"E 503.12'

N53°01'36"W 63.94'

S53°01'36"E 63.94'

N36°58'24"E 26.91'

N38°47'35"W 328.71'

N38°47'35"W 102.00'

N38°47'35"W 56.00'

N51°12'25"E 97.44'

N51°12'25"E 73.85'

N51°12'25"E 65.00'

N51°12'25"E 7.00'

S03°09'42"E 6.87'

S36°23'40"W 1.63'

S01°42'31"E 175.00'

S00°33'45"E 20.13'

S00°33'45"E 1304.66'

1304.68' (TIE)

S00°35'00"W 175.00'

S00°33'45"E 75.86'

S64°23'33"W 16.88'

N03°29'03"W 21.56' (ESMT. TIE)

S03°29'03"E 90.70'

N00°43'02"W 399.38'

S89°38'12"W 17.87'

S00°21'48"E 30.00'

N89°38'12"E 19.51'

30' ELCO WATER ESMT. REC# _____

S00°43'02"W 399.38'

N00°00'00"E 75.83'

S00°33'45"E 1.69'

S00°36'49"E 98.55'

N00°36'49"W 19.10' (ESMT. TIE)

S77°33'53"E 6.69'

S77°09'22"E 67.10'

N77°09'22"W 58.92'

S12°50'38"W 30.00'

30' BOXELDER SANITATION SEWER ESMT. BY SEPARATE DOCUMENT REC# _____

S00°33'45"W 9.03'

S01°45'05"E 173.22'

S00°35'37"E 49.43'

N00°35'37"W 222.62'

N00°33'45"W 793.32'

N00°35'37"W 2633.48'

S00°33'07"W 173.18'

S00°34'48"E 156.09'

S00°35'37"E 378.65'

S00°33'45"E 8.98'

S00°35'37"E 49.43'

N89°25'19"E 15.37'

N89°25'19"E 42.00' (TIE)

POINT OF COMMENCEMENT
E 1/4 COR. SEC. 32, T8N, R68W, 6TH P.M.
FOUND 3-1/4" BRASS CAP IN MONUMENT BOX LS #15278

POINT OF BEGINNING PARCEL 2

SE COR. SEC. 32, T8N, R68W, 6TH P.M.
FOUND #6 REBAR W/ 2-1/2" ALUM. CAP IN MONUMENT BOX LS #17497

N00°33'45"W 2642.14' (BASIS OF BEARINGS)

NE CORNER SECTION 32 FOUND 3.25" BRASS CAP PLS 15278 IN RANGE BOX

231.56'

317.12'

148.71'

109.47'

MAPLE HILL DR

LONGWOOD DR PER MONTAVA SUBDIVISION PHASE D

106.00'

80.00'

51.00'

25.5'

25.5'

40'

40'

80' ROW

86' ROW

102' ROW

EX. 102' ROW REC#

51'

51'

EX. 15' UE REC#

DE, UE BY SEPARATE DOCUMENT REC# (WIDTH VARIES)

15' UE BY SEPARATE DOCUMENT REC# _____

9' UE

15' UE

7' UE

EX. 9' UE REC#

EX. 60' ROW REC#

30'

30'

8' ROW VACATED PER REC#

EX. 15' UE TO BE VACATED

PROP. ROW (WIDTH VARIES)

EX. 84' ROW

42'

42'

C3 C4 C5 C6 C7 C8 C9 C10 C11 C12 C13 C14 C15 C16 C17 C18 C19 C20 C23 C24 C25 C27 C28 C29

MONTAVA SUBDIVISION PHASE D NOT A PART

MONTAVA SUBDIVISION PHASE D NOT A PART

MONTAVA SUBDIVISION PHASE D NOT A PART

EXHIBIT B TO ORDINANCE NO. 143, 2025

MATCH LINE SEE SHEET 4

MONTAVA SUBDIVISION PHASE D
TRACT MM
NOT A PART

TRACT D
129493 SF
DE, FUTURE
DEVELOPMENT

EX. 60' ROW REC#

30'

LONGWOOD DR
PER MONTAVA SUBDIVISION PHASE D

N36°58'24"E 503.12'

317.12'

60.00' (TIE)
N53°01'36"W

S53°01'36"E 63.94'

80.00'

ROW .08'

63.94'
N53°01'36"W

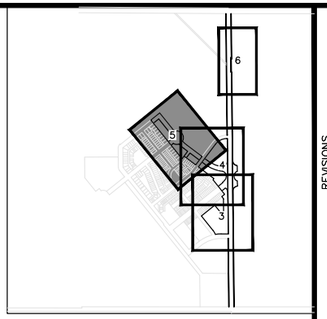
106.00'

S36°58'24"W 186.00'

60.00' (TIE)
N53°01'36"W

MATCH LINE SEE SHEET 4

KEY MAP
N.T.S.



REVISIONS

BY	DATE	DESCRIPTION

DRAWN BRB
CHECKED DAP
DESIGNED BRB
FILENAME 0009_Plat_Infra

MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE

PLAT

30' BOXELDER SANITATION SEWER ESMT. REC#
30' ELCO WATER ESMT. REC#
N51°12'25"E 24.00'
S51°12'25"W 24.00'
21.50' (ESMT. TIE)
S38°47'35"E 24.00'
10.00' (ESMT. TIE)
16.00' (ESMT. TIES)
10.39'
30' BOXELDER SANITATION SEWER ESMT. REC#
30' ELCO WATER ESMT. REC#
S38°47'35"E 24.00'

S38°47'35"E 418.99'

EX. 9' UE REC#

C10

R=118'

68.08'

C11

EX. 9' UE REC#

S53°01'36"E 340.97'

MAPLE HILL DR

N38°47'35"W 562.08'
494.00'

ROW 80'
40'
40'

C24

ROW .08'
.40'
.40'

N53°01'36"W 340.97'
231.50'
109.47'

N36°58'24"E 146.00'

N53°01'36"W 206.00'

9' UE

106.00'

N53°01'36"W 83.97'

C23

S36°58'24"W 106.00'

51' ROW
25.5'
25.5'

206.00'
N53°01'36"W 257.00'

51.00'

S36°58'24"W 165.37'

59.37'

S36°58'24"W

N51°12'25"E 200.00'

N51°12'25"E 160.00'

N51°12'25"E 120.00'

S38°47'35"E 346.99'

9' UE

C21

TRACT A
46880 SF
OS, PA, DE, UE

72' ROW
36'
36'

72.00'

418.00'

N38°47'35"W 877.50'

N51°12'25"E 160.00'

C22

9' UE

TRACT B
35442 SF
OS, PA, DE, UE

N51°12'25"E 48.99'

80.00'

307.50'

TRACT C
21836 SF
OS, PA, DE, UE

EX. 72' ROW REC#

EX. 80' ROW REC#

EX. 51' ROW REC#

26'
26'

40'
40'

LOT 8 LOT 7 LOT 6 LOT 5 LOT 4 LOT 3 LOT 2 LOT 1
MONTAVA SUBDIVISION PHASE D
NOT A PART

TRACT G
TRACT F
LOT 9
LOT 10
LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16 LOT 17 LOT 18

LOT 6 LOT 5 LOT 4 LOT 3 LOT 2 LOT 1
MONTAVA SUBDIVISION PHASE D
NOT A PART

TRACT S
LOT 7 LOT 8 LOT 9 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16 LOT 17

LOT 7
LOT 8
LOT 19
LOT 18
LOT 17
TRACT V

LOT 9 LOT 10 LOT 11 LOT 12 LOT 13 LOT 14 LOT 15 LOT 16
MONTAVA SUBDIVISION PHASE D
NOT A PART

TRACT U

LOT 14 LOT

LOT 6 LOT 5 LOT 4 LOT 3 LOT 2 LOT 1
MONTAVA SUBDIVISION PHASE D
NOT A PART

TRACT T

FLINT HILL DR
PER MONTAVA SUBDIVISION PHASE D

N TIMBERLINE RD
PER MONTAVA SUBDIVISION PHASE D

MIDDLE FARM WY
PER MONTAVA
SUBDIVISION PHASE D

LONGWOOD DR
PER MONTAVA SUBDIVISION PHASE D

HARWOOD LN
PER MONTAVA SUBDIVISION PHASE D

HARWOOD LN
PER MONTAVA SUBDIVISION PHASE D

LOT 28
LOT 29
LOT 30
LOT 27 LOT 26 LOT 25 LOT 24 LOT 23 LOT 22 LOT 21
MONTAVA SUBDIVISION PHASE D
NOT A PART

TRACT A
TRACT C

LOT 23 LOT 22 LOT 21 LOT 20 LOT 19 LOT 18 LOT 17
MONTAVA SUBDIVISION PHASE D
NOT A PART

TRACT O
TRACT M

LOT 16
LOT 15
LOT 14
LOT 13
TRACT N

LEGEND

⊕	FOUND SECTION CORNER AS DESCRIBED
▲	SET #4 REBAR W/ RED CAP, PLS #38348
	PROPOSED LOT LINE
	EXISTING LOT LINE
	EASEMENT
	RIGHT-OF-WAY
	SECTION LINE
	PLAT BOUNDARY
	TIE
PA	PUBLIC ACCESS EASEMENT

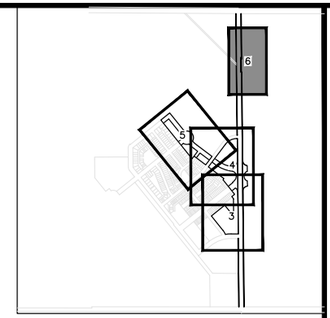
NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

50 0 50 100
scale 1"=50' feet

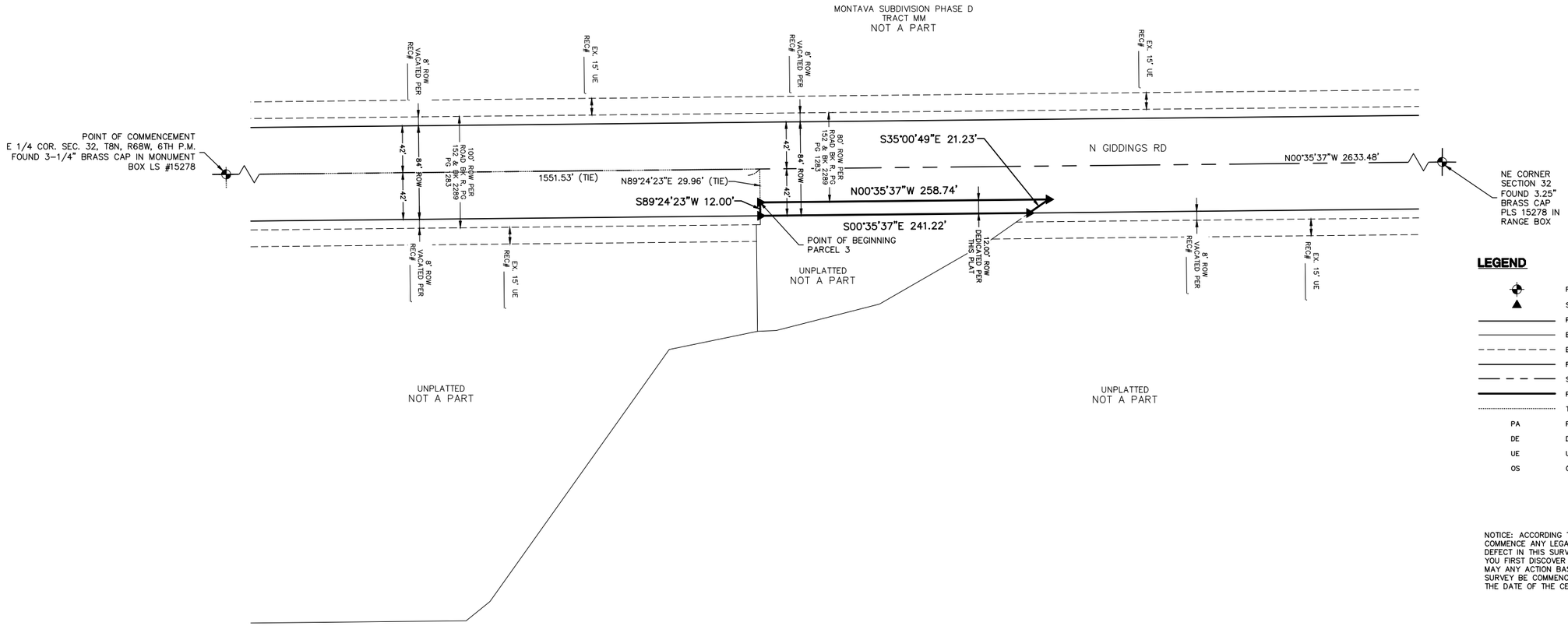
MAJESTIC SURVEYING

TST
TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 1230.0009.00
SCALE 1" = 50'
DATE JULY 2025
SHEET 5 of 6



KEY MAP
N.T.S.



LEGEND

⊕	FOUND SECTION CORNER AS DESCRIBED
▲	SET #4 REBAR W/ RED CAP, PLS #38348
———	PROPOSED LOT LINE
———	EXISTING LOT LINE
- - - - -	EASEMENT
———	RIGHT-OF-WAY
— - - - —	SECTION LINE
———	PLAT BOUNDARY
.....	TIE
PA	PUBLIC ACCESS EASEMENT
DE	DRAINAGE EASEMENT
UE	UTILITY EASEMENT
OS	OPEN SPACE

NOTICE: ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.

50 0 50 100
scale 1"=50' feet

REVISIONS	DESCRIPTION	DATE	BY

DRAWN BRB
CHECKED DAP
DESIGNED BRB
FILENAME 0009_Plat_Infra

MONTAVA SUBDIVISION PHASE D INFRASTRUCTURE

PLAT

MAJESTIC SURVEYING

TST
TST, INC.
CONSULTING ENGINEERS
748 Whalers Way
Suite 200 Fort Collins
Colorado 80525
Phone: 970.226.0557

JOB NO. 1230.0009.00
SCALE 1" = 50'
DATE JULY 2025
SHEET 6 of 6

File Attachments for Item:

16. Items relating to the Moor Annexation.

A. Resolution 2025-079 Setting Forth Findings of Fact and Determinations Regarding the Moor Annexation.

B. Public Hearing and First Reading of Ordinance No. 144, 2025, Annexing the Property Known as the Moor Annexation to the City of Fort Collins, Colorado.

The purpose of these items is to annex a 3.368-acre property located northeast of the intersection of North Taft Hill Road and Laporte Avenue. The Initiating Resolution was adopted July 15, 2025. A related item to zone the annexed property is presented on this Agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Arlo Schumann, City Planner

SUBJECT

Items relating to the Moor Annexation.

EXECUTIVE SUMMARY

A. Resolution 2025-079 Setting Forth Findings of Fact and Determinations Regarding the Moor Annexation.

B. Public Hearing and First Reading of Ordinance No. 144, 2025, Annexing the Property Known as the Moor Annexation to the City of Fort Collins, Colorado.

The purpose of these items is to annex a 3.368-acre property located northeast of the intersection of North Taft Hill Road and Laporte Avenue. The Initiating Resolution was adopted July 15, 2025. A related item to zone the annexed property is presented on this Agenda.

This annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins City Plan, and the Larimer County and City of Fort Collins Intergovernmental Agreement Regarding Growth Management.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and Ordinance on First Reading.

BACKGROUND / DISCUSSION

Introduction

This is a voluntary annexation of 3.368 acres located northeast of the intersection of North Taft Hill Road and Laporte Avenue. The site remains undeveloped. The site is bound by a place of worship to the north, a large lot single family home to the east, commercial retail stores and Laporte Avenue to the south, and N Taft Hill Road to the west.

Larimer County and City of Fort Collins Intergovernmental Agreement

The property is located within the Fort Collins Growth Management Area (GMA) and according to policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Growth Management Area, the City agrees to consider annexation of property in the GMA when the property is eligible for annexation according to State law.

Contiguity Requirements

The Moor Annexation gains contiguity with city limits along its western edge fronting N Taft Hill Road with the Sanctuary On The Green Annexation (126-2018) and along its southern edge fronting Laporte Avenue with the Kennedy's West Laporte Annexation (70-1972). The annexation site has a total perimeter of 1,868.88 feet and a contiguous perimeter with city limits of 835.30 feet. The contiguous perimeter is 45% of the overall perimeter, exceeding the one-sixth (16%) required by state statute.

CITY FINANCIAL IMPACTS

The annexation and zoning will not result in any initial direct significant financial/economic impacts. Annexation will trigger the transition of law enforcement from the Larimer County Sherriff's Office to Fort Collins Police Services, however, the site is currently undeveloped.

When additional development of the site occurs, water services will be provided by the City.

COMMISSION RECOMMENDATION

The Planning and Zoning Commission will hear and provide a recommendation for the Moor Annexation and Zoning to Council at the Commission's August 21, 2025, hearing. Minutes for this meeting are not yet available and will be included on Second Reading of this item.

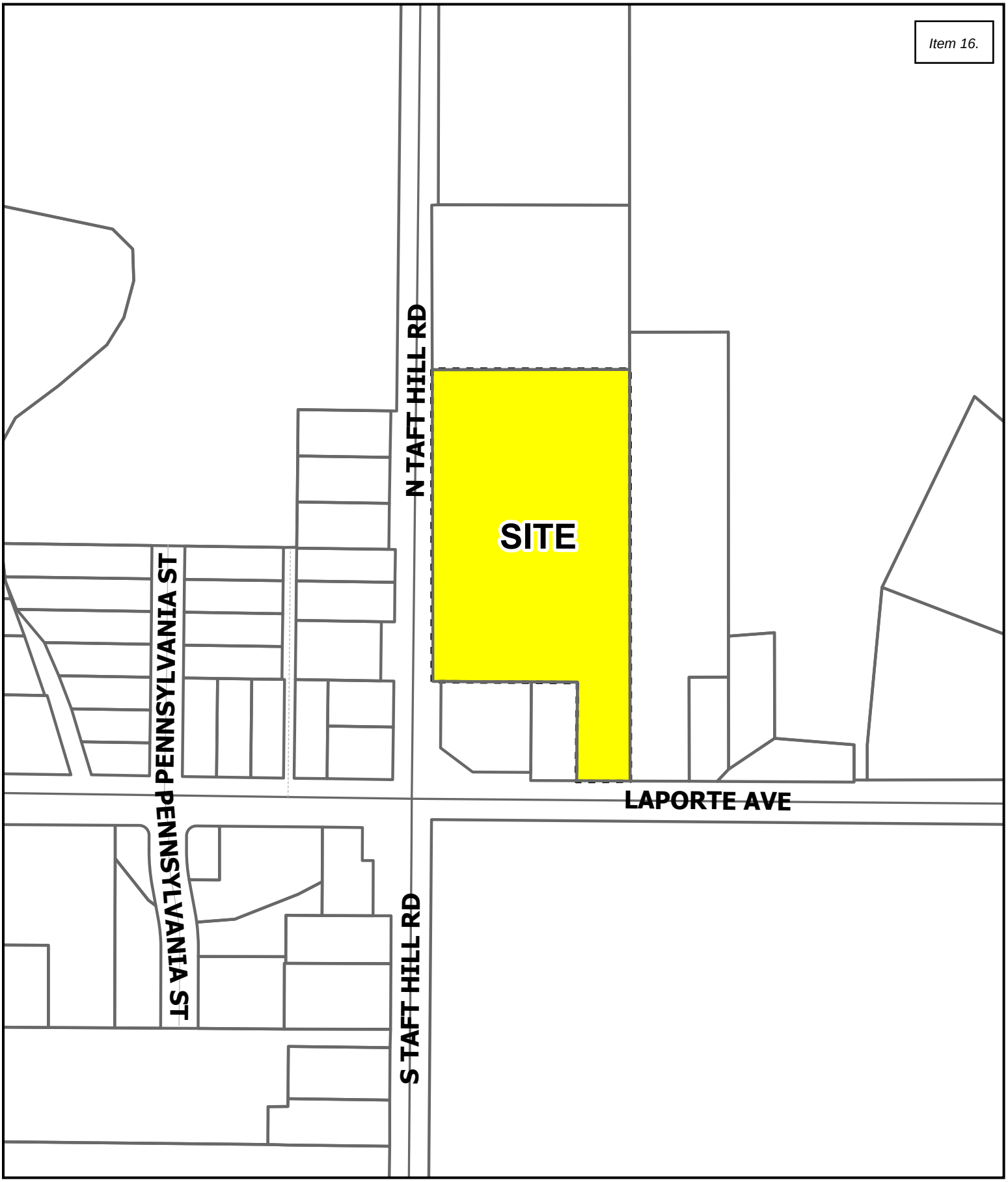
PUBLIC OUTREACH

A joint neighborhood meeting for the annexation and proposed Overall Development Plan for the site was held on February 12, 2025.

A majority of questions and concerns discussed at the meeting related to future development issues rather than the annexation.

ATTACHMENTS

1. Vicinity Map
2. Applicant Narrative
3. Annexation Petition
4. Annexation Map
5. Planning and Zoning Commission Hearing Memorandum
6. Resolution 2025-079
7. Ordinance No. 144, 2025



Moor Annexation
VICINITY MAP

N

TB GROUP
landscape architecture | planning | illustration

April 30, 2025

City of Fort Collins
Planning and Zoning Commission
281 North College Avenue
Fort Collins 80524

RE: Proposed Moor Annexation

Dear Planning and Zoning Commission,

Please find an application for the annexation of approximately 3.368 acres at the northeast corner of Taft Hill Road and Laporte Avenue.

The property owners wish to annex to the City the property, which is currently located in unincorporated Larimer County, and to zone the entire property Low Density Mixed-Use Neighborhood District ("LMN").

The intent is to develop one or more multifamily structures to include +/- 72 affordable senior housing units. A Conceptual Review Meeting was held on April 19, 2024.

Analysis of Annexation

A. Landowner Consent

Except in limited circumstances, an annexation may only be approved with the consent of the landowners of the property subject to the annexation, which can be demonstrated through a public election or through submittal of an annexation petition that is "signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality." Colo. Const. Art. II, Section 30; C.R.S. § 31-12-104(1). Here, RRT Investments LLC, the property owner, has signed the petition for annexation attached to the application for Annexation. Therefore, this requirement is met.

B. One-Sixth Contiguity

Further, the subject property must meet a minimum contiguity requirement. More specifically, the City must find that "not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality." C.R.S. § 31-12-104(1)(a). The County Property far exceeds the one-sixth contiguity requirement in the Act. The County Property is contiguous with the City along its southern and western borders. Therefore, the County Property satisfies the one-sixth contiguity requirement in the Act.

C. Community of Interest

The City must also find that "a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality." C.R.S. § 31-12-104(1)(b). The fact that the subject property has satisfied the one-sixth contiguity requirement described above "shall be a basis for a finding of compliance with these requirements," unless certain facts are demonstrated at a hearing prove at least two of the following three factors: (a) that the adult residents of the subject property will not use the services provided in the annexing municipality or work in the annexing municipality, (b) that the landowners intend to dedicate the subject property exclusively to agricultural use for at least the next

five years, and (c) that it would not be physically practicable to extend municipal services to the subject property. Id. In other words, if the subject property is sufficiently contiguous with the annexing municipality, it is assumed that they share a community of interest unless it can be proven that they are in fact incompatible.

Here, because the County Property satisfies the one-sixth contiguity requirement, it can be concluded that the County Property satisfies the above-mentioned requirements regarding the existence of a community of interest between the County Property, on one hand, and the City, on the other hand. Additionally, the Property is not intended to be dedicated to agricultural uses and is intended to provide residences and services for adults who will use the services of and work in the City. As the Property is adjacent to existing development in the City, it is physically practicable to extend municipal services to the Property. Also, the Property is located within the growth management area indicated on the City's Structure Plan. Therefore, a community of interest exists between the County Property and the City.

Statement of Principles and Policies

- **Principle LIV 1**: Maintain a compact pattern of growth that is well served by public facilities and encourages the efficient use of land.
- **Policy LIV 4.1:** New Neighborhoods. Encourage creativity in the design and construction of new neighborhoods that: Provides a unifying and interconnected framework of streets, sidewalks, walkway spines and other public spaces; Expands housing options, including higher-density and mixed-use buildings; Offers opportunities to age in place; Improves access to services and amenities; and Incorporates unique site conditions.
- **Principle LIV 5:** Create more opportunities for housing choices.
- **Policy LIV 5.1:** To enhance community health and livability, encourage a variety of housing types and densities, including mixed-used developments that are well served by public transportation and close to employment centers, shopping, services and amenities.
- **Policy LIV 5.2:** Supply of Attainable Housing. Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other "missing middle" housing types.
- **Policy LIV 5.3:** Land for Residential Development. Use density requirements to maximize the use of land for residential development to positively influence housing supply and expand housing choice.
- **Policy LIV 5.5:** Integrate and Distribute Affordable Housing. Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.
- **Principle LIV 6**: Improve access to housing that meets the needs of residents regardless of their race, ethnicity, income, age, ability or background.
- **Policy LIV 6.2:** Plan for populations who have specialized housing needs. Integrate residential-care and treatment facilities, shelters, permanent supportive housing, group homes and senior housing throughout the GMA in areas that are well served by amenities and public transportation.

We look forward to beginning this exciting new project with you. Please do not hesitate to contact me or our team at TB | Group with questions that may arise.

Sincerely,

Cathy Matthis

TB | Group

PETITION FOR ANNEXATION

THE UNDERSIGNED (hereinafter referred to as the "Petitioners") hereby petition the Council of the City of Fort Collins, Colorado for the annexation of an area, to be referred to as the Moor Annexation to the City of Fort Collins. Said area, consisting of approximately Three Point Three Six Eight(3.368) acres, is more particularly described on Attachment "A," attached hereto.

The Petitioners allege:

1. That it is desirable and necessary that such area be annexed to the City of Fort Collins.

2. That the requirements of Sections 31-12-104 and 31-12-105, C.R.S., exist or have been met.

3. That not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the boundaries of the City of Fort Collins.

4. That a community of interest exists between the area proposed to be annexed and the City of Fort Collins.

5. That the area to be annexed is urban or will be urbanized in the near future.

6. That the area proposed to be annexed is integrated with or capable of being integrated with the City of Fort Collins.

7. That the Petitioners herein comprise more that fifty percent (50%) of the landowners in the area and own more than fifty percent (50%) of the area to be annexed, excluding public streets, alleys and lands owned by the City of Fort Collins.

8. That the City of Fort Collins shall not be required to assume any obligations respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the property proposed to be annexed except as may be provided by the ordinance of the City of Fort Collins.

Further, as an express condition of annexation, Petitioners consent to the inclusion into the Municipal Subdistrict, Northern Colorado Water Conservancy District (the "Subdistrict") pursuant to §37-45-136(3.6) C.R.S., Petitioners acknowledge that, upon inclusion into the Subdistrict, Petitioners' property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the Subdistrict at the time of inclusion of Petitioners' lands. Petitioners agree to waive any right to an election which may exist pursuant to Article X, §20 of the Colorado Constitution before the Subdistrict can impose such mill levies and special assessments as it has the authority to impose. Petitioners also agree to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, §20 of the Colorado Constitution.

WHEREFORE, said Petitioners request that the Council of the City of Fort Collins approve the annexation of the area described on Attachment "A." Furthermore, the Petitioners request that said area be placed in the ___LMN_____Zone District pursuant to the Land Use Code of the City of Fort Collins.

❑ (Check box if applicable). The Petitioners reserve the right to withdraw this petition and their signatures therefrom at any time prior to the commencement of the roll call of the City Council for the vote upon the second reading of the annexation ordinance.

Individual Petitioners signing this Petition represent that they own the portion(s) of the area described on Attachment "A" as more particularly described below:

A tract of land situate in the County of Larimer, State of Colorado, to-wit:

***INSTRUCTIONS*: INSERT HERE the legal description of individual parcels, or if only ownership, type "See Legal Description on Attachment 'A'."**

IN WITNESS WHEROF, I/we have executed this Petition for Annexation this 1ST day of APRIL, 2025.

Petitioner's/Owner's Signature	Petitioner's/Owner's Signature
ROBERT R TITLEY RRT INVESTMENTS, LLC	
6316 JOCELYN HOLLOW RD Address	Address
NASHVILLE TN 37205 City State Zip	City State Zip

ATTACHMENT "A"
MOOR ANNEXATION
LEGAL DESCRIPTION

A parcel of land, situate in the Northwest Quarter (NW1/4) of Section Ten (10), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 10 and assuming the South line of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 10 as bearing South 89°31'38" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1324.95 feet, monumented by a #6 rebar with 2.5" aluminum cap stamped LS 29407 at the West Quarter corner and a #6 rebar with a 2.5" aluminum cap stamped LS 31169 at the Center-West 1/16th corner and with all other bearings contained herein relative thereto;

THENCE South 89°31'38" East, along said South line, a distance of 280.00 feet to the Southeast corner of the Kennedy's West LaPorte Avenue Annexation as recorded November 14, 1972 as Reception No. 42752 of the Larimer County Clerk & Recorder (LCCR) and to the POINT OF BEGINNING;
Thence along the East and North lines and extensions thereof, said Reception No. 42752, the following four courses:
THENCE North 00°35'52" East a distance of 30.00 feet;
THENCE North 89°31'38" West a distance of 30.00 feet to an extension of the West line of that parcel as described in the General Warranty Deed as recorded November 30, 2021 as Reception No. 20210108643 of the LCCR;
Thence along the West, South, North and East lines and extensions thereof, the following five courses:
THENCE North 00°35'52" East a distance of 150.00 feet;
THENCE North 89°31'38" West a distance of 199.92 feet to the Easterly Right of Way line of Taft Hill Road and to the Easterly line of the Sanctuary on the Green Annexation as recorded November 16, 2018 as Reception No. 20180069904 of the LCCR;
THENCE North 00°37'24" East, along said Easterly lines a distance of 473.87 feet;
THENCE South 89°22'36" East a distance of 280.53 feet;
THENCE South 00°32'39" West a distance of 653.13 feet to the North line of the City Park Prospect Park and Grandview Cemetery Annexation;
THENCE North 89°31'38" West a distance of 51.43 feet to the POINT OF BEGINNING.

Said described parcel of land contains 146,728 Square Feet or 3.368 Acres, more or less (±).

ATTACHMENT "B"

STATE OF COLORADO)
)ss.
COUNTY OF LARIMER)

The undersigned, being first duly sworn upon his oath states:

That he was the circulator of the attached Petition for Annexation and that each signature therein is the signature of the person whose name it purports to be.

Circulator's Signature
ROBERT R TITLEY

Subscribed and sworn to before me this 1 day of April, 2025, by Robert R Titley.

WITNESS my hand and official seal.

03/09/2027
Commission Expiration

JOSEPH RANEY
STATE OF TENNESSEE
NOTARY PUBLIC
My Commission Expires on 03/09/2027
DAVIDSON COUNTY

Joseph Raney
Notary Public

ATTACHMENT "C"

ATTORNEY CERTIFICATION

I, Amy West, an attorney licensed to practice in the State of Colorado, hereby certify that, as of the date of this certificate, the signers of this Annexation Petition for the area referred to as the Moor Annexation to the City of Fort Collins are the owners of real property in the area proposed for annexation. Furthermore, I certify that said owners constitute more than 50% of the landowners in the area proposed for annexation, as said area is described on Attachment "A" of said Annexation Petition, and own more than 50% of the land in said area, exclusive of streets and alleys.

April 28, 2025 — Date

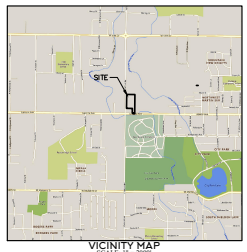
Signature — 59055 Attorney Reg. No.

MOOR ANNEXATION

TO THE CITY OF FORT COLLINS

Situate in the Northwest Quarter of Section 10, Township 7 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado.

3.368 ACRES



VICINITY MAP
SCALE: 1" = 2000'

PROPERTY DESCRIPTION

A parcel of land, situate in the Northwest Quarter (NW1/4) of Section Ten (10), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 10 and assuming the South line of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 10 as bearing South 89°31'38" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1324.95 feet, monumented by a #6 rebar with 2.5" aluminum cap stamped LS 29407 at the West Quarter corner and a #6 rebar with a 2.5" aluminum cap stamped LS 31169 at the Center-West 1/16th corner and with all other bearings contained herein relative thereto;

THENCE South 89°31'38" East, along said South line, a distance of 280.00 feet to the Southeast corner of the Kennedy's West LaPorte Avenue Annexation as recorded November 14, 1972 as Reception No. 42752 of the Larimer County Clerk & Recorder (LCCR) and to the POINT OF BEGINNING;
Thence along the East and North lines and extensions thereof, said Reception No. 42752, the following four courses:
THENCE North 00°35'52" East a distance of 30.00 feet;
THENCE North 89°31'38" West a distance of 30.00 feet to an extension of the West line of that parcel as described in the General Warranty Deed as recorded November 30, 2021 as Reception No. 20210108643 of the LCCR;
Thence along the West, South, North and East lines and extensions thereof, the following five courses:
THENCE North 00°35'52" East a distance of 150.00 feet;
THENCE North 89°31'38" West a distance of 199.92 feet to the Easterly Right of Way line of Taft Hill Road and to the Easterly line of the Sanctuary on the Green Annexation as recorded November 16, 2018 as Reception No. 20180069904 of the LCCR;
THENCE North 00°37'24" East, along said Easterly lines a distance of 473.87 feet;
THENCE South 89°22'36" East a distance of 280.53 feet;
THENCE South 00°32'39" West a distance of 653.13 feet to the North line of the City Park Prospect Park and Grandview Cemetery Annexation;
THENCE North 89°31'38" West a distance of 51.43 feet to the POINT OF BEGINNING.

Said described parcel of land contains 146,728 Square Feet or 3.368 Acres, more or less (±).

APPROVED CITY CLERK

The Plat to be known as MOOR OF ANNEXATION to the City of Fort Collins, County of Larimer, State of Colorado by Ordinance No. _____, _____ passed and adopted on final reading at a regular meeting of the City Council of Fort Collins, Colorado, held on the _____ day of _____, 20___.

_____
City Clerk

APPROVED AS TO FORM, CITY ENGINEER

By the City Engineer, City of Fort Collins, Colorado this _____ day of _____, 20___.

_____
City Engineer

SURVEYOR'S CERTIFICATE

I, Matthew A. Kramer, a Colorado Licensed Professional Land Surveyor, do hereby state that this Annexation Plat was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon were found or set as shown, and that the forgoing Plat is an accurate representation thereof, all this to the best of my knowledge, information and belief.

COLORADO LICENSED PROFESSIONAL LAND SURVEYOR 38844

_____
Matthew A. Kramer - On Behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38844

ANNEXATION TABLE

TOTAL BOUNDARY: 1,868.88 L.F.
CONTIGUOUS BOUNDARY: 835.30 L.F.
1/6 OF TOTAL BOUNDARY 311.48 L.F.
RATIO= 1 : 2.24

TITLE COMMITMENT NOTE

This survey does not constitute a title search by Majestic Surveying, LLC to determine ownership or easements of record.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the South line of the Southwest Quarter of the Northwest Quarter of Section 10, Township 7 North, Range 69 West of the 6th P.M. monumented as shown on this drawing, as bearing South 89°31'38" East, being a Grid Bearing of the Colorado State Plane, North Zone, North American Datum 1983/2011, a distance of 1324.95 feet and with all other bearings contained herein relative thereto.

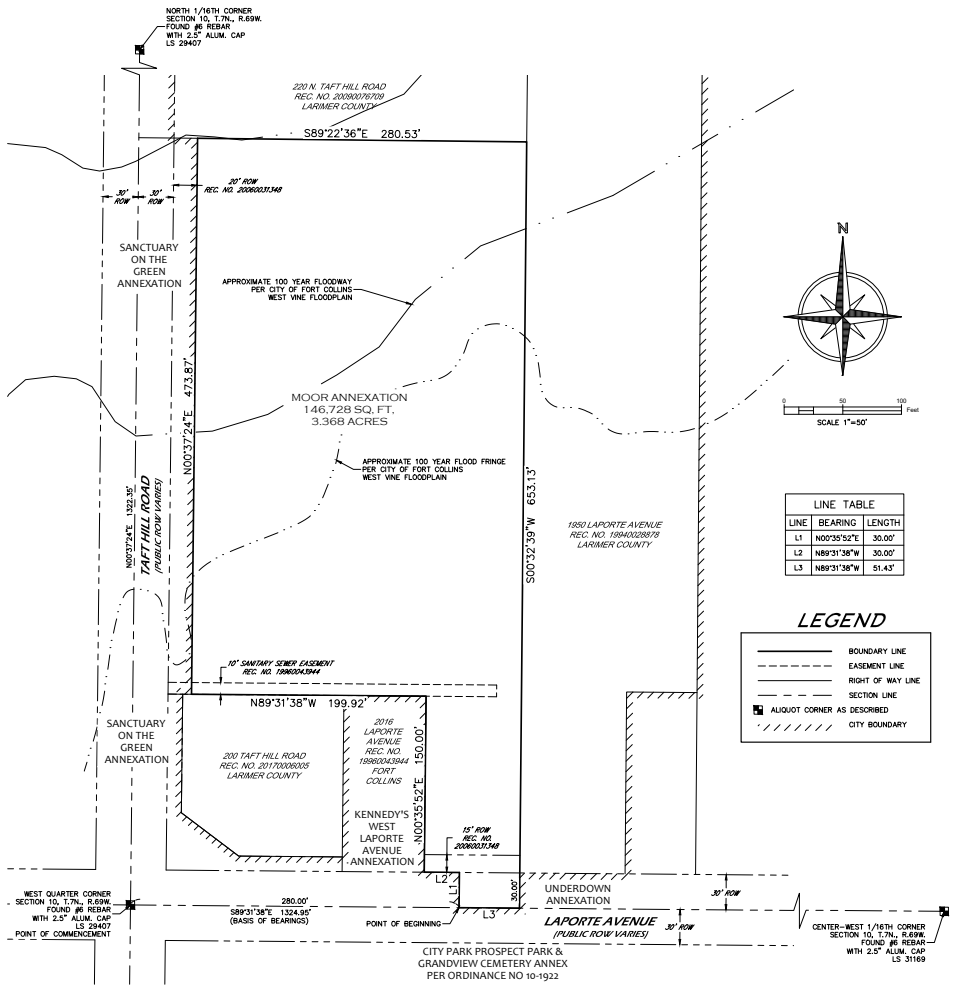
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

FLOOD PLAIN NOTE

Portions of the subject property is within the City of Fort Collins West Vine Floodplain. Floodplain lines shown are approximate and are not to be relied upon for any improvements or construction.

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)



MAJESTIC SURVEYING
MAJESTIC SURVEYING, LLC 151 DIAMOND VALLEY DRIVE #104, WINDSOR, CO 80550

PROJECT NO: 2025001	NAME: 2000 LAPORTE	REVISIONS:	DATE:
DATE: 6-26-2025	CLIENT: LIAM MOOR, LLC		
DRAWN BY: SIP	FILE NAME: 2025001ANNEX		
CHECKED BY: MAK	SCALE: 1" = 50'		SHEET 1 OF 1

Planning and Zoning Commission Hearing Memorandum

Date: August 27, 2025
To: Mayor and City Councilmembers
From: Arlo Schumann, City Planner, Comm Dev & Neighborhood Services, aschumann@fcgov.com
Subject: August 21, 2025, Planning and Zoning Commission Hearing: Moor Annexation and Zoning

Bottom Line

The purpose of this memo is to document the summary of discussions during the (August 21, 2025) Planning and Zoning Commission (PZC) hearing regarding the annexation and associated zoning for the Moor Annexation. The Moor Annexation was a consent item pulled for discussion by members of the public. The Planning and Zoning Commission recommended City Council annex and zone the Moor Annexation into the Low Density Mixed-Use Neighborhood District (LMN) zone district 5-0 at the Commission's August 21, 2025, hearing. The Commission also recommends placing the site in the Residential Sign District and the LC1 Lighting Context Area.

Discussion Summary

The Moor Annexation was scheduled to be a consent item for the hearing. Several members of the public requested the item be pulled from the consent agenda for discussion.

Public comments were primarily focused on whether LMN zoning was appropriate to the neighborhood and in alignment with City Plan and the Northwest Subarea Plan guidance, along with what project intensity LMN zoning would allow. The public shared concerns about development compatibility and intensity, traffic, pedestrian safety, building height, density, water runoff and flood mitigation, and general infrastructure capacity.

The Commission discussion and deliberation centered on confirming the guidance of the city's structure plan (part of City Plan) and the Northwest Subarea Plan provides for the property. Additional discussion about any future project's requirements as they relate to the zoning standards, the general Land Use Code standards as well as the applicable subarea plan

recommendations, noting that many of the public's concerns are addressed during a project specific project development review and that both the Land Use Code as well as the Northwest Subarea plan are used in that review process.

Follow-up Items

Provide draft meeting minutes of the August 21, 2025 PZC hearing for second reading.

RESOLUTION 2025-079
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS
REGARDING THE MOOR ANNEXATION

A. Pursuant to Resolution 2025-072, annexation proceedings were initiated by the City Council for property to be known as the Moor Annexation (the "Property").

B. Following notice given as required by law, the City Council held a hearing on said annexation.

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

Section 1. The City Council hereby finds that the petition for annexation of the Property complies with the Municipal Annexation Act (the "Act"), Colorado Revised Statutes Section 31-12-101, et seq.

Section 2. The City Council hereby finds that there is at least one-sixth (1/6) contiguity between the City and the Property proposed to be annexed; that a community of interest exists between the Property proposed to be annexed into the City; that said Property is urban or will be urbanized in the near future; and that the Property is integrated with or is capable of being integrated with the City.

Section 3. The City Council further determines that the applicable parts of the Act have been met, that an election is not required under the Act, and that there are no other terms and conditions to be imposed upon said annexation.

Section 4. The City Council further finds that notice was duly given, and a hearing was held regarding the annexation in accordance with the Act.

Section 5. The City Council concludes that the Property is eligible for annexation to the City and should be so annexed.

Passed and adopted on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 2, 2025
Approving Attorney: Brad Yatabe

Exhibit: None

ORDINANCE NO. 144, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING THE PROPERTY KNOWN AS THE MOOR
ANNEXATION TO THE CITY OF FORT COLLINS, COLORADO

A. On July 15, 2025, City Council adopted Resolution 2025-072 finding substantial compliance and initiating annexation proceedings for the Moor Annexation, as defined therein and described below.

B. Resolution 2025-079 setting forth findings of fact and determinations regarding the Moor Annexation was adopted concurrently with the first reading of this Ordinance.

C. Pursuant to Land Use Code Section 6.10.3, the City Planning and Zoning Commission, at its regular meeting on August 21, 2025, unanimously recommended on a 5-0 vote (Commissioners Stackhouse and Bruxvoort absent) that the City Council approve the Moor Annexation.

D. The City Council has determined that it is in the best interests of the City to annex the property to be known as the Moor Annexation as described below (the "Property") to the City.

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

Section 1. The City Council hereby incorporates the findings of Resolution 2025-072 and Resolution 2025-079 and further finds that it is in the best interests of the City to annex the Property to the City.

Section 2. The Property, more particularly described as:

A parcel of land, situate in the Northwest Quarter (NW1/4) of Section Ten (10), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 10 and assuming the South line of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 10 as bearing South 89°31'38" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1324.95 feet, monumented by a #6 rebar with 2.5" aluminum cap stamped LS 29407 at the West Quarter corner and a #6 rebar with a 2.5" aluminum cap stamped LS 31169 at the Center-West 1/16th corner and with all other bearings contained herein relative thereto;

THENCE South 89°31'38” East, along said South line, a distance of 280.00 feet to the Southeast corner of the Kennedy's West LaPorte Avenue Annexation as recorded November 14, 1972 as Reception No. 42752 of the Larimer County Clerk & Recorder (LCCR) and to the POINT OF BEGINNING;
Thence along the East and North lines and extensions thereof, said Reception No. 42752, the following four courses:
THENCE North 00°35'52” East a distance of 30.00 feet;
THENCE North 89°31'38” West a distance of 30.00 feet to an extension of the West line of that parcel as described in the General Warranty Deed as recorded November 30, 2021 as Reception No. 20210108643 of the LCCR;
Thence along the West, South, North and East lines and extensions thereof, the following five courses:
THENCE North 00°35'52” East a distance of 150.00 feet;
THENCE North 89°31'38” West a distance of 199.92 feet to the Easterly Right of Way line of Taft Hill Road and to the Easterly line of the Sanctuary on the Green Annexation as recorded November 16, 2018 as Reception No. 20180069904 of the LCCR;
THENCE North 00°37'24” East, along said Easterly lines a distance of 473.87 feet;
THENCE South 89°22'36” East a distance of 280.53 feet;
THENCE South 00°32'39” West a distance of 653.13 feet to the North line of the City Park Prospect Park and Grandview Cemetery Annexation;
THENCE North 89°31'38” West a distance of 51.43 feet to the POINT OF BEGINNING.

Said described parcel of land contains 146,728 Square Feet or 3.368 Acres, more or less (±),

is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Moor Annexation, which annexation shall become effective upon completion of the conditions contained in Colorado Revised Statutes (“C.R.S.”) Section 31-12-113, including, without limitation, all required filings for recording with the Larimer County Clerk and Recorder.

Section 3. In annexing the Property to the City, the City does not assume any obligation respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the Property hereby annexed except as may be provided by ordinances of the City.

Section 4. The City hereby consents, pursuant to C.R.S. Section 37-45-136(3.6), to the inclusion of the Property into the Municipal Subdistrict, Northern Colorado Water Conservancy District.

Introduced, considered favorably on first reading on September 2, 2025, and approved on second reading for final passage on September 16, 2025.

_____
Mayor

ATTEST:

_____
Sr. Deputy City Clerk

Effective Date: September 26, 2025
Approving Attorney: Brad Yatabe

Exhibit: None

File Attachments for Item:

17. Public Hearing and First Reading of Ordinance No. 145, 2025, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Moor Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.

The purpose of this item is to zone the property included in the Moor Annexation into the Low Density Mixed-Use Neighborhood District (LMN) and place the property into the Residential Sign District and the LC1 Lighting Context Area.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Arlo Schumann, City Planner

SUBJECT

Public Hearing and First Reading of Ordinance No. 145, 2025, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Moor Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and Lighting Context Area Map.

EXECUTIVE SUMMARY

The purpose of this item is to zone the property included in the Moor Annexation into the Low Density Mixed-Use Neighborhood District (LMN) and place the property into the Residential Sign District and the LC1 Lighting Context Area.

This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 1(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The requested zoning for this annexation is the Low Density Mixed-Use Neighborhood District (LMN) zone district, which is in alignment with the City of Fort Collins Structure Plan and the Northwest Subarea Plan.

The site is undeveloped land. Residential and Natural Areas uses exist to the north and east while small commercial retail and cemetery uses can be found to the south. Existing and future residential neighborhoods a found to the west.

The nearby vicinity features a mix of both City and Larimer County zoning, as noted in the following table:

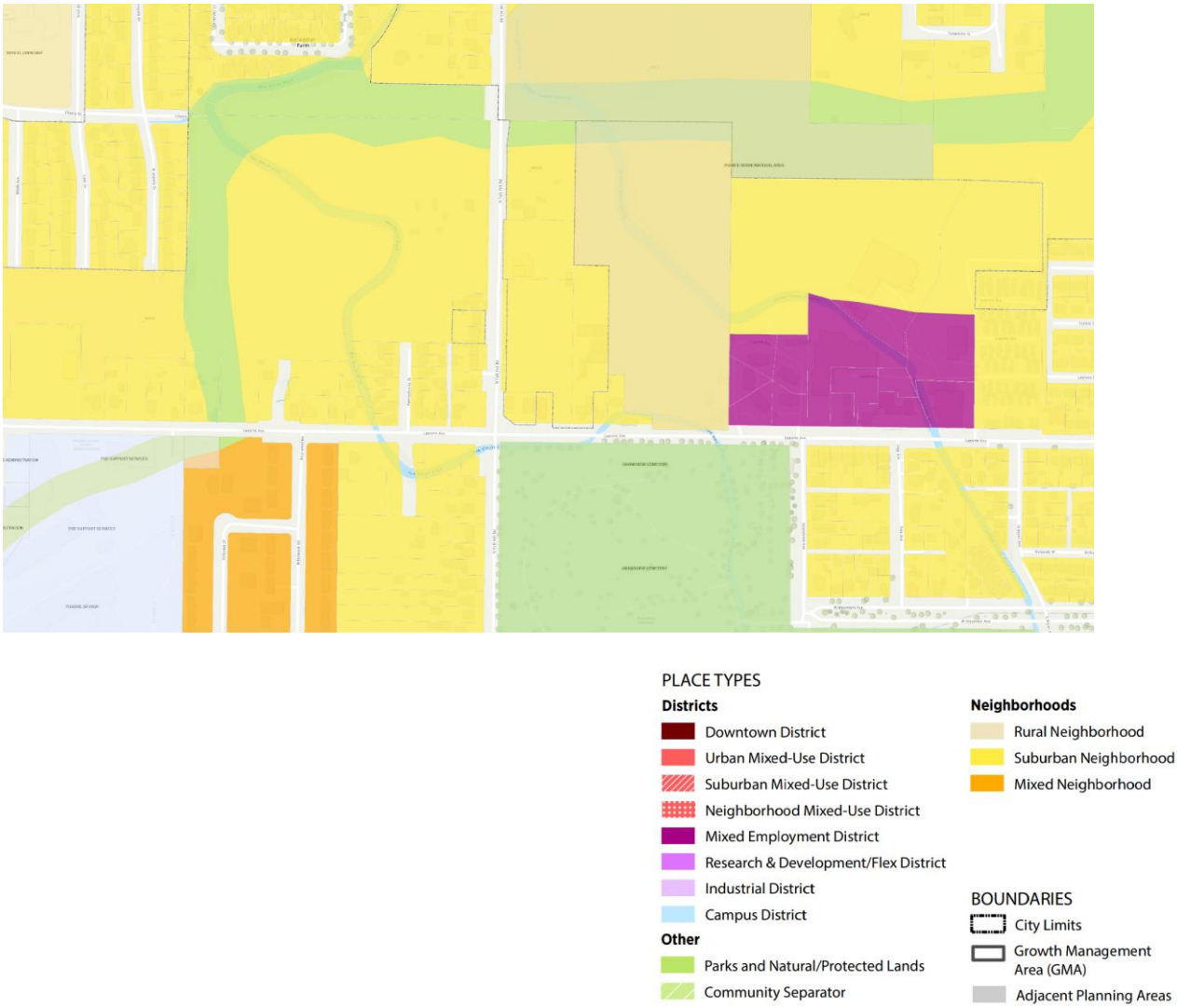
Direction	Zone District	Existing Land Use
N	Low Density Mixed-Use Neighborhood (LMN) and Larimer County Rural Residential (RR2)	Single Unit Dwellings, Place of Worship, City Natural Areas
S	Low Density Mixed-Use Neighborhood (LMN), Public Open Lands (POL), Commercial Corridor (CC)	Retail Businesses, Cemetery

E	Low Density Mixed-Use Neighborhood (LMN) and Larimer County Rural Residential (RR2)	Single Unit Dwellings, City Natural Areas
W	Low Density Mixed-Use Neighborhood (LMN)	Single Unit Dwellings

City of Fort Collins Structure Plan

The Structure Plan Map found in *City Plan* provides the broadest land use and zoning policy guidance applicable to the site via Place Type designations. Place Types describe the general land-uses, densities, and transportation characteristics for an area to help guide potential zoning when properties are annexed into the City. The Structure Plan Map indicates opportunity for the 'Suburban Neighborhood' place type for the annexing site and surrounding properties to the east, west, and north.

Structure Plan Map (excerpt)



The land use characteristics of the Suburban Neighborhood Place Types include:

- Principal Land Use Single-unit detached homes. Density: Between two and five principal dwelling units per acre.
- Supporting Land Use Parks and recreational facilities, schools, places of worship, Accessory Dwelling Units (ADUs) and other uses related to the principal uses.

Place Types represent flexible guidance to inform zoning based on the history and surrounding context of a site within general zoning categories. This place type is categorized as one of the Neighborhoods Districts alongside Rural Neighborhoods, and Mixed Neighborhoods Designations. The Structure Plan future land use designations represent general citywide policy guidance.

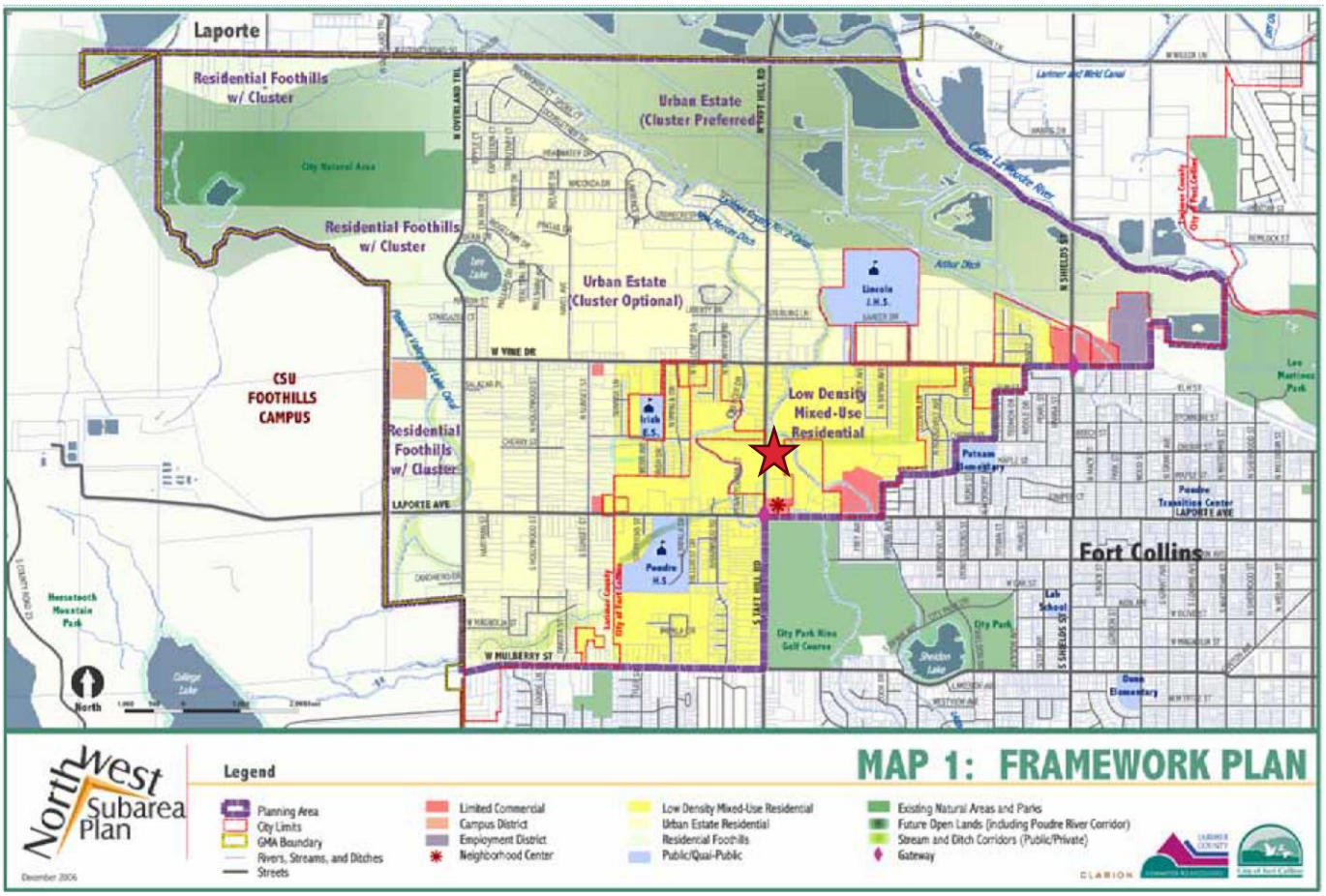
Alignment with *City Plan* Principles and Policies:

> *Principle LIV 1: Maintain a compact pattern of growth that is well served by public facilities and encourages the efficient use of land. This property is within the Fort Collins Growth Management Area (GMA). City Plan encourages managing growth by encouraging infill development within the GMA to promote a compact pattern of development.*

In addition to the guidance provided by the Structure Plan Map, *City Plan* also encourages the use of more specific guidance found in neighborhood and subarea plans.

Northwest Subarea Plan

The Northwest Subarea Plan was adopted in 2006. The plan provides land use and policy guidance for the northwest quadrant of the city, including the subject property. The requested LMN zone is seen as consistent with this direction and compatible with other surrounding designations as depicted in the Framework Plan:



Sign District

Staff recommends that the property be placed within the Residential Neighborhood Sign District. The Sign Districts are established for the purpose of regulating signs for non-residential uses in areas of the community where the predominant character of the neighborhood is residential.

Lighting Context Area

On March 26, 2021, the City of Fort Collins adopted new exterior lighting standards and established Lighting Context Areas that correspond to the City's zone districts. The Lighting Context Area identified by Table 5.12.1 of the City's lighting code for the LMN zone district is LC1. As part of this item, staff recommends placement of the property into the LC1 Lighting Context Areas.

LC1- Low ambient lighting. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience, but it is not necessarily uniform or continuous. Typical locations include low and medium density residential areas, commercial or industrial areas with limited nighttime activity, and the developed areas in parks and other natural settings.

CITY FINANCIAL IMPACTS

None.

COMMISSION RECOMMENDATION

At its hearing on August 21, 2025, the Planning and Zoning Commission unanimously voted (5-0, Stackhouse and Bruxvoort absent) to recommend that City Council approve zoning the Moor Annexation as the Low Density Mixed-Use Neighborhood District (LMN) and placing the site in the Residential Sign District and the LC1 Lighting Context Area. The minutes from this meeting are not yet available and will be included on Second Reading of this item.

PUBLIC OUTREACH

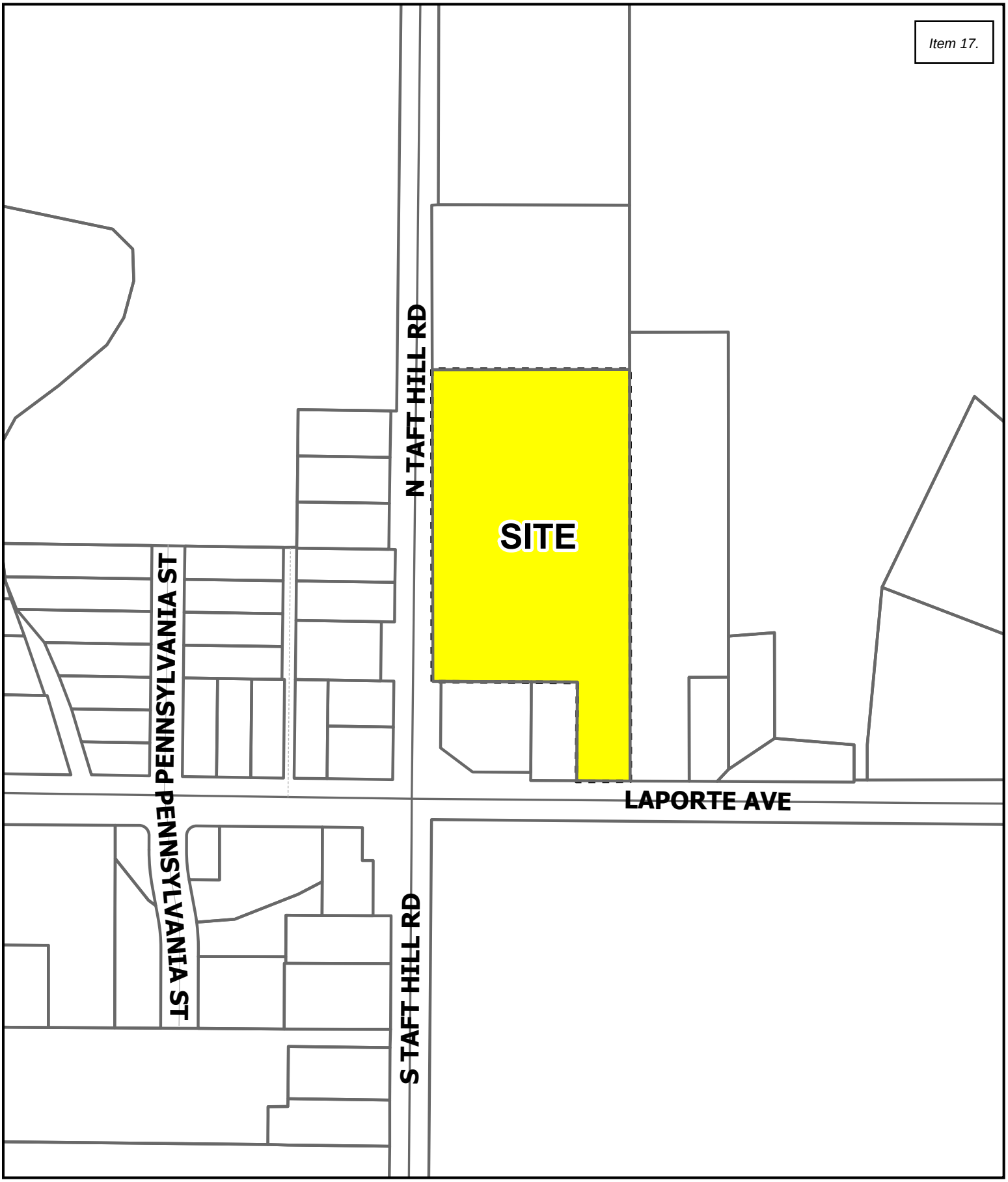
A joint neighborhood meeting for the annexation and proposed development plan for the site was held on February 12, 2025.

All other notification requirements as required by state and local law have been met.

A majority of questions and concerns discussed at the meeting related to future development issues rather than the annexation.

ATTACHMENTS

1. Vicinity Map
2. Annexation Narrative
3. Annexation Petition
4. Annexation Zoning Map
5. City Plan Structure Plan Map
6. Northwest Subarea Plan Framework Map
7. Existing Zoning Map
8. Existing Lighting Context Area Map
9. Planning and Zoning Commission hearing Memorandum
10. Ordinance No. 145, 2025



Moor Annexation
VICINITY MAP

N

TB GROUP
landscape architecture | planning | illustration

April 30, 2025

City of Fort Collins
Planning and Zoning Commission
281 North College Avenue
Fort Collins 80524

RE: Proposed Moor Annexation

Dear Planning and Zoning Commission,

Please find an application for the annexation of approximately 3.368 acres at the northeast corner of Taft Hill Road and Laporte Avenue.

The property owners wish to annex to the City the property, which is currently located in unincorporated Larimer County, and to zone the entire property Low Density Mixed-Use Neighborhood District ("LMN").

The intent is to develop one or more multifamily structures to include +/- 72 affordable senior housing units. A Conceptual Review Meeting was held on April 19, 2024.

Analysis of Annexation

A. Landowner Consent

Except in limited circumstances, an annexation may only be approved with the consent of the landowners of the property subject to the annexation, which can be demonstrated through a public election or through submittal of an annexation petition that is "signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality." Colo. Const. Art. II, Section 30; C.R.S. § 31-12-104(1). Here, RRT Investments LLC, the property owner, has signed the petition for annexation attached to the application for Annexation. Therefore, this requirement is met.

B. One-Sixth Contiguity

Further, the subject property must meet a minimum contiguity requirement. More specifically, the City must find that "not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality." C.R.S. § 31-12-104(1)(a). The County Property far exceeds the one-sixth contiguity requirement in the Act. The County Property is contiguous with the City along its southern and western borders. Therefore, the County Property satisfies the one-sixth contiguity requirement in the Act.

C. Community of Interest

The City must also find that "a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality." C.R.S. § 31-12-104(1)(b). The fact that the subject property has satisfied the one-sixth contiguity requirement described above "shall be a basis for a finding of compliance with these requirements," unless certain facts are demonstrated at a hearing prove at least two of the following three factors: (a) that the adult residents of the subject property will not use the services provided in the annexing municipality or work in the annexing municipality, (b) that the landowners intend to dedicate the subject property exclusively to agricultural use for at least the next

five years, and (c) that it would not be physically practicable to extend municipal services to the subject property. Id. In other words, if the subject property is sufficiently contiguous with the annexing municipality, it is assumed that they share a community of interest unless it can be proven that they are in fact incompatible.

Here, because the County Property satisfies the one-sixth contiguity requirement, it can be concluded that the County Property satisfies the above-mentioned requirements regarding the existence of a community of interest between the County Property, on one hand, and the City, on the other hand. Additionally, the Property is not intended to be dedicated to agricultural uses and is intended to provide residences and services for adults who will use the services of and work in the City. As the Property is adjacent to existing development in the City, it is physically practicable to extend municipal services to the Property. Also, the Property is located within the growth management area indicated on the City's Structure Plan. Therefore, a community of interest exists between the County Property and the City.

Statement of Principles and Policies

- **Principle LIV 1**: Maintain a compact pattern of growth that is well served by public facilities and encourages the efficient use of land.
- **Policy LIV 4.1:** New Neighborhoods. Encourage creativity in the design and construction of new neighborhoods that: Provides a unifying and interconnected framework of streets, sidewalks, walkway spines and other public spaces; Expands housing options, including higher-density and mixed-use buildings; Offers opportunities to age in place; Improves access to services and amenities; and Incorporates unique site conditions.
- **Principle LIV 5:** Create more opportunities for housing choices.
- **Policy LIV 5.1:** To enhance community health and livability, encourage a variety of housing types and densities, including mixed-used developments that are well served by public transportation and close to employment centers, shopping, services and amenities.
- **Policy LIV 5.2:** Supply of Attainable Housing. Encourage public and private sectors to maintain and develop a diverse range of housing options, including housing that is attainable (30% or less of monthly income) to residents earning the median income. Options could include ADUs, duplexes, townhomes, mobile homes, manufactured housing and other "missing middle" housing types.
- **Policy LIV 5.3:** Land for Residential Development. Use density requirements to maximize the use of land for residential development to positively influence housing supply and expand housing choice.
- **Policy LIV 5.5:** Integrate and Distribute Affordable Housing. Integrate the distribution of affordable housing as part of individual neighborhoods and the larger community.
- **Principle LIV 6**: Improve access to housing that meets the needs of residents regardless of their race, ethnicity, income, age, ability or background.
- **Policy LIV 6.2:** Plan for populations who have specialized housing needs. Integrate residential-care and treatment facilities, shelters, permanent supportive housing, group homes and senior housing throughout the GMA in areas that are well served by amenities and public transportation.

We look forward to beginning this exciting new project with you. Please do not hesitate to contact me or our team at TB | Group with questions that may arise.

Sincerely,

Cathy Matthis

TB | Group

PETITION FOR ANNEXATION

THE UNDERSIGNED (hereinafter referred to as the "Petitioners") hereby petition the Council of the City of Fort Collins, Colorado for the annexation of an area, to be referred to as the Moor Annexation to the City of Fort Collins. Said area, consisting of approximately Three Point Three Six Eight(3.368) acres, is more particularly described on Attachment "A," attached hereto.

The Petitioners allege:

1. That it is desirable and necessary that such area be annexed to the City of Fort Collins.

2. That the requirements of Sections 31-12-104 and 31-12-105, C.R.S., exist or have been met.

3. That not less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the boundaries of the City of Fort Collins.

4. That a community of interest exists between the area proposed to be annexed and the City of Fort Collins.

5. That the area to be annexed is urban or will be urbanized in the near future.

6. That the area proposed to be annexed is integrated with or capable of being integrated with the City of Fort Collins.

7. That the Petitioners herein comprise more that fifty percent (50%) of the landowners in the area and own more than fifty percent (50%) of the area to be annexed, excluding public streets, alleys and lands owned by the City of Fort Collins.

8. That the City of Fort Collins shall not be required to assume any obligations respecting the construction of water mains, sewer lines, gas mains, electric service lines, streets or any other services or utilities in connection with the property proposed to be annexed except as may be provided by the ordinance of the City of Fort Collins.

Further, as an express condition of annexation, Petitioners consent to the inclusion into the Municipal Subdistrict, Northern Colorado Water Conservancy District (the "Subdistrict") pursuant to §37-45-136(3.6) C.R.S., Petitioners acknowledge that, upon inclusion into the Subdistrict, Petitioners' property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the Subdistrict at the time of inclusion of Petitioners' lands. Petitioners agree to waive any right to an election which may exist pursuant to Article X, §20 of the Colorado Constitution before the Subdistrict can impose such mill levies and special assessments as it has the authority to impose. Petitioners also agree to waive, upon inclusion, any right which may exist to a refund pursuant to Article X, §20 of the Colorado Constitution.

WHEREFORE, said Petitioners request that the Council of the City of Fort Collins approve the annexation of the area described on Attachment "A." Furthermore, the Petitioners request that said area be placed in the ___LMN_____Zone District pursuant to the Land Use Code of the City of Fort Collins.

❑ (Check box if applicable). The Petitioners reserve the right to withdraw this petition and their signatures therefrom at any time prior to the commencement of the roll call of the City Council for the vote upon the second reading of the annexation ordinance.

Individual Petitioners signing this Petition represent that they own the portion(s) of the area described on Attachment "A" as more particularly described below:

A tract of land situate in the County of Larimer, State of Colorado, to-wit:

***INSTRUCTIONS*: INSERT HERE the legal description of individual parcels, or if only ownership, type "See Legal Description on Attachment 'A'."**

IN WITNESS WHEROF, I/we have executed this Petition for Annexation this 1ST day of APRIL, 2025.

Petitioner's/Owner's Signature	Petitioner's/Owner's Signature
ROBERT R TITLEY RRT INVESTMENTS, LLC	
6316 JOCELYN HOLLOW RD Address	Address
NASHVILLE TN 37205 City State Zip	City State Zip

ATTACHMENT "A"
MOOR ANNEXATION
LEGAL DESCRIPTION

A parcel of land, situate in the Northwest Quarter (NW1/4) of Section Ten (10), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 10 and assuming the South line of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 10 as bearing South 89°31'38" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1324.95 feet, monumented by a #6 rebar with 2.5" aluminum cap stamped LS 29407 at the West Quarter corner and a #6 rebar with a 2.5" aluminum cap stamped LS 31169 at the Center-West 1/16th corner and with all other bearings contained herein relative thereto;

THENCE South 89°31'38" East, along said South line, a distance of 280.00 feet to the Southeast corner of the Kennedy's West LaPorte Avenue Annexation as recorded November 14, 1972 as Reception No. 42752 of the Larimer County Clerk & Recorder (LCCR) and to the POINT OF BEGINNING;
Thence along the East and North lines and extensions thereof, said Reception No. 42752, the following four courses:
THENCE North 00°35'52" East a distance of 30.00 feet;
THENCE North 89°31'38" West a distance of 30.00 feet to an extension of the West line of that parcel as described in the General Warranty Deed as recorded November 30, 2021 as Reception No. 20210108643 of the LCCR;
Thence along the West, South, North and East lines and extensions thereof, the following five courses:
THENCE North 00°35'52" East a distance of 150.00 feet;
THENCE North 89°31'38" West a distance of 199.92 feet to the Easterly Right of Way line of Taft Hill Road and to the Easterly line of the Sanctuary on the Green Annexation as recorded November 16, 2018 as Reception No. 20180069904 of the LCCR;
THENCE North 00°37'24" East, along said Easterly lines a distance of 473.87 feet;
THENCE South 89°22'36" East a distance of 280.53 feet;
THENCE South 00°32'39" West a distance of 653.13 feet to the North line of the City Park Prospect Park and Grandview Cemetery Annexation;
THENCE North 89°31'38" West a distance of 51.43 feet to the POINT OF BEGINNING.

Said described parcel of land contains 146,728 Square Feet or 3.368 Acres, more or less (±).

ATTACHMENT "B"

STATE OF COLORADO)
)ss.
COUNTY OF LARIMER)

The undersigned, being first duly sworn upon his oath states:

That he was the circulator of the attached Petition for Annexation and that each signature therein is the signature of the person whose name it purports to be.

Circulator's Signature
ROBERT R TITLEY

Subscribed and sworn to before me this 1 day of April, 2025, by Robert R Titley.

WITNESS my hand and official seal.

03/09/2027
Commission Expiration

JOSEPH RANEY
STATE OF TENNESSEE
NOTARY PUBLIC
My Commission Expires on 03/09/2027
DAVIDSON COUNTY

Joseph Raney
Notary Public

ATTACHMENT "C"

ATTORNEY CERTIFICATION

I, Amy West, an attorney licensed to practice in the State of Colorado, hereby certify that, as of the date of this certificate, the signers of this Annexation Petition for the area referred to as the Moor Annexation to the City of Fort Collins are the owners of real property in the area proposed for annexation. Furthermore, I certify that said owners constitute more than 50% of the landowners in the area proposed for annexation, as said area is described on Attachment "A" of said Annexation Petition, and own more than 50% of the land in said area, exclusive of streets and alleys.

April 28, 2025 — Date

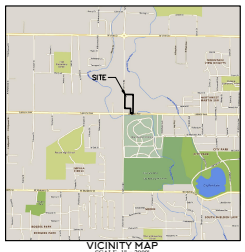
Signature — 59055 Attorney Reg. No.

MOOR ZONING MAP

CITY OF FORT COLLINS, COLORADO

Situate in the Northwest Quarter of Section 10, Township 7 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado.

3.368 ACRES



VICINITY MAP
SCALE: 1" = 2000'



PROPERTY DESCRIPTION

A parcel of land, situate in the Northwest Quarter (NW1/4) of Section Ten (10), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 10 and assuming the South line of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 10 as bearing South 89°31'38" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1324.95 feet, monumented by a #6 rebar with 2.5" aluminum cap stamped LS 29407 at the West Quarter corner and a #6 rebar with a 2.5" aluminum cap stamped LS 31169 at the Center-West 1/16th corner and with all other bearings contained herein relative thereto;

THENCE South 89°31'38" East, along said South line, a distance of 280.00 feet to the Southeast corner of the Kennedy's West LaPorte Avenue Annexation as recorded November 14, 1972 as Reception No. 42752 of the Larimer County Clerk & Recorder (LCCR) and to the POINT OF BEGINNING;
Thence along the East and North lines and extensions thereof, said Reception No. 42752, the following four courses:
THENCE North 00°35'52" East a distance of 30.00 feet;
THENCE North 89°31'38" West a distance of 30.00 feet to an extension of the West line of that parcel as described in the General Warranty Deed as recorded November 30, 2021 as Reception No. 20210108643 of the LCCR;
Thence along the West, South, North and East lines and extensions thereof, the following five courses:
THENCE North 00°35'52" East a distance of 150.00 feet;
THENCE North 89°31'38" West a distance of 199.92 feet to the Easterly Right of Way line of Taft Hill Road and to the Easterly line of the Sanctuary on the Green Annexation as recorded November 16, 2018 as Reception No. 20180069904 of the LCCR;
THENCE North 00°37'24" East, along said Easterly lines a distance of 473.87 feet;
THENCE South 89°22'36" East a distance of 280.53 feet;
THENCE South 00°32'39" West a distance of 653.13 feet to the North line of the City Park Prospect Park and Grandview Cemetery Annexation;
THENCE North 89°31'38" West a distance of 51.43 feet to the POINT OF BEGINNING.

Said described parcel of land contains 146,728 Square Feet or 3.368 Acres, more or less (±).

APPROVED CITY CLERK

The Plat to be known as MOOR ZONING MAP to the City of Fort Collins, County of Larimer, State of Colorado by Ordinance No. _____ passed and adopted on final reading at a regular meeting of the City Council of Fort Collins, Colorado, held on the _____ day of _____, 20___.

_____
City Clerk

APPROVED AS TO FORM, CITY ENGINEER

By the City Engineer, City of Fort Collins, Colorado this _____ day of _____, 20___.

_____
City Engineer

SURVEYOR'S CERTIFICATE

I, Steven Parks, a Colorado Licensed Professional Land Surveyor, do hereby state that this Subdivision Plat was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon were found or set as shown, and that the forgoing Plat is an accurate representation thereof, all this to the best of my knowledge, information and belief.

PRELIMINARY

_____
Steven Parks - On Behalf of Majestic Surveying, LLC
Colorado Licensed Professional Land Surveyor #38348

LEGEND

- BOUNDARY LINE
- ZONING BOUNDARY
- RIGHT OF WAY LINE
- SECTION LINE
- ALIQUOT CORNER AS DESCRIBED
- CITY BOUNDARY

ZONING NOTE:

CURRENT LARIMER COUNTY ZONING:
RR2 = RURAL RESIDENTIAL (2)
CC = COMMERCIAL CORRIDOR

PROPOSED CITY OF FORT COLLINS ZONING:
(LMN)= LOW DENSITY MIXED-USE NEIGHBORHOOD

TITLE COMMITMENT NOTE

This survey does not constitute a title search by Majestic Surveying, LLC to determine ownership or easements of record.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the South line of the Southwest Quarter of the Northwest Quarter of Section 10, Township 7 North, Range 69 West of the 6th P.M. monumented as shown on this drawing, as bearing South 89°31'38" East, being a Grid Bearing of the Colorado State Plane, North Zone, North American Datum 1983/2011, a distance of 1324.95 feet and with all other bearings contained herein relative thereto.

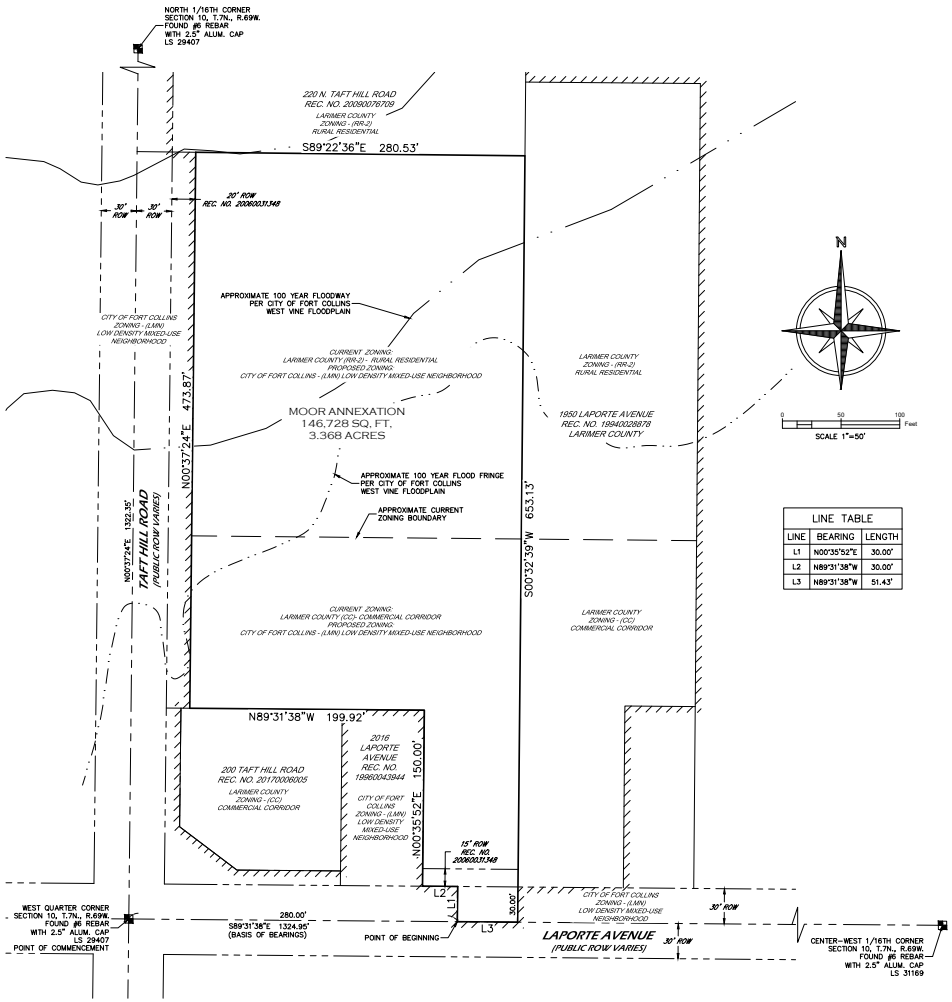
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

FLOOD PLAIN NOTE

Portions of the subject property is within the City of Fort Collins West Vine Floodplain. Floodplain lines shown are approximate and are not to be relied upon for any improvements or construction.

NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

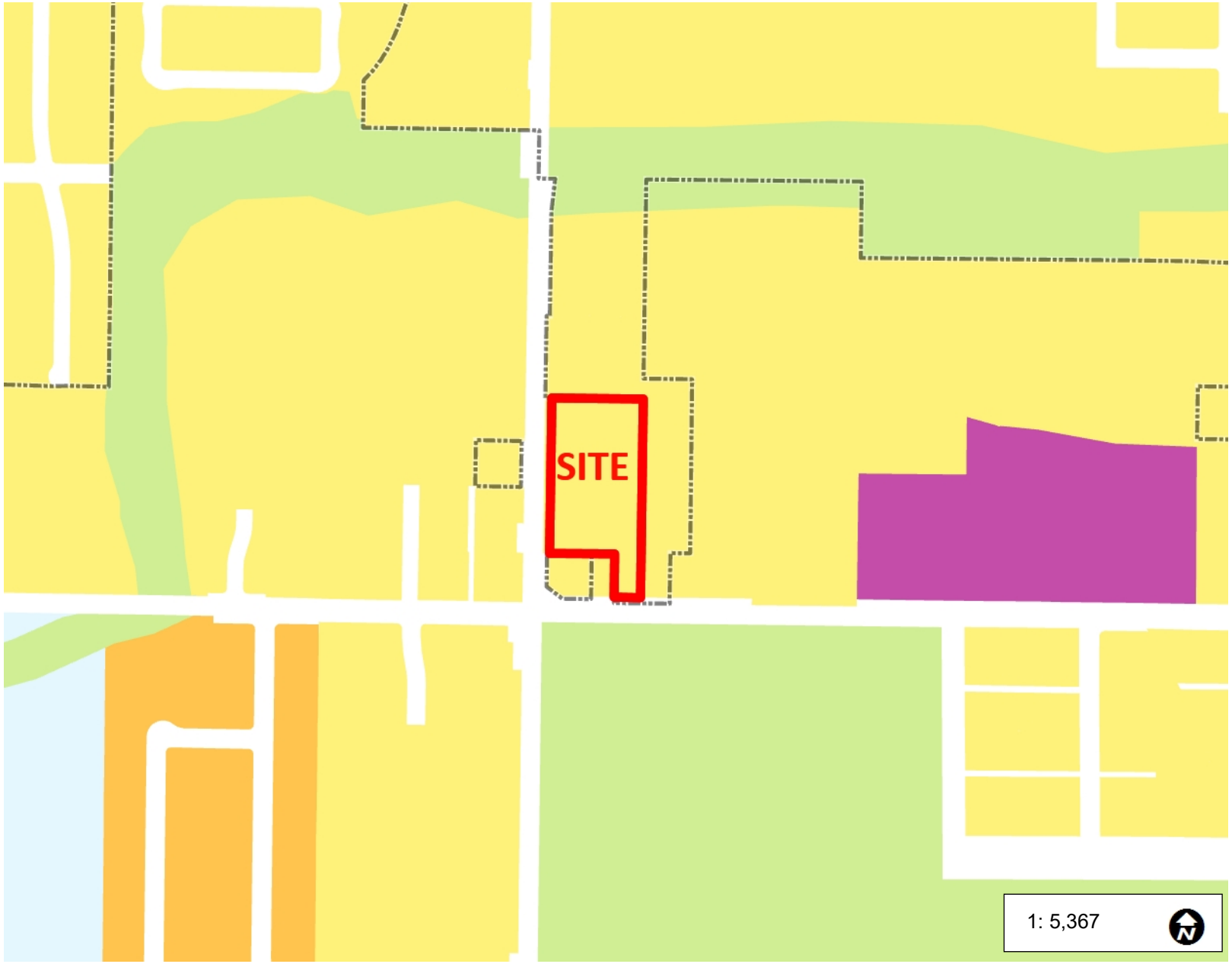


LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°35'52"E	30.00'
L2	N89°31'38"W	30.00'
L3	N89°31'38"W	51.43'

MAJESTIC SURVEYING
MAJESTIC SURVEYING, LLC 111 DIAMOND VALLEY DRIVE #104, WINDSOR, CO 80550

PROJECT NO: 2025001	NAME: 2000 LAPORTE	REVISIONS:	DATE:
DATE: 2-17-2025	CLIENT: LIAM MOOR, LLC		
DRAWN BY: MAK	FILE NAME: 2025001ZONING		
CHECKED BY: SIP	SCALE: 1" = 50'		

Fort Collins Structure Plan





Legend

- Growth Management Area
- City Limits
- Community Separator
- Adjacent Planning Area
- Structure Plan
  - Adjacent Planning Area
  - Campus District
  - Community Separator
  - Downtown District
  - Industrial District
  - Mixed Employment District
  - Mixed Neighborhood
  - Neighborhood Mixed Use District
  - Parks and Natural/Protected Lands
  - R&D/Flex District
  - Rural Neighborhood
  - Suburban Mixed Use District
  - Suburban Neighborhood
  - Urban Mixed Use District
- World_Hillshade

1: 5,367

895.0 0 447.50 895.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Fort Collins - GIS

This map is a user generated static output from the City of Fort Collins FCMaps Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Notes

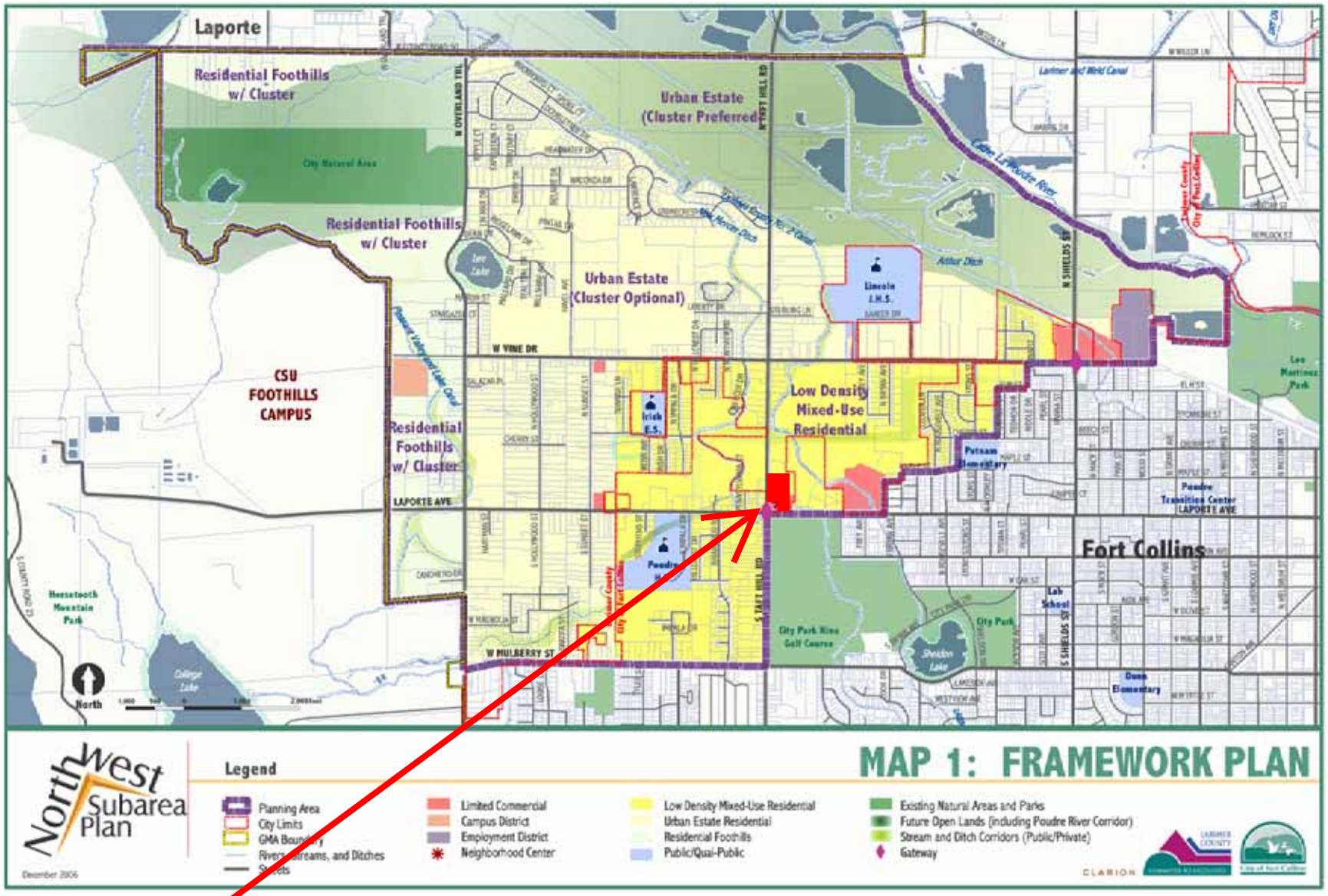
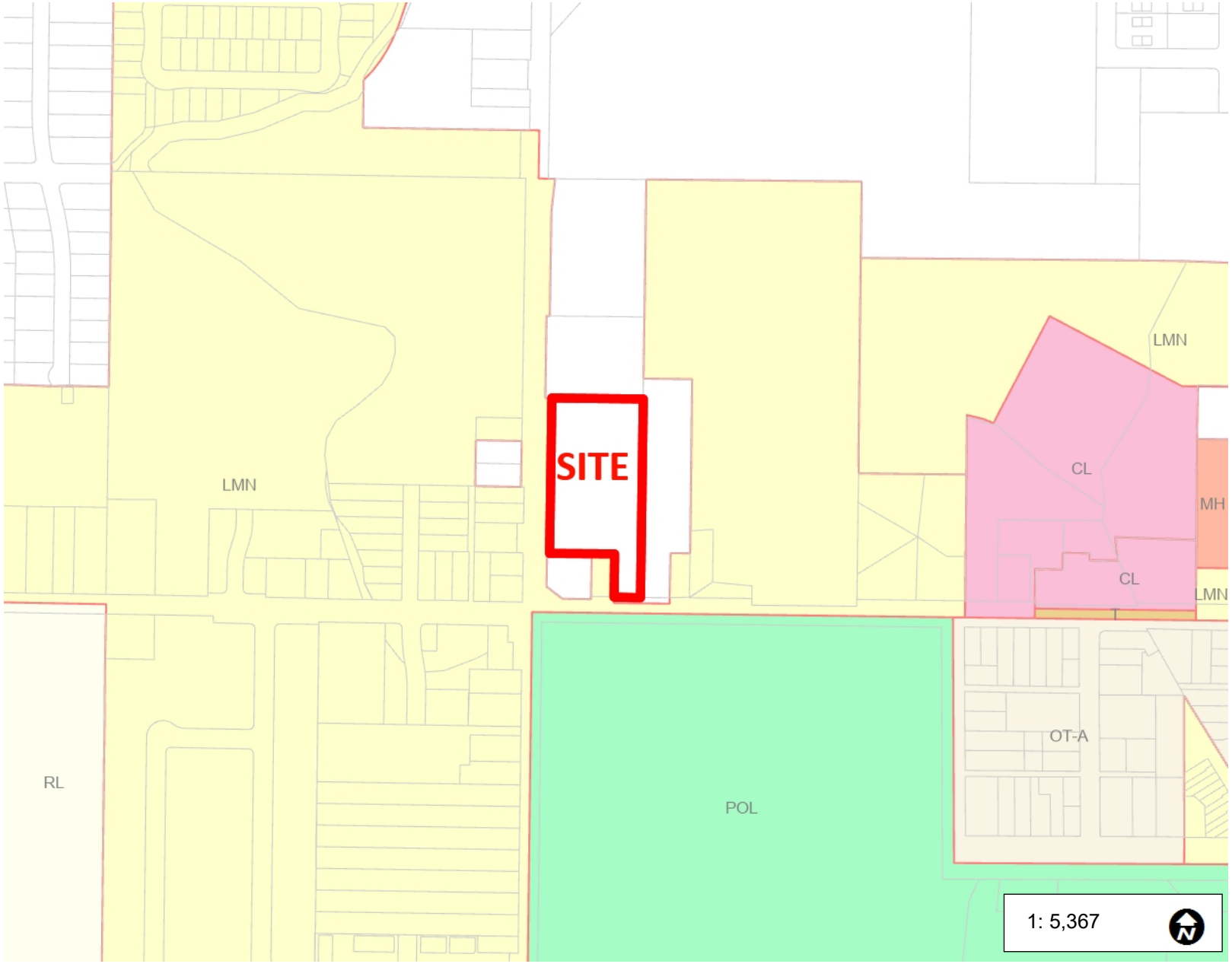


Figure 5 - Framework Plan

Existing Zoning





Legend

- Parcels
- City Zoning
  - Community Commercial (CC)
  - Community Commercial North Colle
  - Community Commercial Poudre Riv
  - General Commercial (CG)
  - Limited Commercial (CL)
  - Service Commercial (CS)
  - CSU
  - Downtown (D)
  - Employment (E)
  - Harmony Corridor (HC)
  - Industrial (I)
  - High Density Mixed-Use Neighborh
  - Low Density Mixed-Use Neighborhc
  - Manufactured Housing (MH)
  - Medium Density Mixed-Use Neighb
  - Neighborhood Commercial (NC)
  - Old Town District - A (OT-A)
  - Old Town District - B (OT-B)
  - Old Town District - C (OT-C)
  - Public Open Lands (POL)
  - River Conservation (RC)
  - River Downtown Redevelopment (F
  - Residential Foothills (RF)
  - Low Density Residential (RL)
  - Rural Lands District (RUL)
  - Transition (T)

1: 5,367

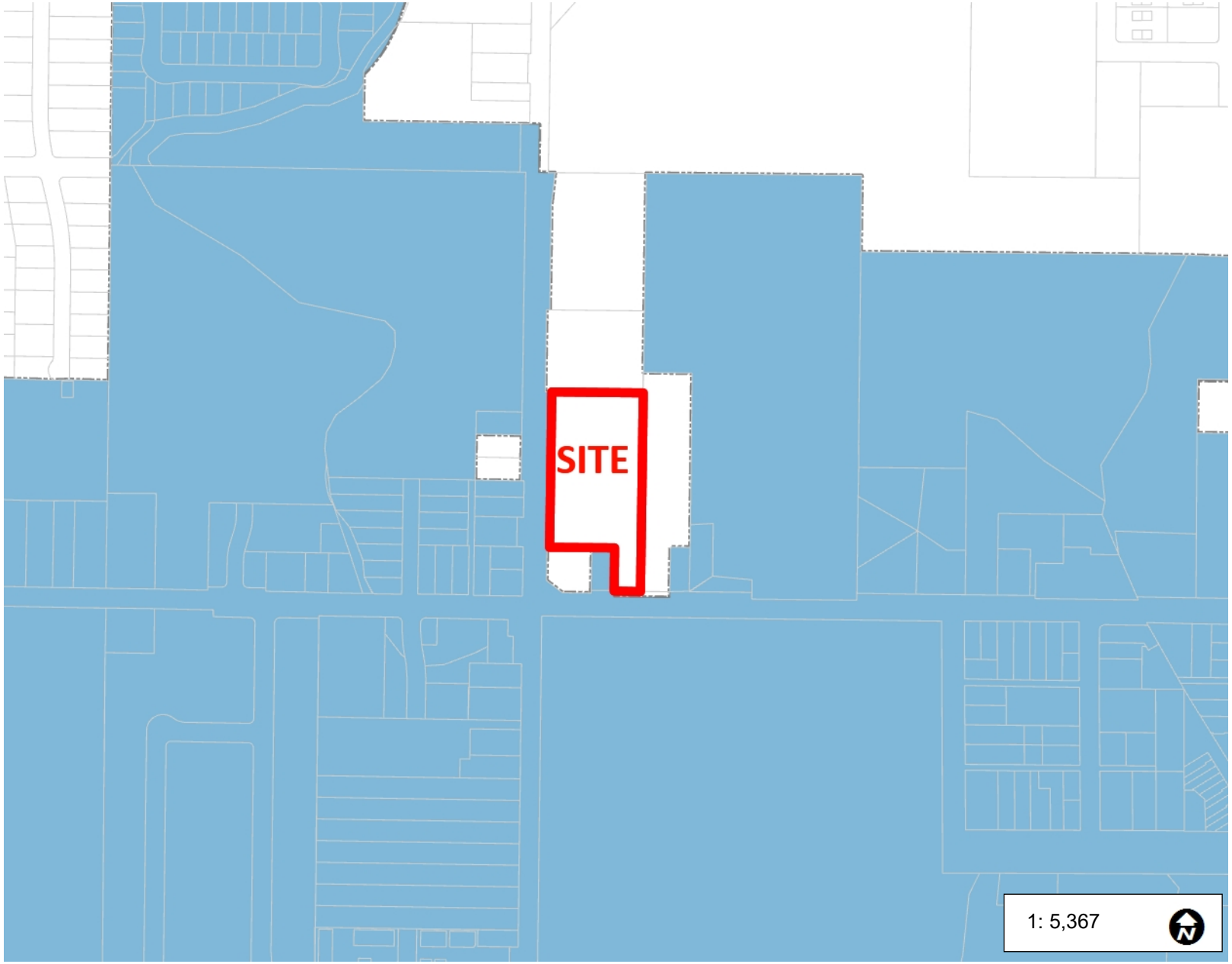
Notes

895.0 0 447.50 895.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Fort Collins - GIS

This map is a user generated static output from the City of Fort Collins FCMaps Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Existing Lighting Context Areas





Legend

- Parcels
- Lighting Context Areas
  - LC0 - No ambient lighting
  - LC1 - Low ambient lighting
  - LC2 - Moderate ambient lighting
  - LC3 - Moderately high ambient light
- City Limits
- World_Hillshade

Notes

895.0 0 447.50 895.0 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Fort Collins - GIS

This map is a user generated static output from the City of Fort Collins FCMaps Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Planning and Zoning Commission Hearing Memorandum

Date: August 27, 2025
To: Mayor and City Councilmembers
From: Arlo Schumann, City Planner, Comm Dev & Neighborhood Services, aschumann@fcgov.com
Subject: August 21, 2025, Planning and Zoning Commission Hearing: Moor Annexation and Zoning

Bottom Line

The purpose of this memo is to document the summary of discussions during the (August 21, 2025) Planning and Zoning Commission (PZC) hearing regarding the annexation and associated zoning for the Moor Annexation. The Moor Annexation was a consent item pulled for discussion by members of the public. The Planning and Zoning Commission recommended City Council annex and zone the Moor Annexation into the Low Density Mixed-Use Neighborhood District (LMN) zone district 5-0 at the Commission's August 21, 2025, hearing. The Commission also recommends placing the site in the Residential Sign District and the LC1 Lighting Context Area.

Discussion Summary

The Moor Annexation was scheduled to be a consent item for the hearing. Several members of the public requested the item be pulled from the consent agenda for discussion.

Public comments were primarily focused on whether LMN zoning was appropriate to the neighborhood and in alignment with City Plan and the Northwest Subarea Plan guidance, along with what project intensity LMN zoning would allow. The public shared concerns about development compatibility and intensity, traffic, pedestrian safety, building height, density, water runoff and flood mitigation, and general infrastructure capacity.

The Commission discussion and deliberation centered on confirming the guidance of the city's structure plan (part of City Plan) and the Northwest Subarea Plan provides for the property. Additional discussion about any future project's requirements as they relate to the zoning standards, the general Land Use Code standards as well as the applicable subarea plan

recommendations, noting that many of the public's concerns are addressed during a project specific project development review and that both the Land Use Code as well as the Northwest Subarea plan are used in that review process.

Follow-up Items

Provide draft meeting minutes of the August 21, 2025 PZC hearing for second reading.

ORDINANCE NO. 145, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE ZONING MAP OF THE CITY OF FORT COLLINS AND CLASSIFYING FOR ZONING PURPOSES THE PROPERTY INCLUDED IN THE MOOR ANNEXATION TO THE CITY OF FORT COLLINS, COLORADO, AND APPROVING CORRESPONDING CHANGES TO THE RESIDENTIAL NEIGHBORHOOD SIGN DISTRICT MAP AND LIGHTING CONTEXT AREA MAP

A. On September 16, 2025, the City Council adopted on second reading Ordinance No. 144, 2025, annexing to the City of Fort Collins the property known as the Moor Annexation (the "Property").

B. Division 6.1.1 of the Land Use Code of the City of Fort Collins establishes the Zoning Map and Zone Districts of the City.

C. Division 6.25.1 of the Land Use Code of the City of Fort Collins establishes procedures and criteria for reviewing the zoning of land.

D. Pursuant to Land Use Code Sections 6.10.3 and 6.25.2, the City Planning and Zoning Commission, at its meeting on August 21, 2025, unanimously on a 5-0 vote (Commissioners Stackhouse and Bruxvoort absent) zoning the Property as Low Density Mixed-Use Neighborhood District (LMN), as more particularly described below and determined that the proposed zoning is consistent with the City's Comprehensive Plan. The City Planning and Zoning Commission also unanimously recommended that the site be placed in the Residential Sign District pursuant to Land Use Code Section 5.16.1 and the LC1 Lighting Context Area pursuant to Land Use Code Section 5.12.1(H).

E. The City Council has determined that the proposed zoning of the Property is consistent with the City's Comprehensive Plan.

F. To the extent applicable, the City Council has also analyzed the proposed zoning against the applicable criteria set forth in Section 6.25.4(H)(3) of the Land Use Code and finds the proposed zoning to be in compliance with all such criteria.

G. In accordance with the foregoing, the City Council has considered the zoning of the Property as described below, finds it to be in the best interests of the City, and has determined that the Property should be zoned as provided hereafter.

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

Section 1. The Zoning Map of the City of Fort Collins adopted pursuant to Section 6.1.2 of the Land Use Code of the City of Fort Collins is hereby changed and

amended by including in the Low Density Mixed-Use Neighborhood (LMN) zone district the Property more particularly described as:

A parcel of land, situate in the Northwest Quarter (NW1/4) of Section Ten (10), Township Seven North (T.7N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the West Quarter corner of said Section 10 and assuming the South line of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section 10 as bearing South 89°31'38" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1324.95 feet, monumented by a #6 rebar with 2.5" aluminum cap stamped LS 29407 at the West Quarter corner and a #6 rebar with a 2.5" aluminum cap stamped LS 31169 at the Center-West 1/16th corner and with all other bearings contained herein relative thereto;

THENCE South 89°31'38" East, along said South line, a distance of 280.00 feet to the Southeast corner of the Kennedy's West LaPorte Avenue Annexation as recorded November 14, 1972 as Reception No. 42752 of the Larimer County Clerk & Recorder (LCCR) and to the POINT OF BEGINNING;
Thence along the East and North lines and extensions thereof, said Reception No. 42752, the following four courses:
THENCE North 00°35'52" East a distance of 30.00 feet;
THENCE North 89°31'38" West a distance of 30.00 feet to an extension of the West line of that parcel as described in the General Warranty Deed as recorded November 30, 2021 as Reception No. 20210108643 of the LCCR;
Thence along the West, South, North and East lines and extensions thereof, the following five courses:
THENCE North 00°35'52" East a distance of 150.00 feet;
THENCE North 89°31'38" West a distance of 199.92 feet to the Easterly Right of Way line of Taft Hill Road and to the Easterly line of the Sanctuary on the Green Annexation as recorded November 16, 2018 as Reception No. 20180069904 of the LCCR;
THENCE North 00°37'24" East, along said Easterly lines a distance of 473.87 feet;
THENCE South 89°22'36" East a distance of 280.53 feet;
THENCE South 00°32'39" West a distance of 653.13 feet to the North line of the City Park Prospect Park and Grandview Cemetery Annexation;
THENCE North 89°31'38" West a distance of 51.43 feet to the POINT OF BEGINNING.

Said described parcel of land contains 146,728 Square Feet or 3.368 Acres, more or less (±).

Section 2. The Sign District Map adopted pursuant to Section 5.16.1(M) of the Land Use Code of the City of Fort Collins is hereby changed and amended by showing that the Property described herein is included in the Residential Neighborhood Sign District.

Section 3. The Lighting Context Area Map adopted pursuant to Section 5.12.1(H) of the Land Use Code of the City of Fort Collins is hereby changed and amended by showing that the Property described herein is in the LC1 Lighting Context Area.

Section 4. The City Manager is hereby authorized and directed to amend said Zoning Map in accordance with this Ordinance.

Introduced, considered favorably on first reading on September 2, 2025, and approved on second reading for final passage on September 16, 2025.

_____
Mayor

ATTEST:

_____
Sr. Deputy City Clerk

Effective Date: September 26, 2025
Approving Attorney: Brad Yatabe

Exhibit: None

File Attachments for Item:

18. Resolution 2025-080 Adopting the 2025 Fort Collins Utilities Water Efficiency Plan.

The purpose of this item is to adopt the 2025 Fort Collins Utilities Water Efficiency Plan.

The 2025 Fort Collins Utilities Water Efficiency Plan (WEP) sets water efficiency goals and identifies strategies (such as voluntary incentives, policy, infrastructure tools, and education) to meet the goals, with a focus on treated water use within the Fort Collins Utilities (Utilities) water service area. The WEP update followed State guidelines and involved extensive public and staff engagement, quantitative analyses, and an equity evaluation.

The State of Colorado requires that retail water providers have a State-approved water efficiency plan that is updated periodically. Following Council adoption, staff will submit the 2025 WEP to the Colorado Water Conservation Board for final approval.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Alice Conovitz, Water Conservation Specialist
Mariel Miller, Water Conservation Manager

SUBJECT

Resolution 2025-080 Adopting the 2025 Fort Collins Utilities Water Efficiency Plan.

EXECUTIVE SUMMARY

The purpose of this item is to adopt the 2025 Fort Collins Utilities Water Efficiency Plan.

The 2025 Fort Collins Utilities Water Efficiency Plan (WEP) sets water efficiency goals and identifies strategies (such as voluntary incentives, policy, infrastructure tools, and education) to meet the goals, with a focus on treated water use within the Fort Collins Utilities (Utilities) water service area. The WEP update followed State guidelines and involved extensive public and staff engagement, quantitative analyses, and an equity evaluation.

The State of Colorado requires that retail water providers have a State-approved water efficiency plan that is updated periodically. Following Council adoption, staff will submit the 2025 WEP to the Colorado Water Conservation Board for final approval.

STAFF RECOMMENDATION

Staff recommend adoption of the Resolution.

BACKGROUND / DISCUSSION

The WEP outlines the Utilities approach to manage water use and efficiency amid increasing supply and demand pressures, including climate impacts and population growth. The 2025 WEP will replace the current WEP, which was completed in 2015.

GOALS AND STRATEGIES

The updated WEP sets two goals intended to lower water use to minimize the frequency and magnitude of future water shortages, build long-term landscape resilience, and encourage the City to continue leading by example. These goals reflect community feedback, staff input, and a commitment to act now to prepare for a hotter and more variable climate.

Goal 1: Reach 4% Annual Reduction in Water Use by 2040

This goal applies to all customer sectors, including homes, businesses, and City operations, and aims to reduce the risk of water shortages.

- Target 1.1: By 2040, lower overall annual treated water use by 320 million gallons (MG), or 980 acre-feet (AF), below projected water use
- Target 1.2: Double the volume of savings from efficiency strategies by 2040, relative to 2020-2024 average performance
- Target 1.3: Lower treated water use at City properties by a total cumulative volume of 5 MG (15 AF) by 2040

Goal 2: Improve Efficiency and Resilience on Public Landscapes

- Target 2.1: The City will complete at least seven new projects on City landscapes by 2040. These projects aim to improve drought resilience, reduce raw or treated water use, and reinforce the City's role as a leader in water efficiency.

Utilities will advance water efficiency efforts through over 70 existing or new strategies based on the following core approaches:

- **Behavioral strategies** that include actions like outreach, education, water use benchmarking, and technical assistance for water-efficient practices.
- **Regulatory strategies** that build on existing requirements for landscapes, buildings, and development standards.
- **Infrastructure opportunities** that include maximizing the benefits of existing advanced metering technology to offer customer data access, leak detection and notifications, and reducing water loss through distribution system maintenance.
- **Economic strategies** that include rebates, financial assistance, and pricing structures that incentivize efficiency.

Efficiency strategy selection was based on estimated water savings, cost, customer reach, co-benefits including equitable and environmental outcomes, feasibility, and community acceptance. Staff intend to gradually implement new strategies over the next several years to align with staff capacity and allow time for planning. Some strategies may also require Council review and approval (e.g., policy changes) or funding acquisition prior to implementation.

IMPACT OF EFFICIENCY AND CONNECTION TO OVERALL WATER PLANNING

Utilities estimates that full implementation of the programs, projects, and policies outlined in this WEP will meet the 320 MG savings target (Target 1.1) by lowering treated water demand by up to 314 MG per year by 2040 through programs and projects, while regulatory changes could lower annual demands by an additional 46 MG per year. Other factors such as rate or fee changes could further impact demand. By supporting efficient water use across residential, commercial, and municipal sectors, the WEP helps build long-term water resilience for the Utilities system and the customers it serves.

Achieving WEP goals should benefit our community by:

- Minimizing the frequency and magnitude of water shortages
- Offsetting a portion of higher demand driven by increasing temperatures from climate change[1]

[1] Staff analyses indicated that achieving the 320 MG savings identified in Target 1.1 could offset higher water use driven by an average increase in monthly maximum temperature of approximately 2°F by 2040, which is a plausible future scenario for Fort Collins based on climate models.

- Reducing barriers, expanding access to efficiency opportunities
- Building resiliency in City-owned landscapes to prepare for a hotter future
- Prioritizing water use for landscape elements that most benefit the community and environment
- Creating highly visible projects that inspire water-saving actions by people and businesses

The WEP embodies the City's One Water commitment—managing water holistically to promote healthy watersheds, resilient communities, and water equity. The WEP update aligns with City and State policies and plans including 2024-2026 Council Priority 7, the Water Supply and Demand Management Policy, and the Colorado Water Plan, as well as:

- **City of Fort Collins' Strategic Objective ENV 2**: Sustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents.
- **Our Climate Future: BIG MOVE 3 Climate Resilient Community:** People, buildings, watersheds and ecosystems are prepared for the threats of climate change.

Alignment with Other Water Providers

Certain areas within city limits are served by neighboring water providers (Attachment 1). The largest adjacent water providers, East Larimer County Water District and Fort Collins-Loveland Water District, each have their own water efficiency plans[2] that describe goals and strategies for their service areas. Staff met with both organizations to discuss the WEP update and to share information and seek opportunities for alignment and collaboration. We value these partnerships and continue to look for ways to collaborate through information-sharing, planning, messaging, and efficiency strategies.

Historic and Projected Water Demand

The WEP applies mainly to treated water use in Utilities water service area (Attachment 1), which encompasses about 60% of the city geographic area and about 80% of the population. The factors below highlight key historic trends.

- Utilities currently provides over 5.7 billion gallons of treated water[3] each year to approximately 33,000 residential and 3,500 commercial customer accounts. The 2024 estimated residential population served was 139,300.
- Residential customers use about 64% of the treated water delivered each year and commercial customers use about 34%, on average. Nearly 2% is used at City-owned properties, supporting recreation, landscapes, and facilities.
- Indoor water use accounts for about 55% of total treated water used each year, while outdoor and seasonal uses are about 45% of the annual total on average.
- Per-person use averages 135 gallons per capita per day (GPCD). Since 2000, the population has grown by 28% while overall water demand has decreased by 42% per capita, although that rate of decrease has slowed in recent years.

[2] The East Larimer County Water District WEP was updated in 2024 and is available online here: *elcowater.org/water-efficiency-plan*. The Fort Collins-Loveland Water District WEP was updated in 2023 and is available online here: *fclwd.com/wp-content/uploads/2025/03/2023-FCLWD-Water-Efficiency-Plan-Update-Final-6-4-2024.pdf*

[3] Utilities provides additional water to meet obligations including large industrial and wholesale customers. Demands presented in this AIS include distribution system losses and exclude wholesale and unique large contractual deliveries, which are not a primary focus of conservation activities. Similarly, in general raw (untreated) water use is managed through agreements separate from Utilities and is not subject to Utilities' jurisdiction, so it is not a focus of the WEP.

- Total estimated non-revenue losses from treatment and distribution (including physical leaks and apparent losses like unbilled uses or data inaccuracies) were 312 MG per year on average from 2019-2024. The average loss per connection for Utilities is similar to other utilities in Colorado.
- Current water efficiency programs have lowered overall annual water demand by 155 MG (about 2.3%) on average from 2020-2024. The 2024 Water Conservation Annual Report (Attachment 2) summarizes recent treated water demands and current efficiency program savings.
    - A portion of estimated annual savings will persist, such as savings from efficient toilet and landscape installations.
    - Other factors – such as efficiency strategies like education campaigns and external influences like weather – also affect demand, but their impacts are difficult to quantify. As a result, they are not included in annual water savings totals.

Overall water demand is expected to increase due to rising temperatures and residential and commercial growth (Figure 1). Although future demand cannot be predicted with certainty, implementing active water efficiency strategies can lower future demand.

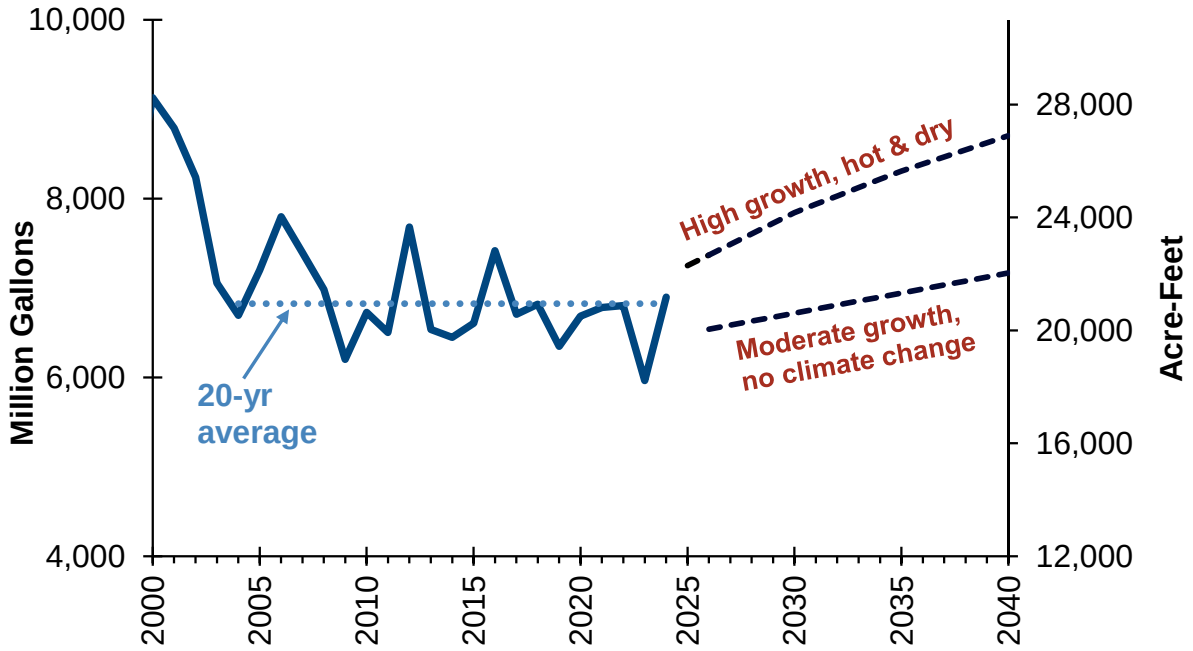


Figure 1. Historical and range of projected treated water use under possible future climate and growth scenarios. *(Includes customer demands and non-revenue losses and excludes wholesale and contractual obligations.)*

CITY FINANCIAL IMPACTS

Water efficiency is a cost-effective tool for maximizing the benefits of existing water supplies. While the adoption of the WEP does not require additional budget appropriation, achieving its goals is expected to require future investments. Any such requests would go through the standard budget approval process. Financial considerations include the following:

- Staffing: Estimated need for 1 additional full-time employee by 2027
- Program implementation: Funding materials, incentives, and staff will primarily come from reallocating existing Water Conservation Department budget appropriation.
- City-owned efficiency projects: Departmental funding to support City water use and landscape resilience projects, supplemented by funded budget for incentives from the Water Conservation Department, and alignment with initiatives such as the 2050 tax or and Nature in the City.

- Other funding sources: Staff will continue to seek external funding, such as the recently received $13,000 Sonoran Institute award for technical assistance related to WEP strategy implementation.
- Revenue variability: Water efficiency is one of many factors influencing demand. For example, since 2015, annual billed water demand has varied by -12% to +10% from the 10-year average. The Goal 1 targeted reduction of 4% falls within the range of historical variability.
- Cost savings from conservation: The City's investment in water efficiency helps manage Utilities' costs, support long-term adaptation to climate change, and avoids future costs of inaction.
    - Reduced or delayed water supply acquisition: In 2024, staff estimated that acquiring new water rights cost about $0.20 per gallon, compared to less than $0.01 per gallon saved through Water Conservation programs.
    - Deferred capital investments: Water efficiency and decreasing per-person water use trends were considered during federal permitting that reduced the Halligan Water Supply Project size.
    - Avoiding climate-related costs: Although these costs are hard to predict, one example is the potential damage to Fort Collins' public trees if water shortages were more frequent. The City's trees have an estimated total replacement value of $112 million and provide numerous benefits.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Staff visited the following boards and commissions to seek feedback on the draft WEP. Meeting minutes and recommendations are provided in Attachments 3-6. Attachment 7 summarizes changes incorporated into the WEP as a result of feedback received on the public comment draft.

- Planning and Zoning Commission – May 15, 2025
- Natural Resources Advisory Board – May 21, 2025
- Parks and Recreation Advisory Board – June 25, 2025
- Water Commission – July 17, 2025

During the WEP development process, staff sought feedback from Council at work sessions on February 14, 2024 and February 25, 2025.

PUBLIC OUTREACH

Feedback from community members was critical to the development of water efficiency goals, selection of efficiency strategies, and consideration of equity in the selection process. From 2023 through June 2024, engagement captured over 5,000 touchpoints via:

- Survey (1,319 community responses)
- Our City web page
- Advertisements
- In-person meetings hosted by community consultants
- Focus groups and meetings with targeted water users including City departments, HOAs, and small businesses
- Meetings with community members who identify with one or more disproportionately impacted groups, including mobile home park residents, non-English speakers, renters, and students
- Consultant-led one-on-one interviews
- Input from the City's Climate Equity Committee

Staff sought to make it easier for people to participate through collaborating with community consultants, providing Spanish translations, hard copies of the survey, tabling in public spaces, hosting meetings outside typical working hours, and providing food, childcare, and conservation giveaways at meetings.

Public Comment Period

Public comments on the draft WEP were received from April 23 to June 23, 2025. During this time, the draft WEP was posted online, and community members could submit comments there or through direct email to staff. Staff promoted the public comment period through a Utilities bill insert, social media, emails, newsletters, websites, and public events.

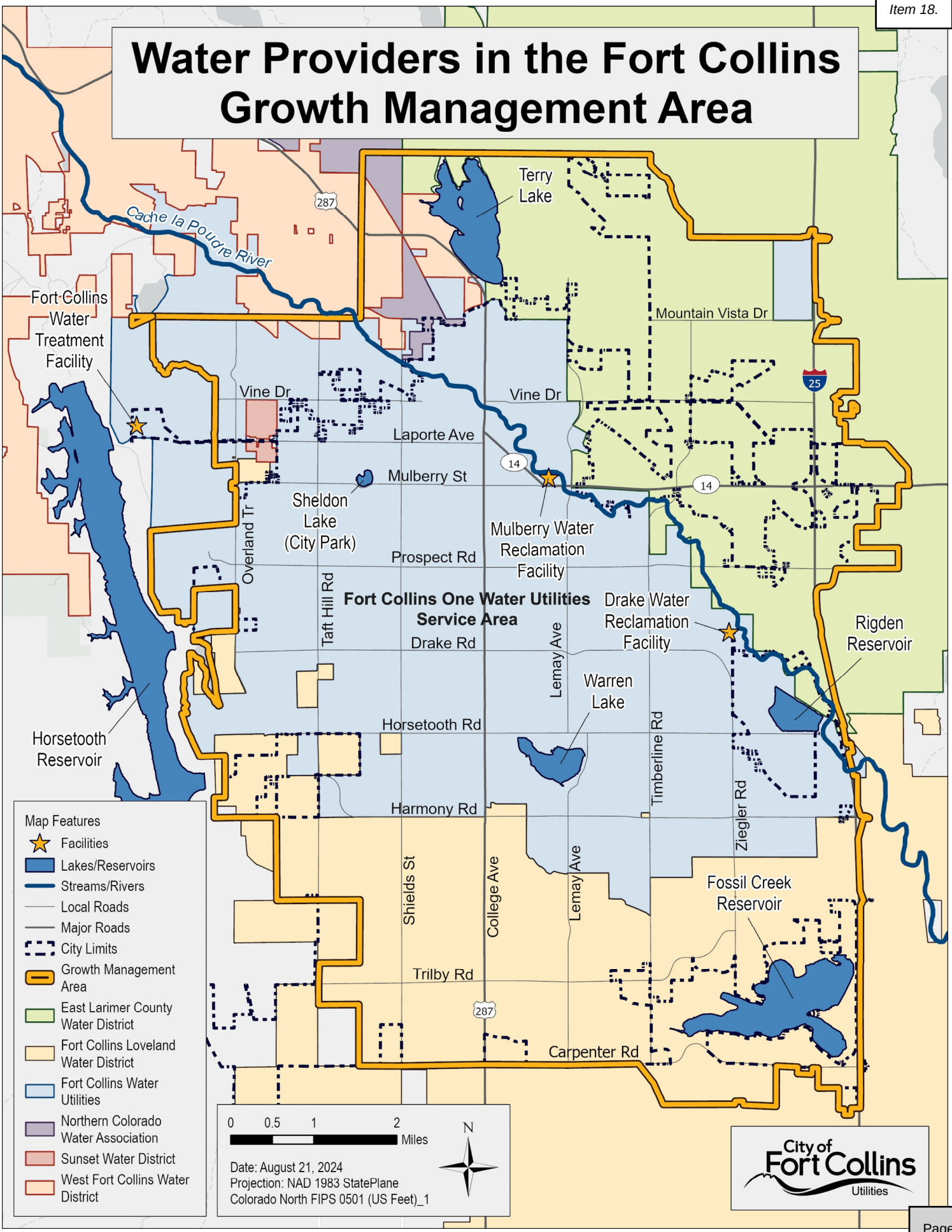
Staff received eight online forms and one direct email during the public comment period. Of these responses, most indicated that the WEP goals and strategies were understandable and appropriate for our community. Although respondents indicated that strategies targeted the right water uses, responses specified they might not do enough to support customers. Write-in comments generally aligned with the feedback received during WEP development.

The Memorandum from Staff to Water Commission attachment summarizes changes incorporated into the WEP as a result of feedback received on the public comment draft.

ATTACHMENTS

1. Utilities Water Service Area Map
2. 2024 Water Conservation Annual Report
3. Memorandum from Natural Resources Advisory Board
4. Letter from Parks and Recreation Advisory Board
5. Planning and Zoning Commission Minutes, May 15, 2025
6. Water Commission Minutes, July 17, 2025 (draft)
7. Memorandum from Staff to Water Commission
8. Resolution 2025-080

Water Providers in the Fort Collins Growth Management Area



2024 WATER CONSERVATION BY THE NUMBERS



Fort Collins Utilities has a strong commitment to ensuring the efficient and responsible use of our natural resources. Our Water Conservation Program started in 1977 and we continue to innovate how we help the community use water wisely.

135 GPCD | Gallons per Capita per Day (GPCD) is a way to measure how much water, on average, each person uses per day. It includes all water use—at home, at work, and in businesses—divided by the number of people who live here. We're progressing toward our current goal of lowering use to 130 GPCD by 2030.

2024 ACCOMPLISHMENTS

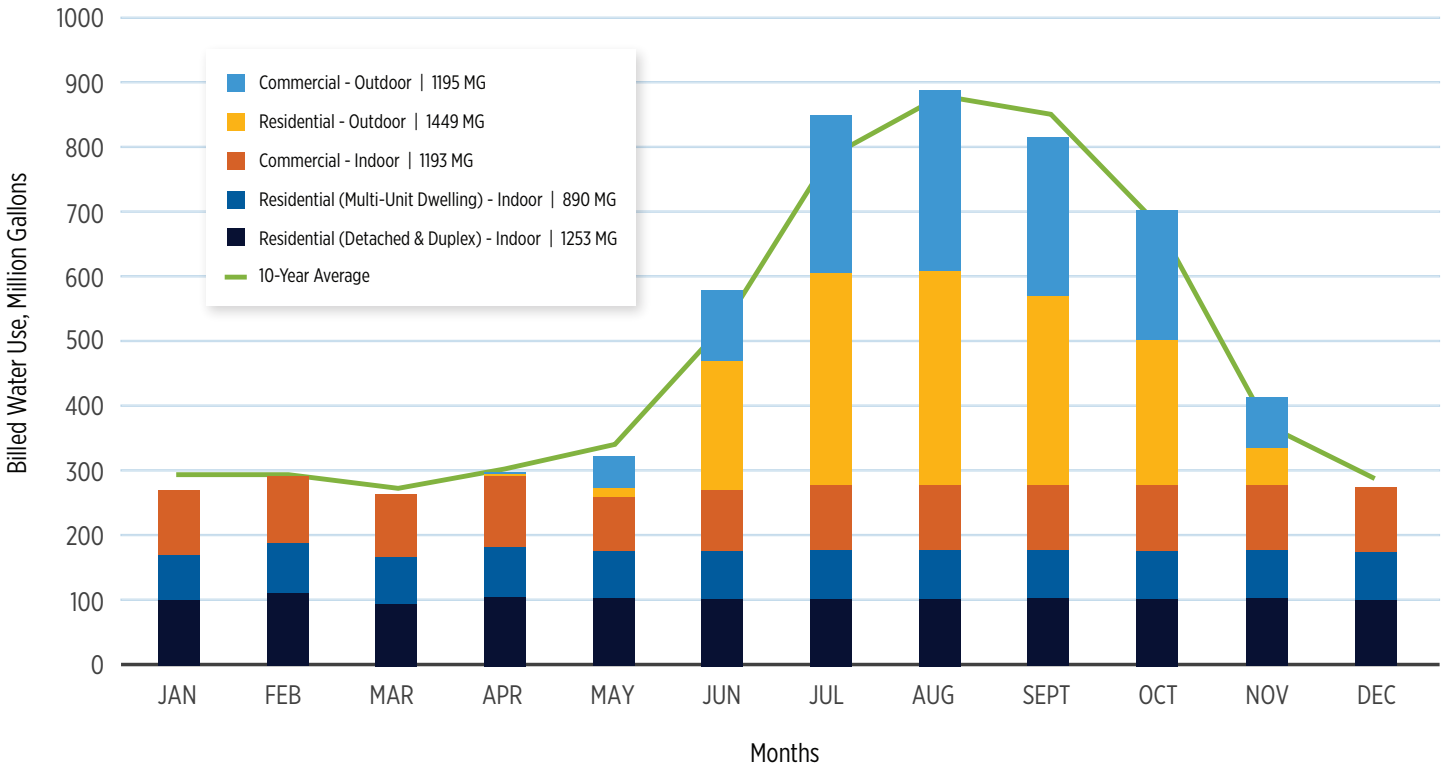
- Rebated **876** high-efficiency rotary nozzles saving over **1.3** million gallons (MG) of water annually.
- Sent **12,853** Leak Alerts, helping customers fix leaks sooner saving an estimated **111** MG of water.
- Reviewed **276** irrigation designs, ensuring new commercial landscapes meet high-efficiency irrigation codes.
- Welcomed **830** attendees to EcoFest/Xeriscape Garden Party and helped **3,300** plants find new owners at the NoCo Native Plant Swap.
- Provided **600** showerheads and **1,000** sink aerators at a large multi-unit residential complex saving **3** MG of water. Customers received the equipment and installation for free through Efficiency Works.
- Completed **77** residential and commercial Xeriscape Incentive Program (XIP) projects.
- Updated City Code to limit landscapes on new commercial and multi-unit residential developments to no more than an average **11** gallons per square foot of water per year, which is **25% less** than prior code requirements.
- Engaged with the community and stakeholders to gather input from over **5,000** interactions, helping shape the next Water Efficiency Plan. The plan will establish new goals for water use across the City and community, along with the strategies to achieve them. Adoption is anticipated in 2025.

Since 2016, **581** XIP participants have renovated **33** acres of Fort Collins landscape to reduce their total annual outdoor water use by **8.6** MG.





WATER DEMAND BY MONTH



ESTIMATED WATER SAVINGS OF PROGRAMS AND SERVICES

RESIDENTIAL

Outdoor Water Savings

- Sprinkler Checkups: *830,000*
- Landscape Conversions: *1,045,170*

TOTAL 1.9 million gallons

Indoor Water Savings

- Efficient Product Installations (Larimer County): *3,624,309*

TOTAL 3.6 million gallons

Combination Savings

- Home Water Reports: *53,000,000*
- Continuous Consumption (Leak) Notifications: *8,325,962*
- Efficiency Rebates: *3,258,059*

TOTAL 64.6 million gallons

RESIDENTIAL TOTAL 70.1 MG

COMMERCIAL

TOTAL 2.0 million gallons

Outdoor Water Savings

- Irrigation Rebates: *1,510,158*
- Landscape Conversions: *443,508*

TOTAL 5.4 million gallons

Indoor Water Savings

- Efficient Product Installations: *287,579*
- Efficiency Rebates: *5,085,926*

TOTAL 102.2 million gallons

Combination Savings

- Continuous Consumption (Leak) Notifications: *102,193,435*

COMMERCIAL TOTAL 109.5 MG

TOTAL ANNUAL SAVINGS: 179.6 million gallons

2,224 homes' annual water use was saved in 2024 based on average detached-home use.

Environmental Services
222 Laporte Avenue
Fort Collins, CO 80521
970.221-6600
fcgov.com

MEMORANDUM

NATURAL RESOURCES ADVISORY BOARD

DATE: June 18, 2025

TO: Mayor and City Council Members

FROM: Natural Resources Advisory Board

SUBJECT: Water Efficiency Plan

Dear Mayor and Councilmembers,

On May 21, 2025, Alice Conovitz (Water Conservation Specialist) presented to the Natural Resources Advisory Board regarding potential updates to the Water Efficiency Plan. The updated WEP sets two new goals and includes a number of strategies intended to reduce risk and impact of water shortages by (1) reaching a 4% annual reduction in water demand by 2040 and 2) improving water efficiency and building resilience on City-owned landscapes.

The Natural Resources Advisory Board would like to express its support for the proposed Water Efficiency Plan goals. As a Board dedicated to preserving natural resources for the benefit of future generations and grounded firmly in science, we are concerned about the future of water access and availability, not only in Fort Collins, but across the Western United States. We see this update, which took analysis of historical and projected future water use and efficiency savings under a range of climate and growth predictions, as being in alignment with the *Our Climate Future Big Move #3 - Climate Resilient Community* and *City Council Priority #7: Protect community systems in an integrated way to ensure resilient water resources and healthy watersheds.*

However, we do not believe the menu of strategies go far enough. Items we would like to see considered include:

- Given the support for regulatory strategies expressed in customer surveys, Utilities should consider pursuing more regulatory measures.
- Projects for turf-to-xeric conversions on City-owned property should be designed to maximize co-benefits such as insect and pollinator habitat and native plant restoration; water savings should not be the only selection/design criterion.

- On-bill financing should not be limited to high-cost projects and multi-year loans, but rather should be available to income-qualified customers for lower-cost equipment replacements and landscape/irrigation conversions.
- One survey theme was that it's critical to engage HOAs, landscaping professionals, and realtors; Utilities should explore more strategies targeted at these groups.
- Develop more educational materials pertaining to climate-based scenarios in reference to the "cost of inaction" to elevate the seriousness of water scarcity in the Northern Colorado landscape.
- Examine recognition programs at various scales (E.g., individual household, neighborhood, business, etc.) to promote conservation behavior change.

Thank you for your time and consideration of this policy decision that will have long-term impacts on future community resilience and health.

Very respectfully,

Kelly Stewart
Chair, Natural Resources Advisory Board

cc: Kelly DiMartino, City Manager
Jacob Castillo, Chief Sustainability Officer
Honore Depew, NRAB Staff Liaison and Climate Program Manager
Kelly Ohlson, City Council Liaison to the NRAB

Dear City Leaders and City Council,

The Parks and Recreation Advisory Board is pleased to offer our support for the adoption of the 2025 Water Efficiency Plan (WEP).

We believe water efficiency is both a right and a shared responsibility for every neighbor of Fort Collins.

The 2025 WEP outlines a thoughtful, community-driven strategy for managing long-term water use in the face of climate change and population growth. It establishes two central goals: (1) to reduce overall annual treated water demand by 4% by 2040, and (2) to improve water efficiency and landscape resilience across all City-owned properties. These goals had firm foundations established through comprehensive community engagement and represent a proactive approach to reducing the risk of shortages, managing costs, and promoting equitable, climate-resilient outcomes.

City operations account for just 1.8% of treated water use and the WEP reinforces that the City's role is both operational and transformational. The opportunity for Fort Collins to set the example and provide updated programmatic support for residential, commercial, and institutional users is clear.

As much of Fort Collins' future growth will occur outside the City's water utility service area, tighter partnerships and programmatic integrations with service providers such as East Larimer County Water District (ELCO) and Fort Collins-Loveland Water District (FCLWD) are essential to achieving the WEP's goals. Without alignment across providers, new development risks falling short of the water efficiency standards Fort Collins has committed to. These challenges are both well-known and well-documented.

We support the WEP's call for programmatic updates that enable more cohesive, collaborative water strategies—especially in sharing data, tracking progress, and engaging partners like HOAs, schools, and commercial users. True water resilience will be within reach when efficiency programs are seamless and inclusive, regardless of a neighbor's water provider.

As stewards of public parks and recreation spaces, we recognize the opportunity and responsibility to model water-wise practices. The WEP provides a clear framework for continued innovation from parks to medians to alleyways to open space, ensuring each investment supports our broader environmental and public health goals. We commend City staff for their forward-thinking work and leadership in these areas.

We particularly appreciate the WEP's emphasis on making efficiency both visible and accessible, ensuring that City lands and buildings demonstrate best practices for the broader community. We look forward to supporting the plan's implementation through continued planning, education, and collaborative stewardship of Fort Collins' valued outdoor and indoor spaces.

With our thanks to Alice Conovitz, Madeline Duke, staff from Water Conservation, Parks, and other departments, and the consultant teams from INTERA and Lotus Engineering and Sustainability for their thoughtful work, the Parks and Recreation Advisory Board offers our support for the adoption of the 2025 Water Efficiency Plan (WEP).

The Parks and Recreation Advisory Board
c/o Nick Armstrong, Board Chair



MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS

Planning & Zoning Commission
REGULAR MEETING

May 15, 2025 – 6:00 PM

Council Chambers, City Hall 300 Laporte Ave

Also via Zoom

CALL TO ORDER: 6:00 PM

ROLL CALL

a. Board Members Present – Adam Sass (Newly Elected Chair), Russell Connelly (Newly Elected Vice Chair), Ted Shepard, York, Kent Bruxvoort

b. Board Members Absent – Julie Stackhouse, Shirley Peel

c. Staff Members Present – Frickey, Kidwell, Beals, Kleer, Conovitz, Myler, Yatabe, Sawyer, Gilchrist

AGENDA REVIEW

Clay Frickey, Planning Manager, provided a review of the agenda.

CITIZEN PARTICIPATION

None.

CONSENT AGENDA

1. **CONSIDERATION AND APPROVAL OF THE MINUTES OF MARCH 26, 2025**

The purpose of this item is to approve the minutes from the March 26, 2025, meeting of the Planning and Zoning Commission.

Commissioner York made a motion, seconded by Commissioner Connelly, to approve the Consent Agenda. Yeas: Connelly, York, Bruxvoort, Shepard, and Sass. Nays: None.

THE MOTION CARRIED.

DISCUSSION AGENDA

2. **ELECTION OF OFFICERS**

Commissioner Shepard nominated Adam Sass as Chair.

Commissioner York made a motion, seconded by Commissioner Bruxvoort, that the Planning and Zoning Commission approve the Southwest Corner of Drake and College Overall Development Plan ODP250002 finding that the overall development plan complies with all applicable Land Use Code requirements. This decision is based on the agenda materials, the information presented during the work session and this hearing, and the Commission discussion. The Commission adopts the information, analysis, findings of fact, and conclusions regarding this ODP contained in the hearing staff report. Yeas: Bruxvoort, Connelly, Shepard, York, and Sass. Nays: none.

THE MOTION CARRIED.

5. WATER EFFICIENCY PLAN UPDATE

DESCRIPTION: This is a request for Recommendation to City Council for adoption of the updated Water Efficiency Plan (WEP). The Water Conservation Division, in partnership with other One Water Utilities teams and City departments, has updated the WEP, which is a State-required plan for the Fort Collins One Water Utilities service area. The updated WEP sets two new goals, and a variety of strategies intended to reduce risk and impact of water shortages by (1) lowering treated water use across the Utility service area and (2) building landscape resilience on City-owned properties. This update incorporated extensive community engagement, analysis of historical and projected future water use and efficiency savings under a range of climate and growth predictions, and alignment with City efforts including Our Climate Future.

STAFF: Alice Conovitz, Water Conservation Specialist

Staff Presentation

Alice Conovitz, Water Conservation Specialist, provided an overview of the updated Water Efficiency Plan (WEP), long-term goals for water efficiency in the community, and strategies to meet those goals by 2040. She stated staff is seeking a recommendation to Council to adopt the updated Water Efficiency Plan, which is currently out for public comment, input from Boards and Commissions, and a review from the Colorado Water Conservation Board.

Conovitz stated the WEP focuses on the Fort Collins Utilities water service area, which covers about 80% of the population and about 60% of the land area of the city. She noted the Plan is required by the State but is also an important tool as a guide for long-term water use and efficiency. She noted the last Plan was from 2015, and at that time a goal was set to lower demand to 130 gallons per capita per day by 2030. She stated progress has been made toward that goal, though the only year it was reached was the very wet year of 2023.

Conovitz stated the goals and strategies for this update focused on minimizing the risk of water sh and using conservation and efficiency as one way to do that. She noted growth and the warming climate drive demand, which in turn drives more risk for water shortage. She stated the updated WEP provides two goals that replace the existing goal. The first is a 4% annual reduction in treated water demand by 2040 to reduce the risk of shortages, which includes three targets: to lower the annual treated water demand by 320 million gallons below projected by 2040, double the volume of savings from efficiency strategies by 2040, and lower treated water use at City properties by 5 million gallons by 2040. The second goal is to improve water efficiency and build resilience on City-owned landscapes to benefit the community and the environment, which includes a target of implementing at least seven projects by 2040.

Conovitz outlined the proposed strategies that will be used to help achieve the goals, including behavioral, economic, infrastructure, and regulatory strategies. She stated the strategies were prioritized based on water savings potential, cost, feasibility, equitable outcomes, and acceptance. She stated public input shows that people like incentives but are open to thoughtful regulation and noted conservation program savings are considerably cheaper than solutions such as acquiring more water rights.

Conovitz noted staff is planning to take the final version of the WEP before Council in September for adoption.

Commission Questions

Commissioner Shepard noted a building permit requires a water supply requirement in addition to a tap fee and noted if the water supply requirement is based on the number of bedrooms and amount and type of outdoor landscaping. He asked if a price reduction would be offered on the water supply requirement to a developer who has a raw water or gray water system. Conovitz replied that capability does not exist currently as the City is not set up to be able to fully vet the longevity of a well for example.

Mariel Miller, Water Conservation Manager, stated those incentives are not currently built in, but a broader look at opportunities for incentives to reduce the water supply requirement in exchange for less water demand on a property is included as a strategy in the WEP.

Chair Sass commented on the large number of various plans in the City.

Commissioner Shepard asked if peer cities have been examined regarding this Plan. Conovitz replied in the affirmative and noted peer water providers in Fort Collins have also been consulted.

Commission Deliberation

Commissioner York noted the Plan is required and stated the only consideration he may add is a more aggressive approach.

Commissioner Shepard commended the level of detail in the presentation.

Chair Sass suggested possibly including some references regarding alignment with Our Climate Future. Conovitz stated there are references to alignment with Our Climate Future and other plans across the City in various places throughout the WEP.

Public Participation

None.

Commissioner York made a motion, seconded by Commissioner Shepard, that the Planning & Zoning Commission recommend that City Council adopt the proposed updated Water Efficiency Plan because the Plan meets the needs of the City and the State requirements as mentioned during the hearing. This decision is based on the agenda materials, the information presented during the work session and this hearing, and the Commission discussion. Yeas: Connelly, York, Bruxvoort, Shepard, and Sass. Nays: none.

THE MOTION CARRIED.

OTHER BUSINESS

None.

ADJOURNMENT

a. **Chair Sass moved to adjourn the P&Z Commission hearing. The meeting was adjourned at 11:22 PM.**

Minutes respectfully submitted by Krista Kidwell

Minutes approved by the Chair and a vote of the Board/Commission on 07/17/25.

Water Commission
REGULAR MEETING Excerpt from DRAFT unapproved minutes
Thursday, July 17, 2025 – 5:30 PM

222 Laporte Ave., 1st Floor, Colorado River Room

1. CALL TO ORDER: 5:31 PM

2. ROLL CALL

a. Commissioners Present (In Person): Chairperson Laura Chartrand, Vice Chair James Bishop, and Commissioners James Bishop, Richard Kahn, Nick Martin
b. Commissioners Present (via Teams): Commissioners Paul Herman, Nicole Ng, Greg Steed
c. Commissioners Absent: Commissioner Jordan Radin
d. Staff Members Present (In Person): Jill Oropeza, Katherine Martinez, Joe Wimmer, Katie Collins, Erik Monahan, Cindy Farnes, Kathryne Marko, Kelly Wasserbach, Mandy Rasmussen, Christina Schroeder, Andrew Gingerich, Alice Conovitz, Gregg Stonecipher, Matt Fater, and Jeremy Woolf
e. Guests: None

7. REGULAR (ACTION) ITEMS

c. Water Efficiency Plan (WEP) Request for Recommendation

Water Conservation Specialist Alice Conovitz summarized comments on the draft plan from the June 5 meeting, and reported that the plan is being finalized and will be presented to City Council on Sept. 2. Acting Water Conservation Manager Katie Collins was present as staff support.

Discussion Highlights

Commissioners commented on and inquired about various related topics including whether any Water Commission feedback was tricky to incorporate (Ms. Conovitz responded that the Water Commission had asked whether the plan was doing enough; as a result, staff increased the goal from 3% to 4% by the year 2040 for reduction in water consumption); number of public comments totaled eight, and staff outreach efforts were extensive via website, social media, Utilities bill insert; engagement efforts occurred over many months and feedback was incorporated into the draft plan; whether the eight commenters included any major water users (staff didn't ask for commenters' identity in the form, but reached out individually to large customers and received thanks for sharing the information; whether there's any economic cost change to City by increasing the water consumption reduction goal from 3% to 4% (staff's response: impact to revenue due to decreased consumption over years has resulted in big swings that are weather-driven [increased precipitation] from year to year that tend to be more than 4%, such as in 2023 a very wet year, which resulted in a 13% decrease in demand relative to historical data, and staff is expecting less of an impact on revenue with the 4%

goal); community outreach during plan development was partially grant-funded, and staff invested heavily in outreach toward community members who historically don't participate; question of whether scaling back on money spent on outreach efforts could go toward other projects or programs (Ms. Conovitz responded that outreach related to the public comment draft (such as social media, Utility bill inserts, translation, etc.) was low cost, about a few hundred dollars); comment that very few members of the public have attended Water Commission meetings over the past few years, leading to speculation that people simply aren't interested; Staff Liaison to the Water Commission Jill Oropeza (Senior Director of Integrated Sciences and Planning) mentioned clear direction from City Council on community outreach required, and that the plan included heavy public engagement during early stages of the plan development.

Vice Chair Bishop moved to recommend City Council adopt the updated Water Efficiency Plan.

Commissioner Kahn seconded the motion.

Vote on the motion: **it passed unanimously, 8-0**

These draft minutes are scheduled to be approved by the Chair and a vote of the Water Commission on 09/18/25.

Utilities
222 Laporte Ave.
PO Box 580
Fort Collins, CO 80522
aconovitz@fcgov.com

Memorandum

Date: July 9, 2025

To: Water Commissioners

Through: Jill Oropeza, Sr. Director, Integrated Water Sciences & Planning

From: Alice Conovitz, Water Conservation Specialist

Subject: 2025 Fort Collins Utilities Water Efficiency Plan: Summary of Final Comments and Planned Changes

BOTTOM LINE

This memorandum outlines the changes that will be incorporated into the final Water Efficiency Plan (WEP) as a result of feedback received on the draft WEP from community members, the Colorado Water Conservation Board (CWCB), and City of Fort Collins Boards and Commissions. Staff will seek City Council approval of the final WEP at the Sept. 2, 2025 meeting.

As the WEP is intended to be a high-level, goal-setting framework for water efficiency efforts, some feedback, while valuable, is more appropriately addressed during the implementation phase, following WEP approval.

Staff provided the draft WEP to Water Commission in the June 5, 2025 meeting materials. It can also be viewed online at ourcity.fcgov.com/wep.

COMMUNITY COMMENTS AND PLANNED RESPONSES

Fort Collins Utilities (Water Utilities) conducted an extensive public engagement process as part of preparing the draft WEP (described in the document in Section 3.5 and Appendix B). Public comments on the draft WEP were received from April 23 to June 23, 2025. During this time, the draft WEP was posted online and community members could submit comments via an online form or through direct email to staff. Although the draft was prepared in English only, translation via Google Translate was available for most sections, and the online comment form was offered in both English and Spanish. Community members could also request a mailed printed version of the draft WEP and comment form. Staff promoted the public comment period through a Utilities bill insert, social media, emails, newsletters, websites, and public events.

Staff received eight online forms and one direct email during the public comment period. They are summarized as follows:

Goals

- Understandable: 3 Yes, 4 Somewhat, 0 No
- Reflect community values: 3.7 (out of 5)

CC: Katie Collins

- Appropriate for our community: 2 Yes, 4 Somewhat, 1 No
- Applicable to my life: 2 Yes, 4 Somewhat, 1 No
- Ambitious: 4 Yes, 3 Somewhat, 0 No

Strategies

- Understandable: 3 Yes, 4 Somewhat, 0 No
- Applicable to my life: 3 Yes, 4 Somewhat, 0 No
- Target right uses: 4 Yes, 3 Somewhat, 0 No
- Appropriate for our community: 3 Yes, 4 Somewhat, 0 No
- Adequately support customers: 2 Yes, 3 Somewhat, 2 No

Write-in comments generally aligned with the feedback received during WEP engagement. No changes to the WEP document are planned in response to the comments received.

CWCB COMMENTS AND PLANNED RESPONSES

The Colorado Water Conservation Board (CWCB) is the state's approving agency for WEPs. CWCB staff completed an initial red flag review of the draft WEP and found that "it appears to meet the required criteria." CWCB requested staff include a more detailed discussion of the climate change scenarios used in the WEP to evaluate potential future water demands and savings potential for efficiency strategies.

To address the CWCB comments, staff plan to prepare a detailed climate assessment memorandum to be provided to CWCB separate from the WEP. Additionally, staff prepared the following draft text and summary figures intended to be incorporated into WEP Section 1.3.1:

> Colorado Climate Center researchers provided a customized analysis of localized future maximum temperature and precipitation projections for Fort Collins. This analysis used Coupled Model Intercomparison Project Phase 6 (CMIP6[1]) climate datasets that were statistically downscaled using the Localized Constructed Analogs (LOCA)[2] method, which yields an ensemble of modeled climate projections at a localized geographic scale suitable for hydrologic modeling. The Shared Socioeconomic Pathway scenario SSP2-4.5[3], informally

[1] CMIP6, coordinated by the World Climate Research Programme, is the most current set of global climate model data produced using numerous climate models within an integrated framework. Additional information is available at pcmdi.llnl.gov/CMIP6.
[2]LOCA version 2 datasets provide CMIP6 climate model projections over a 6-kilometer grid scale. Additional information is at loca.ucsd.edu. Dr. David Pierce at the University of California San Diego Scripps Institution of Oceanography led the development of this open-source dataset, which is available for download at https://cirrus.ucsd.edu/~pierce/LOCA2/CONUS_regions_split/.
[3] Shared Socioeconomic Pathway scenario describes the future scenarios of human societal developments used in climate modeling. The SSP2-4.5 pathway is a scenario in which the current patterns of social, economic, and technological trends are similar to historical patterns.

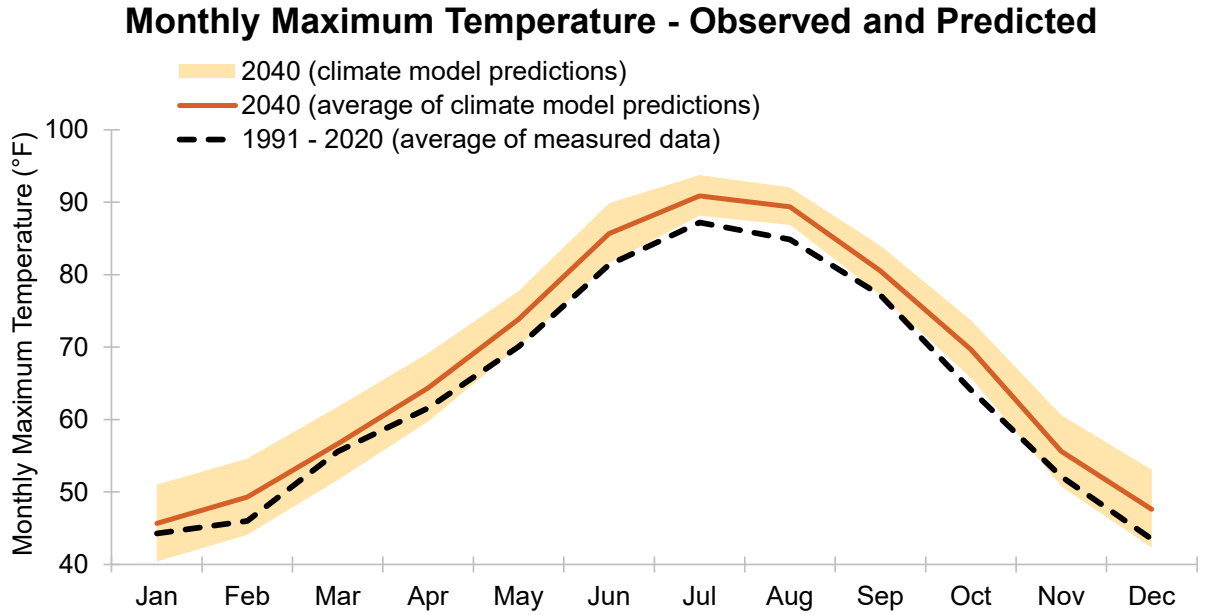
referred to as the “middle-of-the-road" scenario, was used for the Fort Collins analysis.

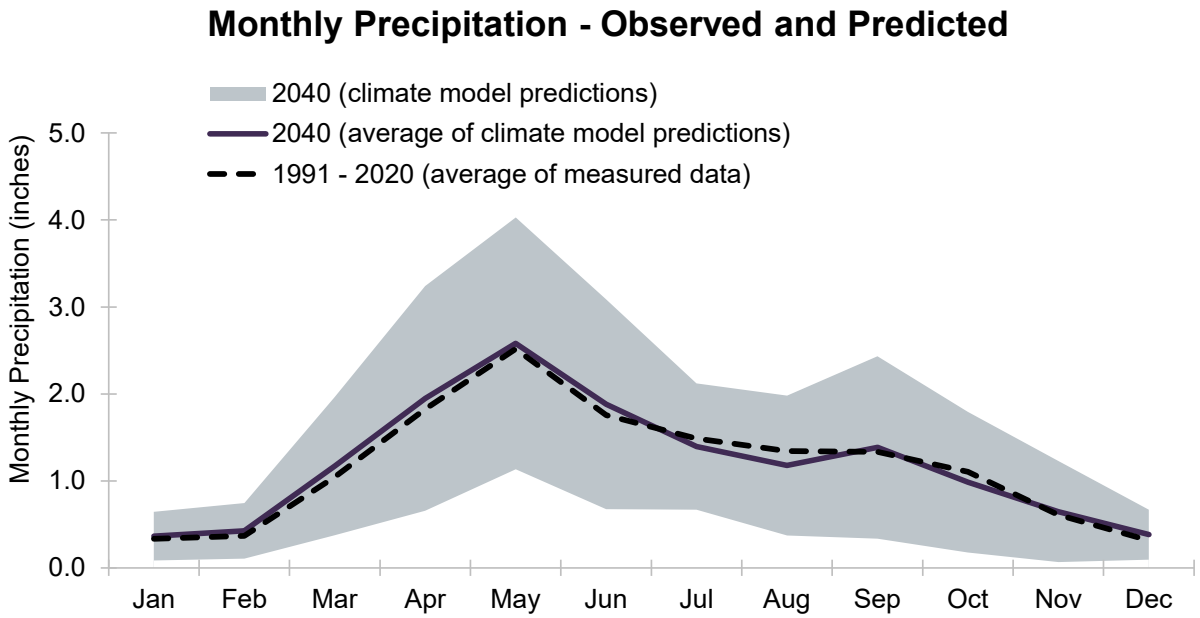
The Colorado Climate Center analysis produced monthly maximum temperature and total precipitation outputs for 1991 – 2100. The 1991 – 2014 period is a subset of the historical climate simulations from the CMIP6-LOCA dataset, and the 2015 – 2100 period uses future climate projections under the SSP2-4.5 scenario. Data were statistically processed to generate a mean and range of projections for each month in this time period. The range was defined by the mean of model predictions plus/minus one standard deviation. Figure 4 (upper plot) presents the range of predicted temperatures for 2040, as well as the average for the 30-year period from 1991 – 2020, which was used as the Water Efficiency Tool (WET) water demand model baseline. The lower plot in Figure 4 presents the same information for total monthly precipitation.

As shown in the figures, climate model projections for the Fort Collins area indicate that, by 2040, monthly maximum temperatures will generally be warmer relative to the 30-year period from 1991 – 2020. Climate model predictions for monthly precipitation vary, suggesting that it is difficult to predict whether the future amount of precipitation in Fort Collins is likely to be higher, lower, or similar to the 1991 – 2020 period.

Staff used the Colorado Climate Center’s projections to generate monthly temperature and precipitation inputs to model water demand and efficiency strategy savings for this WEP.

Figure 1. Predicted monthly maximum temperature and monthly precipitation for Fort Collins, relative to 1991 – 2020.





BOARD AND COMMISSION COMMENTS AND PLANNED RESPONSES

Water Utilities staff sought feedback on the draft WEP from the following City of Fort Collins Boards and Commissions:

- Natural Resources Advisory Board – On June 26, 2024, staff presented an overview of the WEP and led an engagement activity to seek input on water efficiency strategies as they pertain to urban tree health/benefits and raw water irrigation. On May 21, 2025, staff presented an overview of the WEP draft that was available during the public comment period and solicited final input from Board members. The Natural Resources Advisory Board provided a letter of support for the WEP update to City Council on June 18, 2025.

- Parks and Recreation Advisory Board – On May 28, 2025, staff presented an overview of the WEP draft that was available during the public comment period and solicited final input from Board members. They provided specific comments, which staff addressed through revisions to the WEP text and a comment response memorandum dated June 23, 2025. Staff returned to address questions at the June 25, 2025 meeting. The Parks and Recreation Advisory Board drafted a letter of support for the WEP update that they will review at their July 23, 2025, meeting.

- Planning and Zoning Commission – On May 9 and May 15, 2025, staff presented an overview of the WEP draft that was available during the public comment period and solicited final input from Commissioners. They unanimously-approved a motion to support the WEP at their May 15, 2025 hearing.

- Water Commission – Staff met with Water Commission on April 6, 2023, and May 18, 2023, to seek early input on efficiency strategies to consider for evaluation during the WEP update. Staff met with the Water Commission again on March 20, 2025, and June 5, 2025, to provide an update and seek feedback on proposed goals and strategies. Staff will seek support for the final WEP at Water Commission's July 17, 2025 meeting.

The remainder of this section summarizes comments from boards and commissions on the draft WEP, and planned responses. The comments shown here drove planned WEP revisions and/or are representative of repeated themes.

WEP Goals

Comment: Provide additional information about how the 4% goal was chosen.
Comment: Explain mechanisms used to achieve goals.

Response: Staff will add new text to WEP Section 3.1 (Water Efficiency Goals) to summarize the goal-setting process. The following is a draft of the new text:

> Goal 1 was set based on a "top-down" analysis of expected demand increase paired with a "bottom-up" analysis of feasible savings: Staff estimated future water demand increases based on a range of growth and climate conditions ("top down"), then set a reduction goal based on (1) outperforming historical Water Conservation Division program savings of approximately 2% each year, paired with (2) analysis of cumulative potential water savings from efficiency strategies described in Section 4 of this WEP ("bottom up").
>
> The volume of savings associated with the 4% reduction in Goal 1 is determined based on projected demands for Water Utilities' customers under a range of future growth and climate scenarios. Because demands vary year-to-year, for a specific percent reduction target (i.e., 4%) the volume (millions of gallons) of savings would go up or down based on variability in consumption. Staff estimate that a 4% reduction in 2040 demand is estimated to require 280 – 355 million gallons (860 – 1,090 acre-feet) of efficiency savings which reflects the range of estimated 2040 demands driven by different climate and growth scenarios. This level of savings would be an increase of more than two times over average measured Water Conservation Division savings from 2020 – 2024. To gradually progress to the final 2040 goal, interim annual targets will be tracked from 2030 – 2040.
>
> Goal 2 was set based on collaborative discussions across City departments and alignment with the two-year municipal budgeting cycle, with the intent to average one new landscape resilience project with each two-year cycle.

Efficiency Strategies

Comment: One survey theme was that it's critical to engage home owners associations (HOAs), landscaping professionals, and realtors; Utilities should explore more strategies targeted at these groups.

Response: The Water Utilities currently offer a wide range of water efficiency programs, including a subset that serve non-residential customers with large landscapes, like HOAs. The WEP outlines the following existing and proposed large landscape strategies:

- Xeriscape Incentive Program rebates for commercial customers
- HOA and commercial irrigation assessments
- Irrigation equipment rebates
- Programs that support landscape and irrigation contractors who serve HOAs and other large landscapes, such as the Waterwise Professionals Network
- Proposed strategy: Wrap-around support for water efficiency in community green spaces or HOAs and large turf areas. This is envisioned as a stepwise program that offers irrigation education, irrigation equipment upgrades (e.g., smart controllers), turf conversions, and ongoing maintenance.

Based on a keyword analysis, we estimate there are approximately 250 HOAs in Water Utilities' service area and about 325 water taps that serve their common areas or facilities. Those taps use about 240 million gallons of water annually, which is approximately 4% of all treated water use within the service area. While staff agree that expanding water efficiency strategies related to HOAs and other large landscapes is important, due to the amount of water used and current level of support from public engagement, no changes to the WEP document are planned in response to these comments, as this level of detail is inconsistent with staff's intention for the WEP to be a high-level framework. Rather, staff will prepare or update detailed program plans for the efficiency strategies identified for implementation following City Council's approval of the WEP. Staff will prioritize addressing relevant data gaps that could significantly advance implementation. For example, staff have already identified updated landcover data and analyses as a valuable need.

Comment: Projects for turf-to-xeric conversions on City-owned property should be designed to maximize co-benefits such as insect and pollinator habitat and native plant restoration; water savings should not be the only selection/design criterion.

Response: Staff will add text to the description of the "Targeted Turf-to-Xeric Conversions on City-Owned Properties" strategy to emphasize the opportunity for ecological co-benefits.

Additional comments related to efficiency strategies:

- *Given the support for regulatory strategies expressed in customer surveys, Utilities should consider pursuing more regulatory measures.*
- *On-bill financing should not be limited to high-cost projects and multi-year loans, but rather should be available to income-qualified customers for lower-cost equipment replacements and landscape/irrigation conversions.*

- *Develop more educational materials pertaining to climate-based scenarios in reference to the "cost of inaction" to elevate the seriousness of water scarcity in the Northern Colorado landscape.*
- *Examine recognition programs at various scales (e.g., individual household, neighborhood, business, etc.) to promote conservation behavior change.*

Response: Staff will prepare or update detailed program plans for the efficiency strategies identified for implementation following City Council's approval of the WEP. These program plans are intended to incorporate specific implementation details such as those included in these comments.

Collaboration

Comment: As much of Fort Collins' future growth will occur outside the City's water utility service area, tighter partnerships and programmatic integrations with service providers such as East Larimer County Water District (ELCO) and Fort Collins-Loveland Water District (FCLWD) are essential to achieving the WEP's goals. Without alignment across providers, new development risks falling short of the water efficiency standards Fort Collins has committed to.

Comment: Tighter integration and/or coordinating with ELCO, Fort Collins-Loveland Water Districts on their WEP plans.

Response: Staff will add new text to the WEP in Section 3 (Integrated Planning and Water Efficiency Benefits and Goals) to describe in more detail the differences between water providers in the City's Growth Management Area, current/ongoing collaborative efforts, as well as challenges/roadblocks.

Preliminary draft of new text to be added to the WEP:

> Certain areas within the Growth Management Area are served by neighboring water providers. The largest adjacent water providers, East Larimer County (ELCO) and Fort Collins-Loveland Water District (FCLWD), have their own WEPs that describe goals and strategies for their service areas. Fort Collins Utilities values these partnerships and continues to look for ways to collaborate through coordinated information-sharing, planning, communications/outreach, and efficiency strategies.
>
> Important differences exist between Water Utilities, ELCO, and FCLWD, including source water supply portfolios, organizational policies, size, staffing, mission and vision, financial resources, and growth patterns. Through ongoing and increased collaboration across water providers, there are opportunities to better plan for risk, improve the resiliency of the water supply systems, and improve alignment and understanding of policies, plans and processes to best serve customers. An analysis conducted in 2021 – 2022 by consultants, titled "Water Resources Matters in the Fort Collins Growth Management Area: Study Report Results," identified over 100 challenges and potential solutions to improve coordination across water providers.

Examples of current collaboration and coordination between water providers include:

- Interconnected infrastructure in the treatment and distribution systems
- regular information sharing about water supply and potential restrictions status
- biannual check-in meetings with FCLWD through the Utilities Business Resource Team, which supports industrial customers.

The WEP includes new strategies expected to encourage collaboration across water providers, such as:

- Establish regular contact and information sharing between Fort Collins' water providers and City Planning staff
- Further integrate water efficiency into strategic plans and policies
- Support One Water efforts and an integrated demand management approach

Comment: Tighter integration with Poudre School District (PSD), Colorado State University (CSU) and Front Range Community College (FRCC) for community resources and serve as first touchpoints for families

Response: Staff will add text to the WEP, Section 5.1 (Implementation) regarding communications and marketing to highlight the importance of seeking opportunities to partner with broad-reaching organizations, such as PSD, CSU, and Front Range Community College, as well as City departments.

Preliminary draft of new text to be added to the WEP:

> Staff will seek new opportunities to partner with broad-reaching organizations in the community such as schools, higher education institutions, and professional and community organizations to share information and promote efficiency.

Cost of Inaction

Comment: Resources in the plan for individuals to understand costs of inaction. Provide stats and what it costs related to actions/inactions, e.g., not updating irrigation systems or lawns over time.

Response: Staff plan to add the following new text to WEP Section 4 to provide examples of residential and business customer actions that would contribute to the WEP goals, including estimated water savings, customer costs, and water bill savings associated with efficiency strategies. Staff will also look for opportunities to highlight similar examples in the WEP Executive Summary and in future outreach materials.

> Water Utilities customers have a variety of options to lower their water use, including the strategies outlined in this WEP. To illustrate how individual actions

can collectively help achieve the 4% reduction target in Goal 1, the following examples highlight actions different customers might take overtime:

Residential customers

The average single-unit household in the Water Utilities service area uses about 80,800 gallons of water a year. This means that the average residential customer can help meet the 4% WEP goal by lowering their water use by about 3,200 gallons each year (relative to current average use).

- Change Showers: Swapping out a 2.5 gallon-per-minute showerhead for a free 1.5 gallon-per-minute version (currently offered for free through the Water Conservation Showerhead Swap program) and cutting shower time from 12 to 8 minutes can save up to 1,500 gallons per year and save about $5 on water bills.
- Check Sprinklers: Outdoor water use spikes in the summer. Free irrigation assessments save participating households an average of 5,000 gallons per year and over $16 on water bills. Many lawns have correctable issues like inefficient watering schedules and broken or tilted heads.
- Redo Landscapes: Native landscaping is water-smart, supports ecosystems, and looks great. A 1,000 square-foot project can save 6,000 gallons annually and lower water bills by about $20 annually. The average cost to Xeriscape Incentive Program participants for a project of this size was $1,840 and rebates can cover up to $1,000 of that cost. Additional savings are possible through the Garden in a Box discounts.

Business customers

The typical water use and potential for water efficiency savings varies based on business type, size, and other factors. The WEP includes a variety of commercial efficiency strategies, including custom rebates that let a business identify what opportunities work best for them.

- Plumbing Upgrades: Replacing 10 older urinals with WaterSense models could save a business between 26,000-60,000 gallons annually and up to $180 on annual water bills. Even smaller changes—like upgrading five toilets—can cut 11,000 gallons a year. Rebates available for urinals and toilets typically offset about 20% of the installation costs.
- Water Efficient Large Landscapes: Replacing bluegrass turf with native grass species is a cost-effective strategy for reducing water use on large landscapes. Converting 10,000 square feet can save approximately

70,000 gallons annually. Water Utilities offers rebates up to $15,000 for qualifying projects.

If detailed and accurate information can be found through research or analysis, staff will modify the WEP, Section 3.2 (Benefits of Water Efficiency), to include information that is directly relevant to the City of Fort Collins and customers. To date, quantified data has been difficult to find or analyze.

ADDITIONAL PLANNED CHANGES

Staff made the following additional changes to improve readability and incorporate the most up-to-date information available:

- Added an Executive Summary
- Moved the extensive tables of efficiency strategies to Appendix C and replaced them in the Section 4 text with easier-to-read bulleted lists
- In Appendix C tables, updated efficiency strategy water savings estimates based on updated water demand modeling that incorporated local climate change projections provided by the Colorado Climate Center
- Finalized summaries of public review in Section 6 and Appendix B to reflect the final feedback collection period

NEXT STEPS

Staff are working toward the following timeline for WEP completion:

- July-August: Staff will prepare a final WEP that incorporates the revisions summarized in this memorandum
- July-September: Staff will provide a memorandum to other boards and commissions that includes a brief overview of comments and revisions incorporated into the final WEP.
- September: Seek City Council approval of the final WEP at the Sept. 2, 2025 meeting.

RESOLUTION 2025-080
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING THE 2025 FORT COLLINS UTILITIES WATER
EFFICIENCY PLAN

A. The City owns and operates Fort Collins Utilities, which includes a water utility that, among other things, provides water at retail rates to domestic, commercial, industrial, and public facility customers that have a total annual demand of more than 2,000 acre-feet.

B. The City has a long-running commitment to the efficient use of the City's water resources, dating back to at least 1977 and continuing through present day.

C. Beginning on July 1, 2006, Colorado Revised Statute (“C.R.S.”) Section 37-60-126 of the required that the City develop, adopt, and implement a water efficiency plan approved by the Colorado Water Conservation Board (“CWCB”).

D. In 2010, the CWCB approved the City's water efficiency plan, known as the Water Conservation Plan, dated February 12, 2009. In 2016, the CWCB approved the City's subsequent and current water efficiency plan, known as the 2015 Water Efficiency Plan, dated February 17, 2016.

E. C.R.S. Section 37-60-126 requires that the City periodically review and update its water efficiency plan.

F. Fort Collins Utilities, through its Water Conservation Division, has reviewed and updated its water efficiency plan and has proposed for Council approval and adoption an updated plan, known as the Fort Collins Utilities 2025 Water Efficiency Plan ("WEP"), attached hereto as Exhibit A and incorporated herein by this reference.

G. The WEP is consistent with the City's goals and objectives, with the benefits to the City including: building resilience to drought and climate change; efficient per capita water use; reducing, delaying or avoiding operational or capital costs for Fort Collins Utilities where practicable; working in tandem with planned water projects, such as the Halligan Water Supply Project, to support service continuity and Fort Collins Utilities’ water future; further development of a conservation ethic and reducing waste; demonstration of a commitment to sustainability; and support of economic health.

H. The WEP meets the requirements of C.R.S. Section 37-60-126 and is ready to be submitted to the CWCB for its review and approval.

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

Section 1. City Council adopts the WEP as the City's current water efficiency plan, replacing all previous versions.

Section 2. The City Manager is hereby directed to submit the WEP to the CWCB pursuant to C.R.S. Section 37-60-126 and all legal requirements.

Passed and adopted on September 2, 2025.

_____
Mayor

ATTEST:

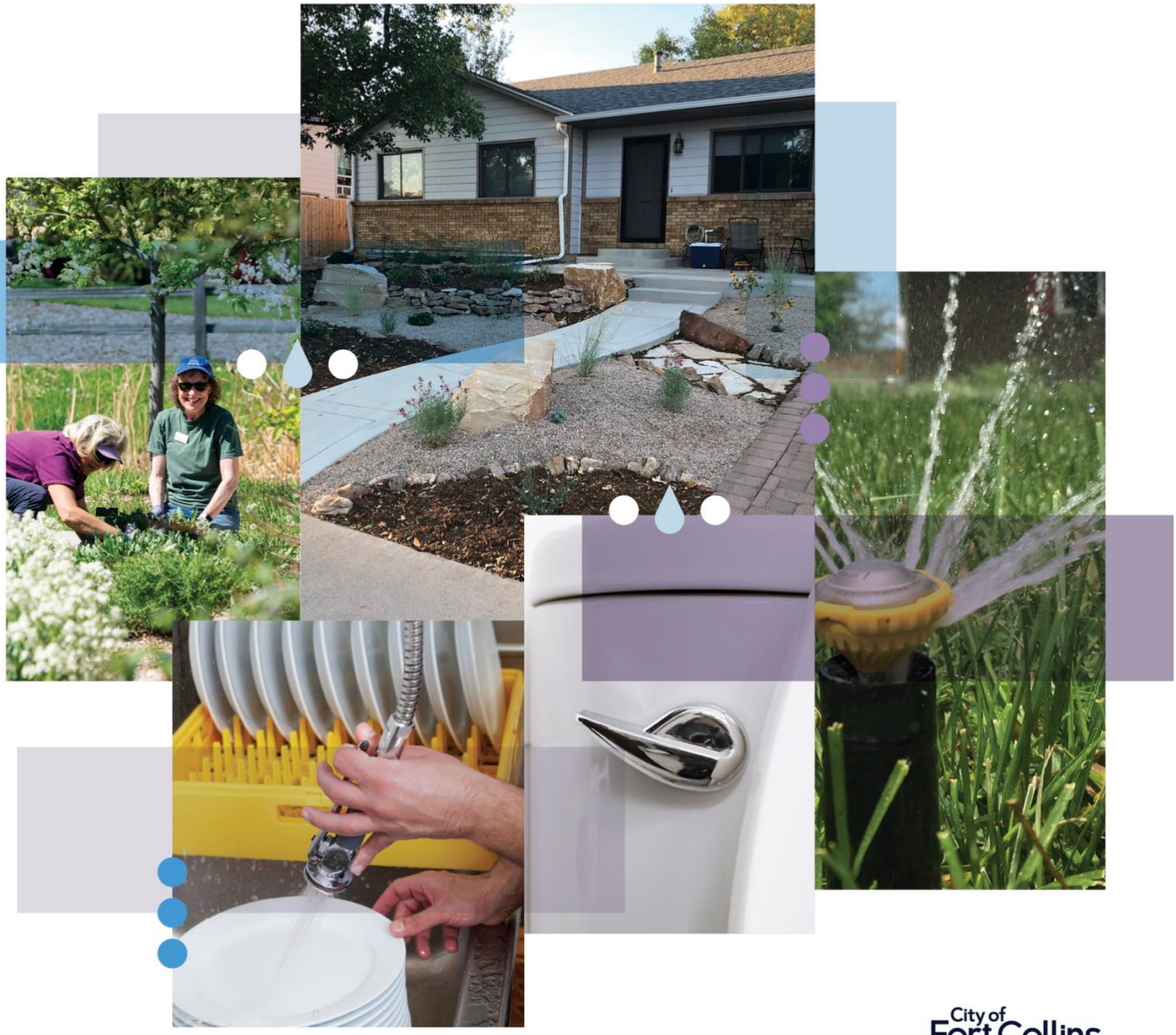
_____
City Clerk

Effective Date: September 2, 2025
Approving Attorney: Eric Potyondy

Exhibit: Exhibit A - 2025 Fort Collins Utilities Water Efficiency Plan

Fort Collins Utilities

2025 WATER EFFICIENCY PLAN



City of Fort Collins

Table of Contents

Table of Contents **2**
List of Figures **6**
List of Tables **7**
Acronyms **8**
Acknowledgements **10**
Land 10
Community 10
Staff and Consultants 10
City of Fort Collins 10
Technical Consultants 10
Executive Summary **12**
Overview 12
Water Efficiency Goals 12
Goal 1: Reach 4% Annual Reduction in Water Use by 2040 12
Goal 2: Improve Efficiency and Resilience on Public Landscapes 12
Water Efficiency Strategies 12
Key Benefits of Water Efficiency 13
Equity and Community Engagement 13
Water Use Snapshot 14
Next Steps and How to Get Involved 14
Residential Customers 14
Business Customers 15
Looking Ahead 15
Introduction **16**
Water Conservation Goals 16
Goal 1: Reach 4% annual reduction in water use by 2040 to reduce risk of shortages 17
Goal 2: Improve water efficiency and build resilience on City-owned landscapes, to benefit the community and environment 18
Scope and Guiding Principles 19

1 Profile of Existing Water Supply 21
1.1 Overview of Existing Water Supply System 21
1.1.1 Raw Water Supply Yield 24
1.1.2 Reusable Water Supplies and Graywater 25
1.2 Supply Reliability 26
1.3 Supply-Side Limitations and Future Needs 26
1.3.1 Climate 27
1.3.2 Storage Constraints and Planned Improvements 30
1.3.3 Water Supply Risk Responses 30
1.3.4 Growth and Water Supply Requirements 31
2 Profile of Water Demand and Historical Demand Management 32
2.1 Demographics and Key Characteristics of the Service Area 32
2.2 Historical Water Demands 32
2.2.1 Water Demand by Customer Sector 34
2.2.2 Seasonal Demand 37
2.2.3 GPCD: Water Demand Per Person Per Day 39
2.2.4 System Water Loss 40
2.2.5 Raw Water Use 41
2.3 Past and Current Demand Management Activities 43
2.3.1 Demand Management for Short-Term Water Shortages 44
2.3.2 Land Use and Water Integration with Demand Management 44
2.4 Demand Forecasts for Water Efficiency Planning 44
2.4.1 Population Projections 45
2.4.2 Demand Scenarios 46
2.4.3 Residential and Commercial Demand Projections 47
2.4.4 Additional Considerations for Overall Water Resource Supply Planning 48
3 Integrated Planning and Water Efficiency Benefits and Goals 50
3.1 Water Efficiency Goals 51
3.2 Benefits of Water Efficiency 54
Building Resilience to Drought and Climate Change 54

3.3 Summary of Integrated Land Use Planning Strategies 57
3.3.1 Current Strategies 57
3.3.2 New Strategies 57
3.4 Equity in Water Use and Demand Management 58
3.4.1 Equity in Engagement 60
3.4.2 Equity in Outcomes - Strategy Selection and Implementation Planning 60
3.5 Community Engagement 61
3.5.1 Incorporating Feedback into Goals and Strategies 62
4 Selection of Water Efficiency Activities 65
4.1 Summary of Selection Process 66
4.1.1 Selection Process and Criteria 67
4.1.2 Prioritization Process 68
4.2 Strategies for Goal 1 68
4.2.1 Examples of How Customers can Contribute to Goal 1 Reduction 71
4.3 Strategies for Goal 2 and One Water Demand Management 73
5 Implementation and Monitoring 74
5.1 Implementation 74
5.2 Monitoring 75
Goal 1 Metrics 76
6 Adoption, Public Review, and Formal Approval 78
6.1 Adoption of New Policy 78
6.2 Public Review Process 78
6.2.1 Public Review of WEP Document 78
6.3 Local Adoption and State Approval Processes 78
6.4 Periodic Review and Update 79
7 References 80
Appendix A: Brief History of Water Conservation 82
Appendix B: Alignment, Equity, and Engagement 84
Strategic Alignment 84
City of Fort Collins Strategic Plan (2024) 84

Equity Considerations 86
City of Fort Collins 2024 Strategic Plan (Strategic Objective: Neighborhood & Community Vitality 3) 86
Importance of Equity in Water Conservation Planning 87
Equity in Engagement 88
Equity in Conservation Strategy Selection and Implementation Planning 90
Engagement Activities 91
Engagement with the Community 91
Engagement with City Advisory Groups 94
Engagement with City Staff 95
Key Findings from WEP Engagement 98
Suggestions for Future Engagement 99
Appendix C: Efficiency Strategies Supporting Goal 1 101
Current Strategies Supporting Goal 1 101
Behavioral Strategies 101
Infrastructure (Including Operations) 104
Economic Strategies 104
Regulatory Strategies (Regulations and Ordinances) 106
Planned New Strategies Supporting Goal 1 117
Behavioral 117
Infrastructure (Including Operations) 118
Economic 118
Regulatory (Regulations and Ordinances) 118
Efficiency Strategies Evaluated but Not Selected for Implementation 123
Discontinued Water Efficiency Strategies 124
Appendix D: Efficiency and Landscape Resilience Strategies for Goal 2 and City One Water Demand Management 126
Current Activities and Best Practices for Managing Water Use on City-Owned Properties .. 126
Opportunities for City Organization Water Efficiency, Landscape Resilience, and Land Use Planning/Development 131
Appendix E: Glossary 136

List of Figures

Figure 1: The Water Utilities service area and surrounding water provider boundaries 22
Figure 2. Water Utilities' source water supply system 23
Figure 3: Climate hazards facing Fort Collins 27
Figure 4. Predicted monthly maximum temperature and monthly precipitation for Fort Collins, relative to 1991 - 2020. 29
Figure 5: Annual total treated water and service area population 33
Figure 6: Daily total water treated (2020-2024) 34
Figure 7. Annual billed treated water use for residential and commercial customers 36
Figure 8. Billed treated water use by customer category (2020-2024) 36
Figure 9. Average monthly metered and billed treated water use (2020-2024) 37
Figure 10. Average indoor (top) and seasonal (bottom) water use by customer sector (2020-2024) 38
Figure 11. Water use in GPCD and service area population (2000-2024) 39
Figure 12. Water balance components evaluated in water loss audits 40
Figure 13. City properties that use raw water irrigation 42
Figure 14. Annual treated water demand and savings from water efficiency programs 43
Figure 15. Current and projected population for the Water Utilities service area 46
Figure 16. Historical (2000-2024) and range of projected (2025-2040) water use under possible future climate and growth scenarios 48
Figure 17. Water Efficiency Goal 1 interim targets and final 2040 goal 54
Figure 18. Approaches to influence water demand and areas potentially impacted by efficiency strategies 65
Figure 19. Summary of water efficiency impacts with full implementation of all current and new strategies. 71
Figure 20. Conceptual implementation timeline 74
Figure 21: Historical water demand management planning levels and goals for Fort Collins Water Utilities 82

List of Tables

Table 1: Water Utilities' annual treatable source water yield 25
Table 2: Potential limitations/future needs related to water supply system planning 30
Table 3: Billed treated water use by customer category (2020-2024) 35
Table 4: Water efficiency goals 53
Table 5: Current and New Water Efficiency Strategies Supporting Goal 1 69
Table 6: WEP update community engagement activities 92
Table 7: WEP update City staff engagement activities 97
Table 8: Current efficiency strategies supporting Goal 1 109
Table 9: New efficiency strategies to support Goal 1 120
Table 10: New efficiency strategies evaluated but not currently planned 123
Table 11: Discontinued water efficiency strategies 124
Table 12: Current City of Fort Collins activities and best practices for managing water use and landscapes on City-owned properties and facilities 129
Table 13: New strategy opportunities for managing water use on City-owned properties and facilities 134

Acronyms

AF	Acre-Foot (equals 325,851 gallons)
AFY	Acre-Feet per Year
AMI	Advanced Metering Infrastructure
AWE	Alliance for Water Efficiency
AWWA	American Water Works Association
BFO	Budgeting for Outcomes
BMP	Best Management Practice(s)
C-BT	Colorado-Big Thompson
CEC	Climate Equity Committee
CWCB	Colorado Water Conservation Board
DET	Demand Estimation Tool
ELCO	East Larimer County Water District
ET	Evapotranspiration
FACE	Future Avoided Cost Explorer
FCLWD	Fort Collins-Loveland Water District
GMA	Growth Management Area
GPCD	Gallons per Capita per Day
HOA	Homeowners Association
ILI	Infrastructure Leak Index
LiDAR	Light Detection and Ranging
LCU	Large Contractual User

MG	Million Gallons
MGD	Million Gallons per Day
MGY	Million Gallons per Year
NEPA	National Environmental Policy Act
NPIC	North Poudre Irrigation Company
PDT	Planning, Development, and Transportation
PVLC	Pleasant Valley and Lake Canal
RFO	Return Flow Obligation
SRF	Storage Reserve Factor
SSD	Southside Ditches
SWSI	Statewide Water Supply Initiative
WEP	Water Efficiency Plan
WET	Water Efficiency Tool
WFCWD	West Fort Collins Water District
WQA	Winter Quarterly Average
WSAP	Water Shortage Action Plan
WSDMP	Water Supply and Demand Management Policy
WSR	Water Supply Requirement
WSSC	Water Supply and Storage Company

Acknowledgements

Land

We acknowledge and honor the lands situated within the City of Fort Collins as the original homelands of the Hinono'eiteen (Arapaho), Tsétsėhéstâhese (Cheyenne), Nʉmʉnʉʉ (Comanche), Caiugu (Kiowa), Čariks i Čariks (Pawnee), Sosonih (Shoshone), Oc'eti S'akowin (Lakota) and Núuchiu (Ute) Peoples. This area is an important site of trade, gathering, and healing for these Native Nations. These lands are home to a diverse urban Native community representing multiple Native Nations and Indigenous Peoples. Despite forced removal and land dispossession, they continue to thrive as resilient members of our community. We are grateful for Native community members and honor the rich cultural heritage they bring to our collective community. We further recognize and value their social, intellectual, economic, and cultural contributions. The City of Fort Collins is committed to supporting, partnering, and working with the Native and Indigenous community.

Community

We are grateful to the community members and City staff who participated in many hours of efficiency-focused engagement and to the Colorado Water Conservation Board for its support through a Water Plan Grant.

Staff and Consultants

Numerous staff from multiple City departments, as well as technical consultants, provided input and subject matter expertise:

City of Fort Collins

- City Attorney's Office
- Communication and Public Involvement
- Community Development and Neighborhood Services
- Community Engagement
- Distribution System Division
- Environmental Services
- Equity and Inclusion Office
- Financial Operations
- Natural Areas
- Parks
- Planning, Development and Transportation (PDT)
- Water Conservation
- Water Quality Services Division
- Water Resources Division

Technical Consultants

- INTERA
- Hazen and Sawyer
- Lotus Engineering & Sustainability

- Colorado Climate Center

Executive Summary

Overview

The 2025 Water Efficiency Plan (WEP) outlines the Fort Collins Utilities (Water Utilities) approach to manage water use and efficiency amid growing supply and demand pressures.

By improving how water is used across residential, commercial, and municipal sectors, the WEP helps support long-term water resilience for the Water Utilities system and customers. The plan supports the City's "One Water" commitment—managing water holistically to promote healthy watersheds, resilient communities, and water equity.

Water Efficiency Goals

The WEP sets two goals intended to lower water use, minimize the frequency and magnitude of future water shortages, build long-term landscape resilience, and encourage the City to continue leading by example. These goals reflect community feedback, staff input, and a commitment to act now to prepare for a hotter and more variable climate.

Goal 1: Reach 4% Annual Reduction in Water Use by 2040
This goal applies to all customer sectors, including homes, businesses, and City operations, and aims to reduce the risk of water shortages.

- Target 1.1: By 2040, lower overall annual treated water use by 320 million gallons (MG), or 980 acre-feet (AF), below projected water use
- Target 1.2: Double the volume of savings from efficiency strategies by 2040, relative to 2020-2024 average performance
- Target 1.3: Lower treated water use at City properties by a total cumulative volume of 5 MG (15 AF) by 2040

Goal 2: Improve Efficiency and Resilience on Public Landscapes

- Target 2.1: The City will complete at least 7 new projects on City landscapes by 2040. These projects aim to improve drought resilience, reduce raw or treated water use, and reinforce the City's role as a leader in water efficiency.

Water Efficiency Strategies

Water Utilities will advance water efficiency efforts through over 70 existing or new strategies that align with the following four approaches:

- Behavioral strategies that include actions like outreach, education, water use benchmarking, and technical assistance for water-efficient practices.

- Regulatory strategies that build on existing requirements for landscapes, buildings, and development standards.
- Infrastructure opportunities that include maximizing benefits from technology, like the City's existing advanced water meters, to offer customer data access, leak detection and notifications, and reduce water loss through distribution system maintenance.
- Economic strategies that include rebates, financial assistance, and pricing structures that incentivize efficiency.

Key Benefits of Water Efficiency

Water is both essential to life and limited in our region. Water efficiency strategies are cost-effective ways to manage use to minimize water shortage risk, while providing enough water to support the community's values.

Benefits of water efficiency include:

- Resilience: Proactive water efficiency buffers the community against climate-driven shortages. Climate model projections show an average increase in monthly maximum temperature of approximately 1.8°F–2.8°F by 2040, which will raise demand, especially for outdoor uses.
- Business stability: Water efficiency supports long-term economic growth and service continuity.
- Leadership: Efficient water use across City sites demonstrates what's possible – maintaining healthy landscapes while using water wisely.
- Affordability: For individuals, lower consumption can help keep bills down. For the Water Utilities, efficiency can delay capital expansion projects and reduce the need to acquire costly water rights.
- Do more with the water we have: Some conserved water can be stored for periods of drought, leased for agriculture, or used to support a healthy river system.

Equity and Community Engagement

The WEP was shaped through more than 5,000 touchpoints via surveys, meetings, and interviews. Not all community members or businesses have equal access to water-saving technologies or upgrades, and the WEP reflects that reality. Engagement and equity were integrated throughout the planning process. Staff used feedback directly to develop water efficiency goals and strategies, with input from renters, seniors, small business owners, and non-English speakers, among others.

The community said:

- Lead by example: The City must walk the talk

- Support landscape change: Less turf, more native plants
- Make programs accessible: Simplify the process to participate and save; provide education and materials in multiple formats and languages; offer upfront financial support, not just rebates
- Encourage and require efficiency through a balance of volunteer actions and incentives with thoughtful regulation
- Address challenges for renters and mobile home residents

Water Use Snapshot

In 2024, the Water Utilities provided high-quality treated water to about 36,000 water accounts, serving approximately 139,000 people, or about 80% of our city's population. Below is a snapshot of typical water use across the service area:

- Total billed treated water use: About 5.7 billion gallons annually.
- Residential use: Accounts for about 64% of billed treated water.
- Commercial use: About 34% of billed treated water is used for businesses and other non-residential purposes such as offices, retail, hospitality, industry, and irrigation-only accounts.
- City use: Nearly 2% of billed treated water is used at City-owned properties, supporting recreation, vibrant public landscapes and trees, and City facilities and services. The City also uses untreated raw water on parks, cemeteries, and other landscapes.
- Outdoor watering causes significant seasonal spikes, with demand more than doubling in summer months. About 40% of total annual water use goes to outdoor irrigation.
- On average, water demand per person is about 135 gallons per day (GPCD), though this fluctuates based on weather and behavior.

Next Steps and How to Get Involved

Everyone has a role to play in reaching the WEP's goals. Here are examples of how individuals and businesses can contribute to a 4% reduction in water use overtime:

Residential Customers

The average single-unit household in the Water Utilities service area uses about 80,760 gallons of water a year. A 4% reduction equals about 3,200 gallons of savings each year (relative to current average use).

- Change your showers: Swapping out an old showerhead for a free 1.5 gallon-per-minute version and cutting your shower from 12 to 8 minutes can save up to 1,500 gallons per year.

- Check your sprinklers: Outdoor water use spikes in the summer. Free sprinkler check-ups save households an average of 5,000 gallons per year. Many lawns have correctable issues like overspray, tilted heads, or inefficiently set timers.

- Redo your yard: Native landscaping is water-smart, supports ecosystems, and looks great. A 550-square-foot project can save 3,300 gallons annually while rebates through the Xeriscape Incentive Program or Garden in a Box can help cover the cost.

Business Customers

Typical water use and potential savings vary based on business type, size, and other factors. The WEP includes a variety of commercial efficiency strategies, including custom rebates that let a business identify what opportunities work best for them.

- Plumbing upgrades: Replacing 10 older urinals with WaterSense models could save a business 26,000-60,000 gallons annually. Even smaller changes—like upgrading five toilets—can cut 11,000 gallons a year.

- Large water efficient landscapes: Replacing bluegrass turf with native grass species is a cost-effective strategy for reducing water use on large landscapes. Converting 10,000 square feet can save approximately 70,000 gallons annually. Water Utilities offers rebates up to $15,000 for qualifying projects.

Looking Ahead

By 2040, the City intends to continue and expand efforts to best serve our customers and to be a regional leader in efficient water management. The 2025 WEP lays the foundation for a resilient, thriving community that values water as a shared resource.

Whether you're a homeowner, renter, business owner, property manager, or visitor, your actions matter. Progress toward the WEP goals will be tracked and shared publicly each year through an annual water conservation report. To learn more or participate in efficiency programs, visit: *fcgov.com/utilities*.

Introduction

Fort Collins Utilities (Water Utilities) is a community-owned utility operated within the City of Fort Collins (City) government organization that provides critical services including water treatment and delivery. Every year, the Water Utilities treats and delivers over 8 billion gallons of high-quality drinking water to about 36,000 water accounts, serving about 80% of the population and 60% of the land area within the Fort Collins, Colorado city limits. Water is an essential resource for all, and Water Utilities has a strong commitment to ensure efficient water use.

Water efficiency is a critical demand management tool to minimize risk of future water shortages and maximize benefits of water use in the community. Since 1977, an active Water Conservation Division[1] has fostered efficiency with a variety of strategies that influence demand through voluntary behaviors, thoughtful regulations, technical and physical infrastructure, and economics. The overall mission is to manage water use in a way that minimizes water shortage risk, while supporting the community's values. The Water Conservation Division works to foster a water efficient, adaptive, and knowledgeable customer base through education, policies, and cost-effective water efficiency programs.

Although Water Utilities has a robust, reliable, and diverse water supply, the region's water resources are finite and experience pressure from increasing temperatures, continued growth, and a legacy of high water-use landscapes. These challenges continue to make water more expensive and can create difficult community trade-offs. Water Utilities acknowledges these trade-offs and applies a One Water[2] approach to managing water supply resources and water demands. Staff and decision-makers strive to consider the complex intersections of water uses with climate, land use planning, equity, and affordability to make meaningful changes, especially to support the most vulnerable parts of the Fort Collins community.

Water Conservation Goals

This Water Efficiency Plan (WEP) guides the work of the Water Utilities and the greater City organization as it pertains to water demand management through long-term efficiency. The WEP sets two goals intended to lower water demand, minimize the frequency and magnitude of

[1] The Water Utilities Water Conservation Division conducts water demand management to extend water supplies through conservation and efficiency activities that reduce water demands and lower losses and inefficiencies. For simplicity and consistency with CWCB guidance, the term "efficiency" is used throughout this document to refer to both behavioral and technology-based water demand management; however, in practice, efficiency generally refers to technology-based solutions (e.g., a high-efficiency showerhead), while conservation focuses on the water savings through behavior (e.g., choosing to take a shorter shower).

[2] One Water, as described by the Water Research Foundation in the 2017 *Blueprint for One Water* is: "An integrated planning and implementation approach to managing finite water resources for long-term resilience and reliability, meeting both community and ecosystem needs."

future water shortages, and build long-term landscape resilience[3]. These goals reflect community feedback, staff input, and a commitment to act now to prepare for a hotter and more variable climate.

Goal 1: Reach 4% annual reduction in water use by 2040 to reduce risk of shortages

The WEP will set an overall water conservation goal that applies to all treated indoor and outdoor water use within the Water Utilities' water service area (Figure 1), including both customer and City water use. The objectives of this overall goal are to gradually lower demand to minimize the frequency and magnitude of shortages, expand access to efficiency opportunities, lead by example as a City organization, and offset increasing demands driven by climate change. Staff anticipate that a 320 MG savings is expected to offset the demand increases driven by an average increase in monthly maximum temperature of approximately 2°F by 2040, which is a plausible future scenario for Fort Collins based on climate models.

Goal 1 incorporates three specific targets, which are discussed in more detail in this document:

- **Target 1.1: By 2040, lower overall annual treated water use by 320 million gallons (MG), or 980 acre-feet (AF), below projected water use**
  - Every year, take actions to keep total treated water use lower than it is projected to be without active efficiency strategies, ramping up to being 4% lower than projected by 2040.
  - Looking ahead to 2040, a 4% reduction would mean that actual demand was about 320 million gallons (MG), or 980 acre-feet (AF), lower than projected for the year.
  - Interim reduction targets will gradually ramp up annual savings between now and 2040, as shown in Figure 1:
    - By 2030: 3% reduction, estimated at 220 MG (675 AF) below projected water use
    - 2035: 3.5% reduction, estimated at 270 MG (830 AF) below projected water use
    - Reductions in treated water demand by Water Utilities customers, including City water accounts, will contribute to this target

- **Target 1.2: Double the volume of savings from efficiency strategies by 2040, relative to 2020-2024 average performance**
  - To reach Target 1.1 savings of 320 MG below projected annual water use by 2040, the Water Conservation Division will increase program offerings and participation to increase savings over the current annual average of 155 MG below projected annual water use. Quantifiable treated water savings from efficiency strategies that serve customers, as well as partnerships with City departments to lower City treated water use, will count toward this target.

[3] This WEP defines resilience as the capacity to prepare our human and natural systems to respond and adapt to changes and disruptions of various scales that affect our ability to thrive, as defined in the City's 2021 Our Climate Future Plan.

- **Target 1.3: Lower treated water use at City properties by a total cumulative volume of 5 MG by 2040**
  - This target will achieve average annual reductions of 360,000 gallons per year by 2040 for City properties, adding up to 5 MG (15 AF) below projected annual water use in total water savings between 2026-2040.
  - This savings is expected to come from a variety of projects lowering indoor and outdoor treated water demand in City buildings and properties. Strategies with ongoing year-after-year savings, such as plumbing or turf replacement, will be prioritized.

Progress toward Goal 1 will be evaluated based on tracking treated water demand by customer sector, including City properties, as well as Water Conservation Division program participation and savings.

Goal 2: Improve water efficiency and build resilience on City-owned landscapes, to benefit the community and environment

For the first time, the WEP will set a goal directed at the City's outdoor water use, which encompasses both treated and raw water and properties both inside and outside of the Water Utilities' service area. Community feedback shows a widespread desire for the City to take responsibility and action related to efficient water use. Beneficial outcomes for actions on City-owned landscapes include contributing to overall water efficiency (Goal 1) by lowering municipal water use, building resiliency in our public landscapes to prepare for a hotter future, prioritizing water use for spaces that most benefit the community, and creating highly-visible projects that inspire water-saving actions by local individuals and businesses. Goal 2 incorporates one specific target:

- **Target 2.1: The City will implement at least 1 new water-saving project in each 2-year municipal budget cycle, for at least 7 new projects on City landscapes by 2040**
  - Projects that lower treated or raw water use and/or build landscape resilience on City-owned properties within the Fort Collins Growth Management Area (GMA) will count toward this target; this approach reflects the City's intention to lead by example and benefit the entire community regardless of water source or provider.
  - Landscape projects that lower treated water use on City-owned properties that are within the Water Utilities service area will also count toward Goal 1 targets.

Progress toward Goal 2 will be evaluated based on the number of projects, associated water savings, and total project area completed each year.

As described in Section 4, progress toward these goals will be achieved through a variety of efficiency strategies, which include programs and policies that promote long-term reductions in water demand through four core approaches to managing water use - behavioral, regulatory, infrastructure, and economic. In addition to expected water savings, strategies were evaluated for cost, customer reach, co-benefits including equitable and environmental outcomes,

feasibility, and acceptance. Additional information, including descriptions of selected strategies and the strategy selection process, is provided in other sections of this WEP.

This WEP updates and builds on past water demand management efforts, replacing past efficiency goals described in Appendix A.

Scope and Guiding Principles

The WEP update process incorporated extensive community engagement, an equity evaluation, integration with land use planning, and quantitative modeling to analyze water demand and potential savings. Staff also considered current and future climate and growth predictions. The WEP aims to manage the water customers use by:

- Setting goals to reduce the amount of treated water used within the service area to lower shortage risk and increase resilience of City-owned landscapes to benefit the community and environment
- Developing efficiency strategies to lower water use for Water Utilities customers and the City organization
- Informing planning decisions and staff activities for the next 7-15 years

The WEP focuses on lowering treated (i.e., potable) water use within the Water Utilities' service area. Although adjacent water providers and raw (i.e., non-potable) water use are briefly discussed for context and may be indirectly influenced by the WEP goals and strategies, they are outside the scope of this plan.

The following principles, developed by an interdepartmental team of City staff, guided the WEP update process and decision-making for efficiency goals and strategies:

- Engage marginalized community members and address systems of oppression, while also pursuing broad engagement
- Build and strengthen working relationships within the municipality and across the community, to better implement water efficiency strategies
- Reduce water demand to increase preparedness and resilience for ongoing and uncertain climate, economic, and social risks to water availability
- Commit, as stewards of the City, to be leaders in efficiency
- Create water efficiency strategies based on future supply and demand projections, and decision-making that is data-driven, regionally adaptive, considers the triple bottom line (economic, environmental, and community) and affordability
- Target water efficiency strategies that provide multiple benefits for the community, the environment, and consider the entire water system, including the river

The WEP aligns with the Colorado Water Plan and with multiple City policies, including a City strategic objective to “[s]ustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents”. It also aligns with the Water Utilities’ mission statement, “[w]e are a One Water Utility, providing exceptional water services for our community through integrated, resilient, and equitable practices and systems.”

The updated WEP will be approved and adopted by the Fort Collins City Council in 2025 and replace the previous versions. The plan’s content and organization follow Colorado Water Conservation Board (CWCB) municipal water efficiency plan guidance and were developed to meet or exceed requirements for water efficiency planning outlined in the State of Colorado’s Water Conservation Act of 2004.

1 Profile of Existing Water Supply

Water Utilities serves residences and commercial entities of various types within the service area boundaries shown in Figure 1. The water service area does not coincide with city limits or the Fort Collins GMA boundary. Fort Collins-Loveland Water District (FCLWD), East Larimer County Water District (ELCO) and other water providers supply some areas within city limits. Furthermore, Water Utilities provides water service to customers beyond city limits including some residential and industrial use and wholesale water to West Fort Collins Water District (WFCWD). Water Utilities maintains approximately 540 miles of pipeline and about 36,000 water service connections.

1.1 Overview of Existing Water Supply System

Water Utilities owns rights to raw water from multiple sources, which provide a diverse and robust supply:

- Colorado-Big Thompson (C-BT) Project units stored in Horsetooth Reservoir – The C-BT project diverts water from the upper Colorado River, transporting the water to Horsetooth Reservoir, other facilities and users across Colorado's Front Range. Northern Colorado Water Conservancy District (Northern Water) manages the C-BT Project and sets the annual quota that determines how much water is available per unit. This quota significantly affects the supply available each year and is influenced by snowpack, storage reserves, and system-wide demands.

- Cache la Poudre (Poudre) River basin – The Poudre River is part of the larger South Platte River basin. Water Utilities' Poudre River sources include senior flow rights and agricultural water rights converted to municipal use, all of which can be taken directly from the river. The amount of usable water in the Poudre River in any given year is highly variable and dependent upon snowpack, runoff duration, and water quality conditions in the 1,056-square-mile drainage area above the Poudre canyon mouth.

- North Platte River basin flows via Michigan Ditch and Joe Wright Reservoir – The Michigan Ditch and Joe Wright Reservoir system diverts water from the Michigan River (part of the North Platte River basin) into the Poudre River and Joe Wright Reservoir. Joe Wright Reservoir holds about 2,300 MG (7,100 AF) of storage and is Water Utilities' only raw water storage that can be delivered into its treated water system. It has limited function as drought protection for Water Utilities.

Water Utilities' water supply and treatment system consists of several key facilities that are illustrated in Figure 2. These facilities include the Fort Collins Pipeline, Joe Wright Reservoir, Michigan Ditch, Horsetooth Reservoir, Rigden Reservoir, and the Water Treatment Facility. For more detailed information on each supply source, see the City of Fort Collins' Water Supply and Demand Management Policy (2012).

Figure 1: The Water Utilities service area and surrounding water provider boundaries

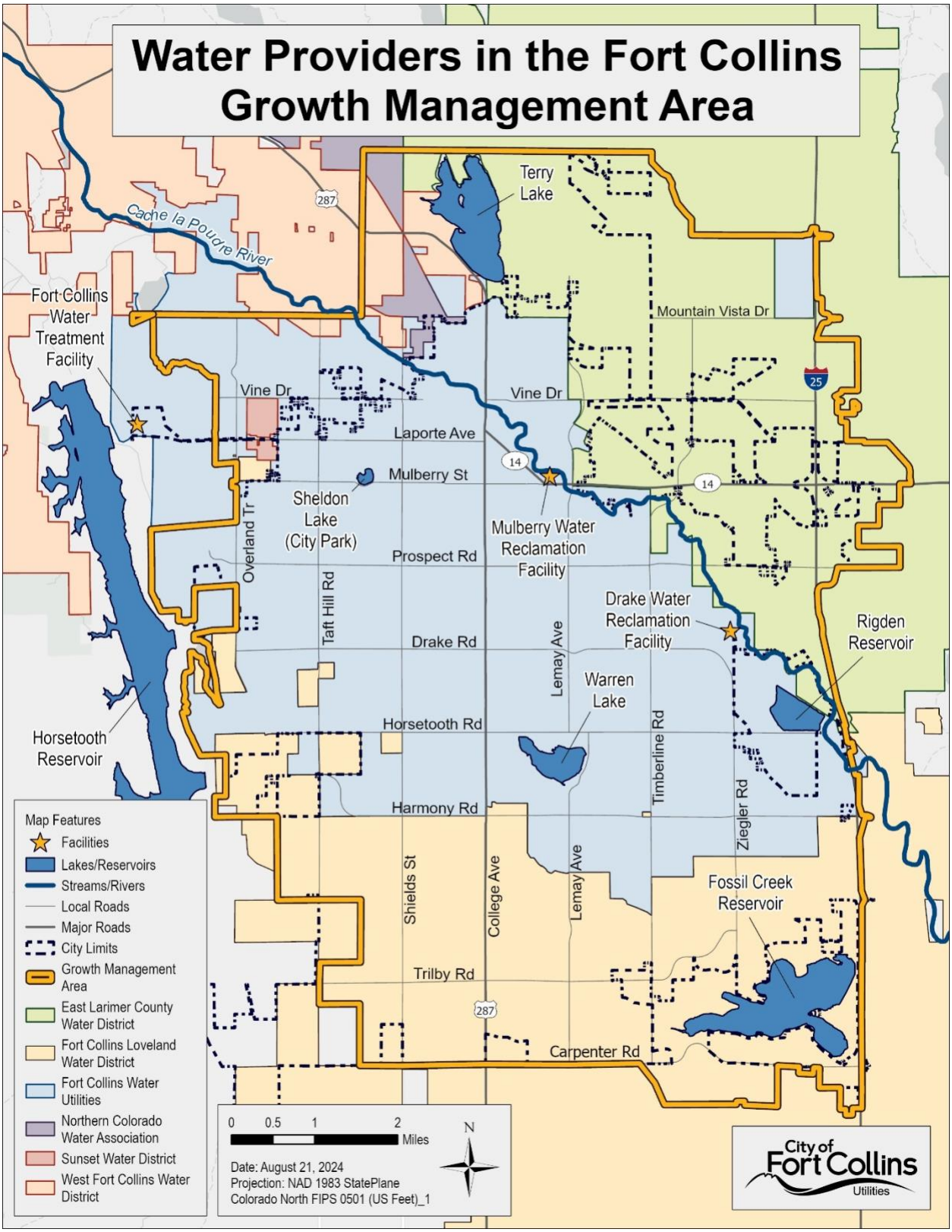
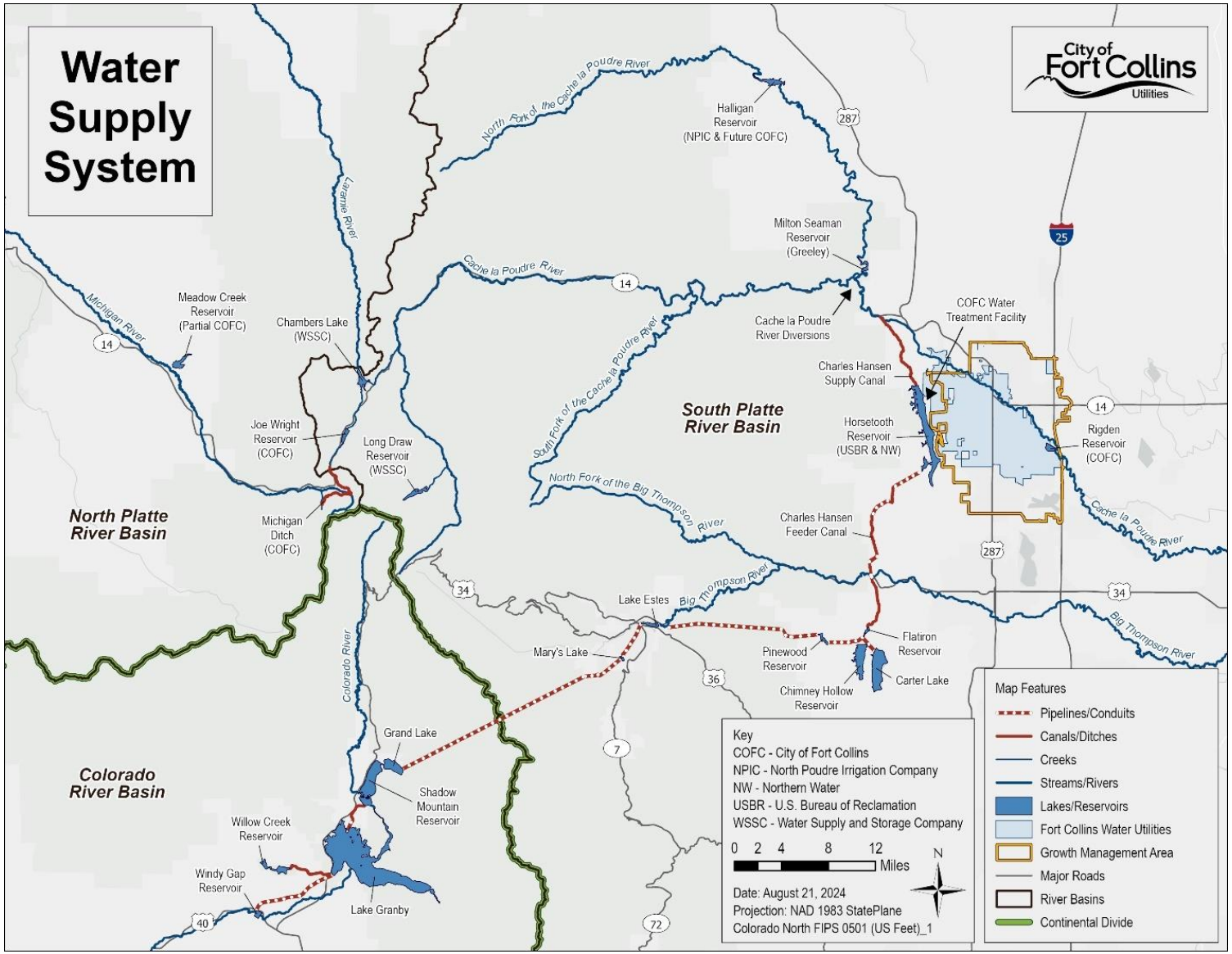


Figure 2. Water Utilities' source water supply system



1.1.1 Raw Water Supply Yield

Water Utilities has developed a diverse portfolio of water rights to fulfill customer demands throughout the year. In average and wet years, Water Utilities' water rights yield more water than service area demands. However, the usable amount of water provided by these rights varies year-to-year due to environmental conditions and limitations set in water right decrees. Availability of water rights does not always coincide with demands (e.g., stream and river levels are highest in the spring, while water demands tend to be greatest in the hot summer months when stream flows have declined), and Water Utilities' ability to use water rights is sometimes limited by circumstances such as infrastructure projects or water quality concerns.

Water Utilities' portfolio of supplies yields an estimated 10,560 – 24,020 MGY (32,400 – 73,400 AFY), as presented in Table 1. The treatable yield refers to the amount of available water after considering limitations due to water right priorities, decreed volumetric limitations, return flow obligations, losses, and operational constraints. Treatable yield ranges are calculated based on a range of conditions from dry years and low allocations to wet years with abundant yields.

The proportion diverted from either Poudre or Horsetooth supplies is adjusted frequently to maintain water quality and meet legal agreements. Each year on average, less than half of Water Utilities' customer drinking water comes from Poudre supplies and more than half comes from Horsetooth supplies. However, the relative proportions can vary significantly month-to-month and day-to-day.

After treated and raw water demands are met for Water Utilities' existing customers and raw water delivery obligations are fulfilled, remaining surplus water is evaluated annually and can be allocated for rental through the Water Utilities' Raw Water Rental Program.

Table 1: Water Utilities' annual treatable source water yield

Raw Water Source	Annual Treatable Yield (AF)	Annual Treatable Yield (MG)
Horsetooth Reservoir		
C-BT Project (Northern Water)	9,400 – 18,800	3,680 – 4,110
North Poudre Irrigation Company	6,400 – 12,800	2,090 – 4,170
Windy Gap / Platte River Power Authority Reuse Plan	0 – 2,300	0 – 750
Horsetooth Reservoir Total	**15,800 – 33,900**	**5,150 – 11,050**
Cache la Poudre River basin		
Direct Flow Rights	11,300 – 12,600	3,680 – 4,110
Pleasant Valley & Lake Canal Company	1,900 – 6,100	620 – 1,990
Southside Ditches	1,300 – 12,900	420 – 4,200
Water Supply and Storage Company	900 – 2,400	290 – 780
Joe Wright Reservoir / Michigan Ditch (diversions from North Platte River basin)	1,200 – 5,500	390 – 1,790
Cache la Poudre River Basin Total	**16,600 – 39,500**	**5,410 – 12,870**
Total	**32,400 – 73,400**	**10,560 – 24,020**

Water Utilities uses water supply modeling to estimate the system's firm yield, which is the amount of source water supplies available in a series of drought years, to be approximately 9,900 MGY (30,400 AFY). The range of treatable yields shown in Table 1 are greater than the firm yield because they do not consider the potential impact of long-term climate change on the source water basins, which could significantly reduce the yields under hot and dry conditions.

1.1.2 Reusable Water Supplies and Graywater

Water Utilities' primary source of reusable water is the Michigan Ditch which yields between 390 – 1,790 MGY (1,200 – 5,500 AFY) of reusable water. This water is stored in Joe Wright Reservoir, and much of it is used in the Reuse Plan. The Reuse Plan involves Water Utilities and multiple partners to generate reusable effluent that is used by Platte River Power Authority, who in turn provides Windy Gap water to Water Utilities. Although the Windy Gap water is classified as reusable, Water Utilities only uses the supply once before reallocating the effluent

to its partners as dictated by the Reuse Plan. Generally, the Reuse Plan can increase Water Utilities single-use supplies by 750 MG (2,300 AF) in a typical year.

As of November 2022, graywater capture and reuse systems are allowed within the Water Utilities water service area. Due to Northern Water policies that limit C-BT use (which is over half of Water Utilities' supplies), graywater can be used for toilet flushing only and cannot be applied to landscapes.

1.2 Supply Reliability

Water Utilities is responsible for providing an adequate and reliable supply of water to its customers. The Water Supply and Demand Management Policy (WSDMP) provides a foundational framework for Water Utilities' water supply and demand management decisions. This policy defines three main planning criteria:

- Storage Reserve Factor (SRF): 20% of annual demands
- Planning Demand Level: 150 GPCD[4]
- Drought Criterion: 1-in-50-year drought

Since 2000, Water Utilities has imposed mandatory water restrictions three times (a frequency of about 1-in-8 years) in response to projected shortages, which can be driven by drought, infrastructure needs, or water quality concerns.

Water Utilities actively monitors source water quality and watershed health. It is also taking steps to improve supply reliability through the Halligan Water Supply Project, described in Section 1.3.2.

1.3 Supply-Side Limitations and Future Needs

Water Utilities conducted a Water Supply Vulnerability Study (2019) to investigate its water supply system's ability to meet future demands under various potential future hydrologic conditions, risks, and uncertainties. The vulnerability study identified key risks to Water Utilities' water resources:

- Climate change is the most crucial vulnerability.
- Reductions in C-BT supplies would have significant impacts.

[4] The WSDMP planning level of 150 GPCD is used for long-range water resource planning to safeguard a high level of water supply reliability and incorporates water supply needs for contractual obligations or other purposes. The planning level is intentionally higher than the water use goals set in past WEPs (Appendix A) to address uncertainties inherent in water supply planning and to account for supply needs such as contractual obligations which are not likely to be influenced by water efficiency or other demand management actions described in this WEP.

- High water demands represent a significant vulnerability; it is important to implement efficiency efforts and track demand trends.
- Water storage is crucial. Without enlarging Halligan Reservoir, Water Utilities' current water supply planning criteria could not be met under most future climate and demand conditions.

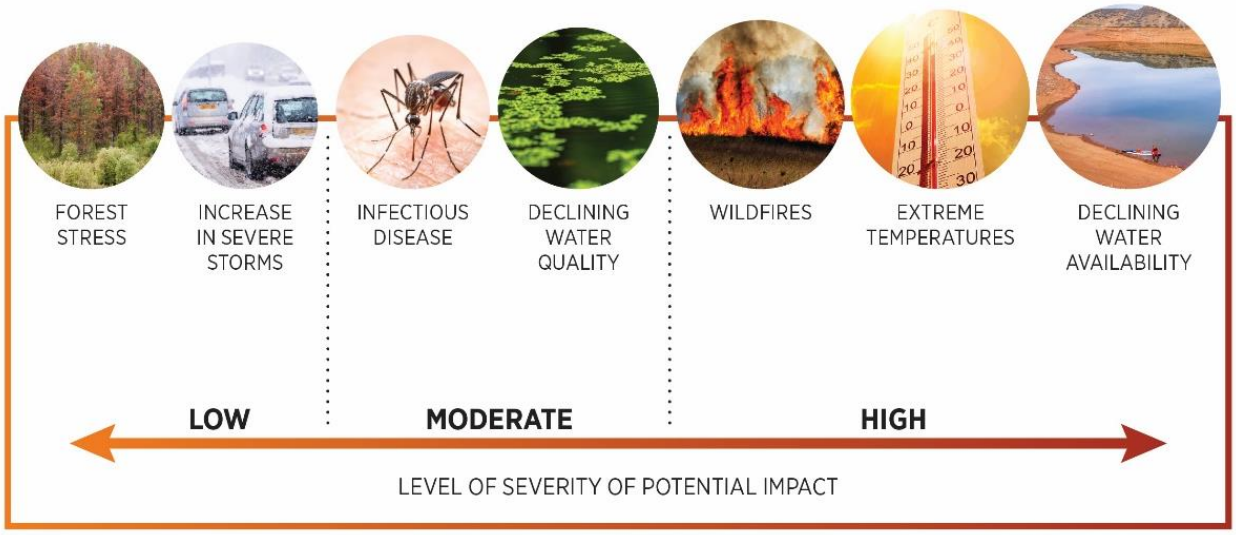
The vulnerability study indicates that even with increased storage from an enlarged Halligan Reservoir, hotter, drier conditions will require Water Utilities to impose water restrictions more frequently in the future. The vulnerability study analysis projected that the need for mandatory restrictions would increase to about 3-in-10 years with a 5-degree temperature increase, a 2.5-times increase over current shortage trends. These vulnerabilities underscore the importance of maintaining an impactful water efficiency program for long-term demand management.

Similar to the WSVS findings, the CWCB's 2023 Colorado Water Plan identifies a gap between water supply and demand for the South Platte River Basin, and notes that the combination of scarcity, growth, and future uncertainty will stress water resources.

1.3.1 Climate

Fort Collins is already experiencing the effects of climate change. With rising global temperatures, it is expected that disruptive events like wildfires, drought, and floods will increase in intensity and severity (Figure 3), as described in the 2021 Our Climate Future Plan. Local impacts are likely to include less reliability of water supplies and more demand for water to maintain existing landscapes, creating pressures on both sides of the supply-and-demand balance.

Figure 3: Climate hazards facing Fort Collins



In 2024, the Colorado Climate Center published its third edition of the Climate Change in Colorado[5] report, which documented a 2.3 degree Fahrenheit increase in the statewide annual average temperature from 1980-2022, and projects temperatures to rise an additional 1.0-4.0 degrees by 2050. For the Northern Front Range region, the report notes slightly greater future warming. The report also anticipates more frequent and intense droughts, regardless of precipitation rates in the future.

Colorado Climate Center researchers provided a customized analysis of localized future maximum temperature and precipitation projections for Fort Collins. This analysis used Coupled Model Intercomparison Project Phase 6 (CMIP6[6]) climate datasets that were statistically downscaled using the Localized Constructed Analogs (LOCA)[7] method, which yields an ensemble of modeled climate projections at a localized geographic scale suitable for hydrologic modeling. The Shared Socioeconomic Pathway scenario SSP2-4.5[8], informally referred to as the “middle-of-the-road" scenario, was used for the Fort Collins analysis.

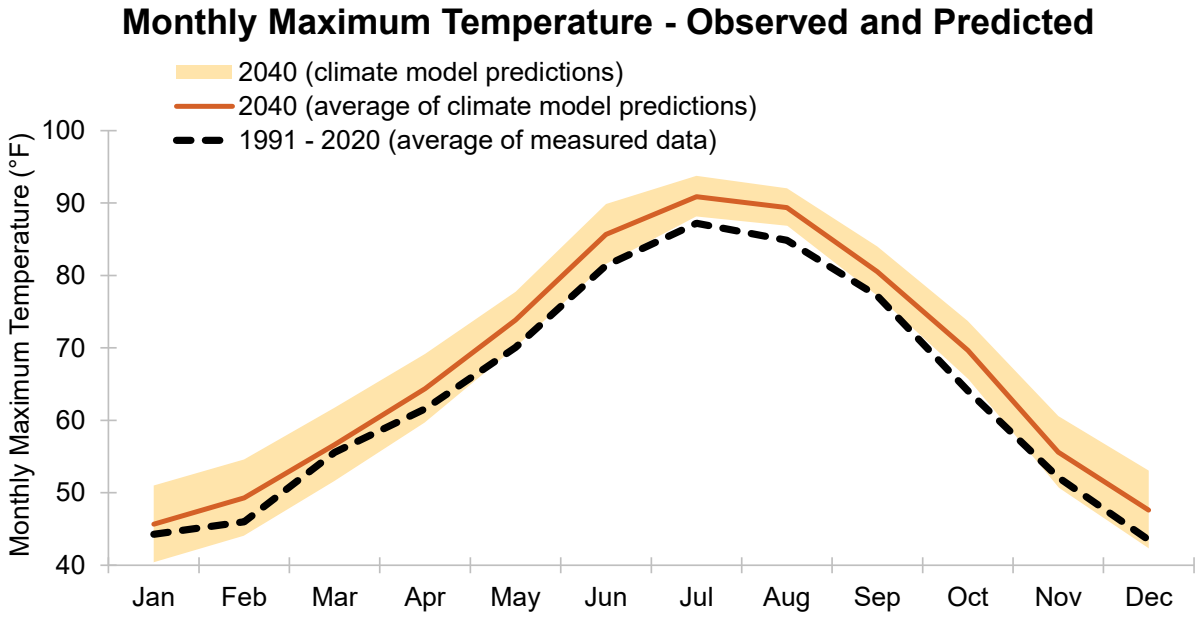
The Colorado Climate Center analysis produced monthly maximum temperature and total precipitation outputs for 1991-2100. The 1991-2014 period is a subset of the historical climate simulations from the CMIP6-LOCA dataset, and the 2015-2100 period uses future climate projections under the SSP2-4.5 scenario. Data were statistically processed to generate a mean and range of projections for each month in this time period. The range was defined by the mean of model predictions plus/minus one standard deviation. Figure 4 (upper plot) presents the range of predicted temperatures for 2040, as well as the average for the 30-year period from 1991-2020, which was used as the WET model baseline. The lower plot in Figure 4 presents the same information for total monthly precipitation.

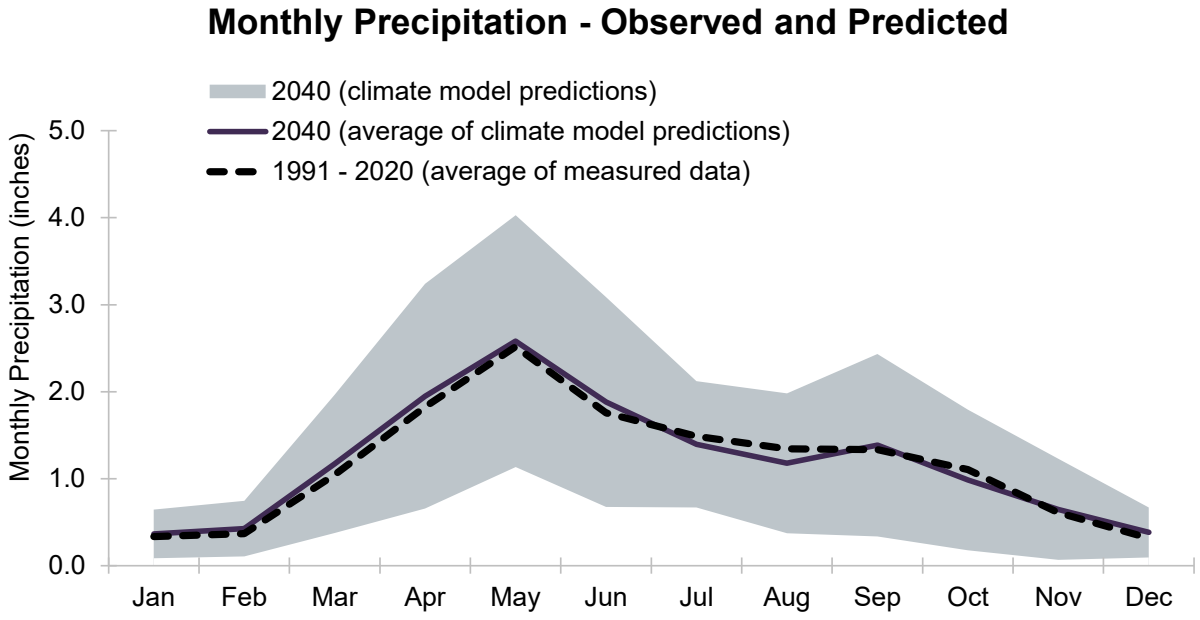
As shown in the figures, climate model projections for the Fort Collins area indicate that, by 2040, monthly maximum temperatures will generally be warmer relative to the 30-year period from 1991-2020. Climate model predictions for monthly precipitation vary, suggesting that it is difficult to predict whether the future amount of precipitation in Fort Collins is likely to be higher, lower, or similar to the 1991-2020 period.

[5] Available online at climatechange.colostate.edu.
[6] CMIP6, coordinated by the World Climate Research Programme, is the most current set of global climate model data produced using numerous climate models within an integrated framework. Additional information is available at pcmdi.llnl.gov/CMIP6.
[7] LOCA version 2 datasets provide CMIP6 climate model projections over a 6-kilometer grid scale. Additional information is at loca.ucsd.edu. Dr. David Pierce at the UC San Diego Scripps Institution of Oceanography lead the development of this open-source dataset, which is available for download at cirrus.ucsd.edu/~pierce/LOCA2/CONUS_regions_split/.
[8] Shared Socioeconomic Pathway scenario describes the future scenarios of human societal developments used in climate modeling. The SSP2-4.5 pathway is a scenario in which the current patterns of social, economic, and technological trends are similar to historical patterns.

Water Utilities staff used the Colorado Climate Center's projections to generate monthly temperature and precipitation inputs to model water demand and efficiency strategy savings for this WEP.

Figure 4. Predicted monthly maximum temperature and monthly precipitation for Fort Collins, relative to 1991 - 2020.





1.3.2 Storage Constraints and Planned Improvements

Water Utilities needs additional storage capacity to increase the yield and reliability of its water supply system. Acquiring storage in the Poudre River basin would strengthen Water Utilities' water supply sources by reducing reliance on C-BT storage and thereby minimizing risks associated with Colorado River basin shortages. Additionally, storage can increase the benefits of water efficiency by holding unused water and making it available during times of water need.

In 2003, Water Utilities acquired the ability to enlarge Halligan Reservoir, located on the North Fork of the Poudre River, to provide an emergency storage reserve, increase drought security, improve water system reliability and flexibility, and meet future water demands. Water Utilities is currently going through the permitting processes with plans for its expansion and future water storage use. The U.S. Army Corps of Engineers issued the Final Environmental Impact Statement in 2023. Water Utilities continues to pursue the required permits ahead of construction.

1.3.3 Water Supply Risk Responses

Table 2 summarizes future water supply needs and challenges. In addition to water efficiency, increased water storage (i.e., Halligan Water Supply Project), conservative water supply planning criteria, a robust water supply portfolio, and forward-looking land use planning are utilized to prepare for risks and adapt to a changing climate.

Table 2: Potential limitations/future needs related to water supply system planning

Future Need/Challenge	Yes	No
System is in a designated critical water supply shortage area	✓	
System experiences frequent water supply shortages and/or supply emergencies		✓
System has substantial real or apparent water losses		✓
Experiencing high rates of population and demand growth		✓
Planning substantial improvements or additions	✓	
Increases to wastewater system capacity anticipated		✓
Need additional drought reserves	✓	
Drinking water quality issues		✓

Future Need/Challenge	Yes	No
Aging infrastructure in need of repair	✓	
Issues with water pressure in portions of distribution system		✓
Wildfire and post-wildfire runoff might impact source watershed	✓	

1.3.4 Growth and Water Supply Requirements

To provide reliable water for development, including water rights and associated infrastructure, Water Utilities charges one-time Water Supply Requirement (WSR) fees to customers developing or redeveloping a property with a new water tap. This process ensures new developments share in the responsibility to guarantee a reliable source of water for all customers for years to come. WSR fees vary based on a development's characteristics:

- Outdoor area and number of bedrooms for residential customers
- Building square footage and use type for commercial customers
- Landscape water needs as defined in the water budget table for irrigation-only taps (required in the City's Land Use Code)

Ongoing water use by commercial and irrigation-only accounts is managed through annual water allotments associated with each tap. Accounts with annual use that exceeds the allotment volume must pay an excess water use surcharge. Funds collected through surcharges help offset water use that exceeds the allotment and allows Water Utilities to acquire additional water supplies and maintain infrastructure.

2 Profile of Water Demand and Historical Demand Management

In average and wet years, Water Utilities' water rights yield more water than the service area demands. However, dry conditions and other issues like infrastructure outages and water quality concerns (e.g., due to fires) contribute to water restrictions being enacted approximately once every 10 years to address these potential water supply shortages. Water demand management activities have successfully balanced the potential for growth-driven demand increases in recent years.

2.1 Demographics and Key Characteristics of the Service Area

Water Utilities estimates the population of the water service area was approximately 139,000 in 2024. Although the 35-square mile water service area boundary does not coincide with city limits, city-wide demographics[9] are useful for a general understanding of the service area. In 2023, Fort Collins was home to approximately 170,000 residents, including 30,000 students. Population continues to grow, although the rate of growth has slowed in recent years. Buildout of remaining undeveloped greenspace is expected by approximately 2040 for the current city limits and the Water Utilities service area, but additional redevelopment is anticipated to occur after that. The average household size is 2.27 people, the median age is about 31 years old, and about 10% of households speak a language other than English at home. About 52% of homes are owner-occupied. The median single-unit home value is $548,400 and the median monthly gross rent is about $1,700. About 11% of housing is estimated to have been built before 1960 and about 40% of homes were built before 1980. The median household income is about $82,000. Approximately 15% of residents meet the federal definition of poverty.

Fort Collins is home to two major public higher education institutions: Colorado State University and Front Range Community College. Large employers include education, healthcare, and high-tech companies. The city is also home to numerous breweries – both microbreweries and larger breweries that export products across the country – as well as service-related and small businesses.

2.2 Historical Water Demands

Water Utilities monitors customer water demand as well as system leaks and losses using advanced meter infrastructure (AMI), billing data, and monitoring points in the water treatment system. This robust data supports analysis of seasonal and daily variability across different customer types.

[9] Demographic data for the City of Fort Collins based on the 2020 Census and the 2019-2023 American Community Survey data.census.gov/profile/Fort_Collins_city,_Colorado?g=160XX00US0827425 and Quick Facts census.gov/quickfacts/fact/table/fortcollinscitycolorado/IPE120223#IPE120223.

Up until the early 2000s, the Water Utilities' service area population growth was largely matched by an increase in total water demands. Like many other Colorado communities, the 2002-03 drought spurred Water Utilities customers to rethink their water use. While the population has continued to grow, water demands have exhibited a downward trend as illustrated Figure 5. From 2000 to 2024, the service area population increased about 28% while the 3-year average total treated water demand decreased by about 22%. These reductions are partially due to historical foundational demand management activities such as providing AMI and applying efficiency-oriented water rate structures. A strong water efficiency program, efforts by customers, state-level actions, and the actions described in Section 2.3 have also contributed to demand decreases.

Figure 5: Annual total treated water and service area population

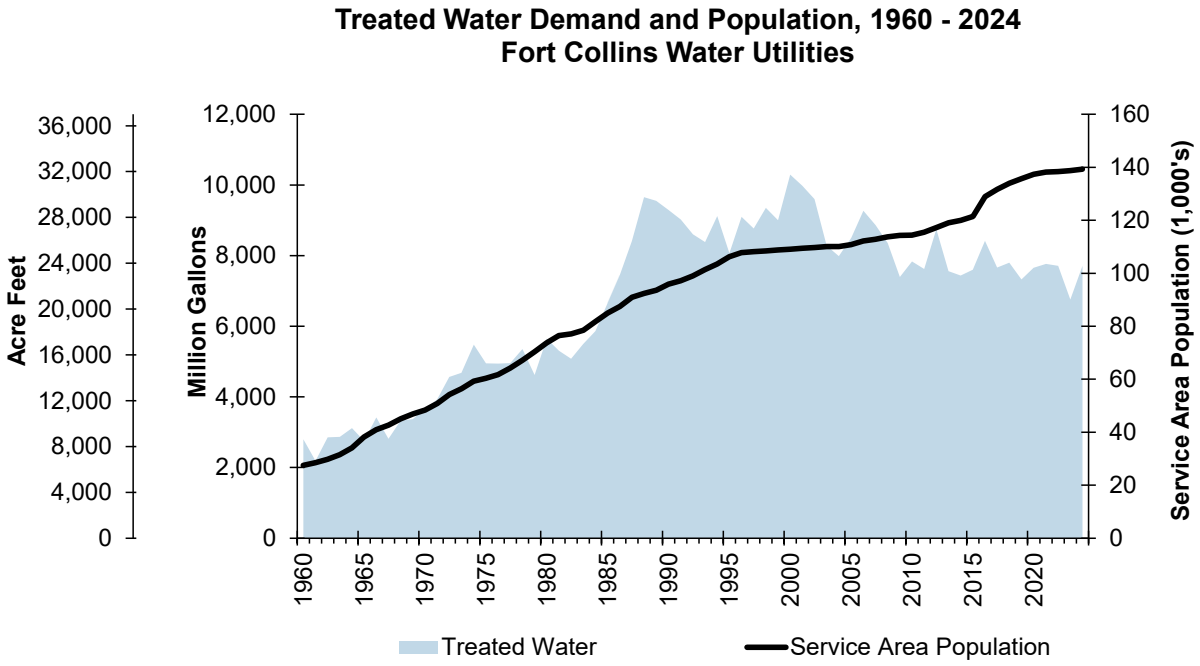


Figure note: Water treatment volume includes customer demands, non-revenue losses, wholesale, and contractual obligations.

Daily water demand varies considerably throughout the year. Water use is fairly consistent throughout the winter months, then more than doubles in the summer months as customers increase use for landscapes and other seasonal purposes. Figure 6 illustrates a five-year average of daily treated water and includes the peak date and volume for each year, highlighting the variability of water demand from year to year.

Figure 6: Daily total water treated (2020-2024)

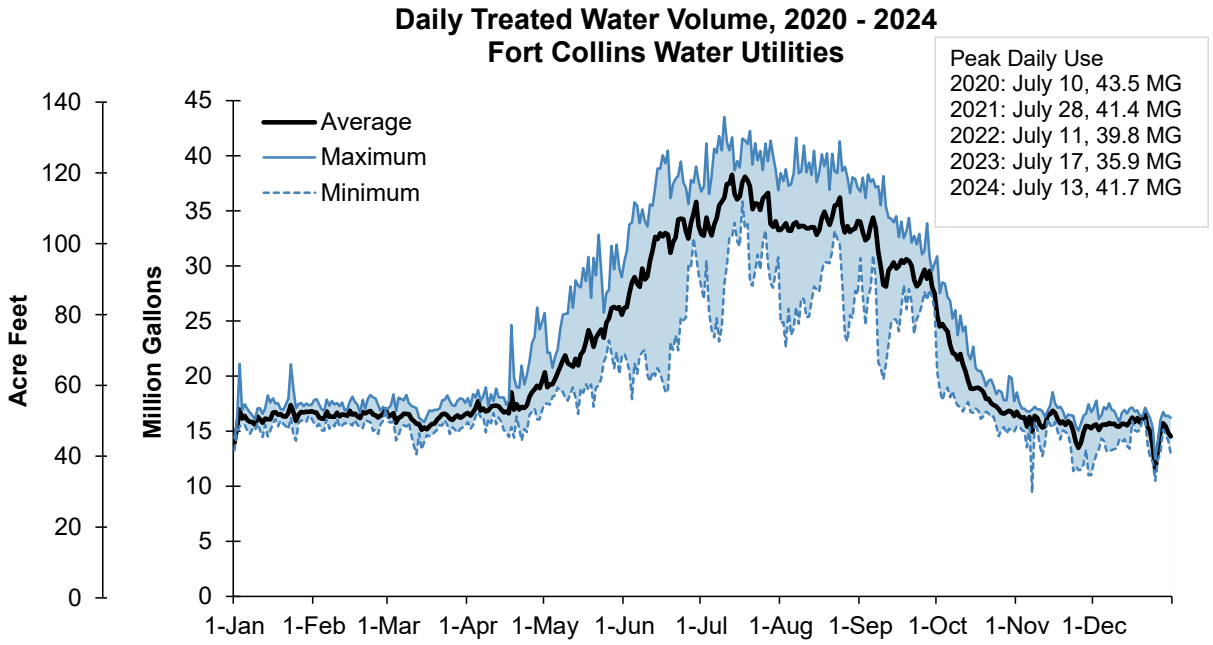


Figure note: Water treatment volume includes customer demands, non-revenue losses, wholesale, and contractual obligations.

2.2.1 Water Demand by Customer Sector

To better understand how customers use their water, Water Utilities evaluated water use for various residential and commercial customer categories. Customer categories were assigned based on billing codes[10] and county tax assessor classifications. Table 3 and Figures 7-10 summarize average water use by customer sector and application (indoor or outdoor). While most accounts are single-unit residential accounts, commercial customers use the most water on a per account basis.

As shown in Figures 7-10, residential categories collectively use the most billed treated water each year: about 63% on average with about 41% attributable to single-unit residences. Commercial customers use about 37% of billed treated water on average. The largest commercial use categories are irrigation-only and homeowner association (HOA) accounts (10%) and offices (8%), followed by combined education, healthcare, group assembly, and group housing (6%), and hospitality and retail (6%). Industrial and other commercial customers use less than 3% of the total billed treated water delivered each year. City government buildings, facilities, and landscapes use about 2% of the billed treated water each year (raw water use by City facilities is discussed in Section 2.2.5).

[10] Wholesale water deliveries and contractual obligations have unique service agreements that differ from other customers. These water uses are included in the treated water totals shown in Figures 5 and 6; however, they are not included in the analysis of demands by customer sector in Section 2.2.1. Water Utilities treats and delivers about 900 MG for wholesale and contractual use.

Table 3: Billed treated water use by customer category (2020-2024)

Customer Category	Number of Accounts	Average Annual Water Use (MG)	Portion of all Billed Use (%)	Average Annual Use per Account (gal)	Indoor / Seasonal Use (% of total annual use)
Residential					
Single-unit residential	29,200	2,320	41%	79,400	51% / 49%
Multi-unit residential	2,460	1,060	19%	463,000	77% / 23%
Duplex	1,350	124	2.2%	92,000	66% / 34%
Total billed residential	**33,000**	**3,520**	**63%**	**n/a**	**59% / 41%**
Commercial					
Irrigation-only & HOAs (excludes City accounts)	627	548	10%	1,800,000	0% / 100%
Office	367	471	8.3%	1,280,000	72% / 28%
Education, healthcare, & group assembly/housing	425	324	5.7%	762,000	59% / 41%
Hospitality, retail, & services	644	324	5.7%	889,000	73% / 27%
Industrial (excludes wholesale and large contractual deliveries)	50	144	2.6%	2,930,000	78% / 22%
City government (includes treated water irrigation)	253	100	1.8%	616,000	14% / 86%
All other commercial	383	166	2.9%	434,000	66% / 34%
Total billed commercial	**2,130**	**2,750**	**37%**	**n/a**	**53% / 47%**
Total billed demand	**35,130**	**6,270**	**100%**	**n/a**	**55% / 45%**

Note: Billed water volume shown excludes wholesale and contractual obligations, which were approximately 900 MG per year from 2020-2024. Non-revenue losses and raw (non-treated) uses are also not included in this table.

Figure 7. Annual billed treated water use for residential and commercial customers

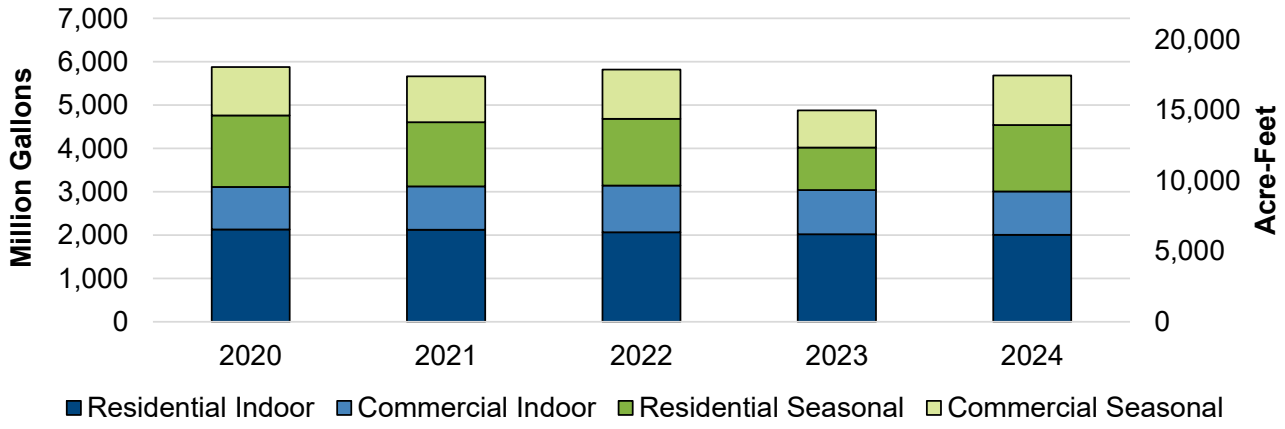


Figure note: Billed water volume shown excludes non-revenue losses, wholesale, and contractual obligations.

Figure 8. Billed treated water use by customer category (2020-2024)

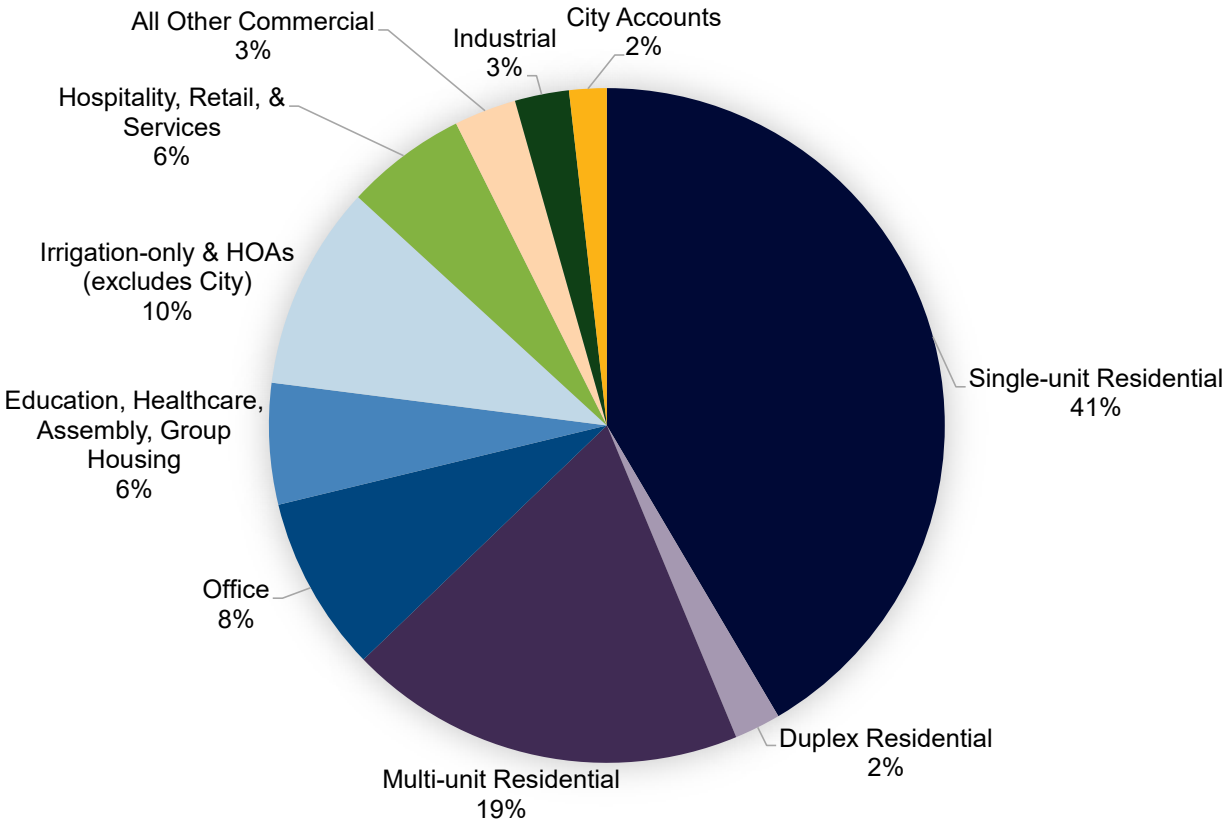


Figure note: Billed water volume shown excludes non-revenue losses, wholesale, and contractual obligations.

2.2.2 Seasonal Demand

Indoor and outdoor/seasonal[11] water use for residential and commercial customers is shown by month in Figure 9. Outdoor water use depends highly on weather, occurs primarily from May through November, and accounts for about 40% of total annual water use. During warmer months, outdoor applications represent more than half of all water use. The percentage of demand by customer type is presented for indoor and seasonal uses in Figure 10. Irrigation-only and single-unit residential accounts make up the greatest total portion of outdoor/seasonal water use.

Figure 9. Average monthly metered and billed treated water use (2020-2024)

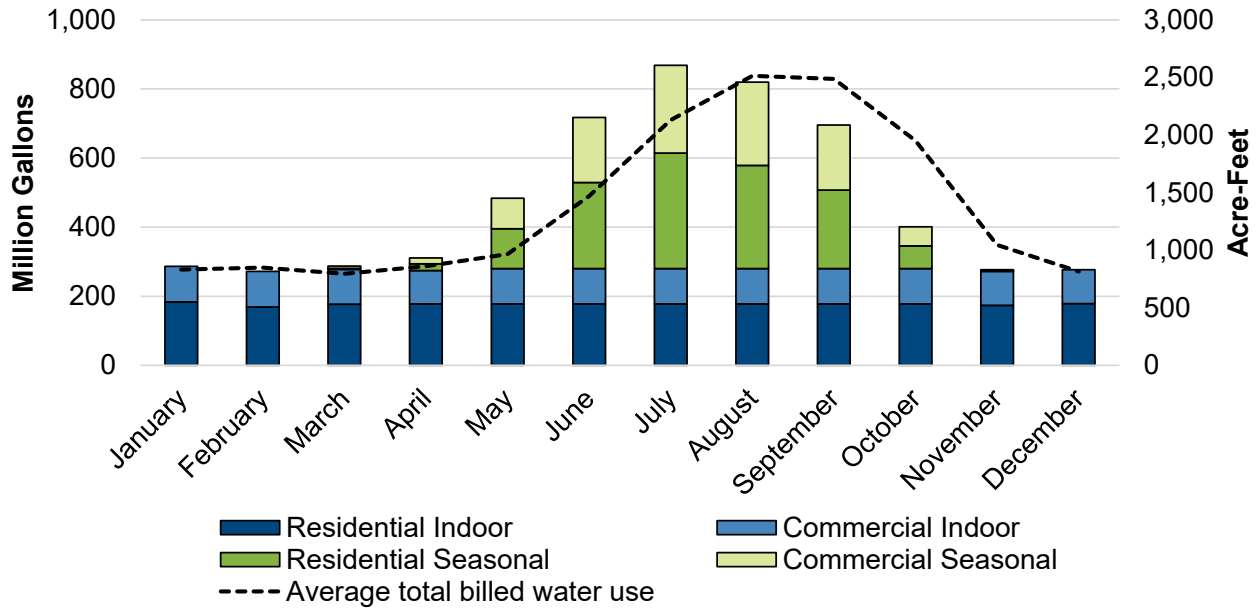


Figure note: Billed water volume shown excludes non-revenue losses, wholesale, and contractual obligations.

[11] A winter quarterly average was used to estimate indoor water use. It was assumed that no outdoor use occurs in those months. For all other months, any demand greater than the winter quarter average is attributed to outdoor or other seasonal uses.

Figure 10. Average indoor (top) and seasonal (bottom) water use by customer sector (2020-2024)

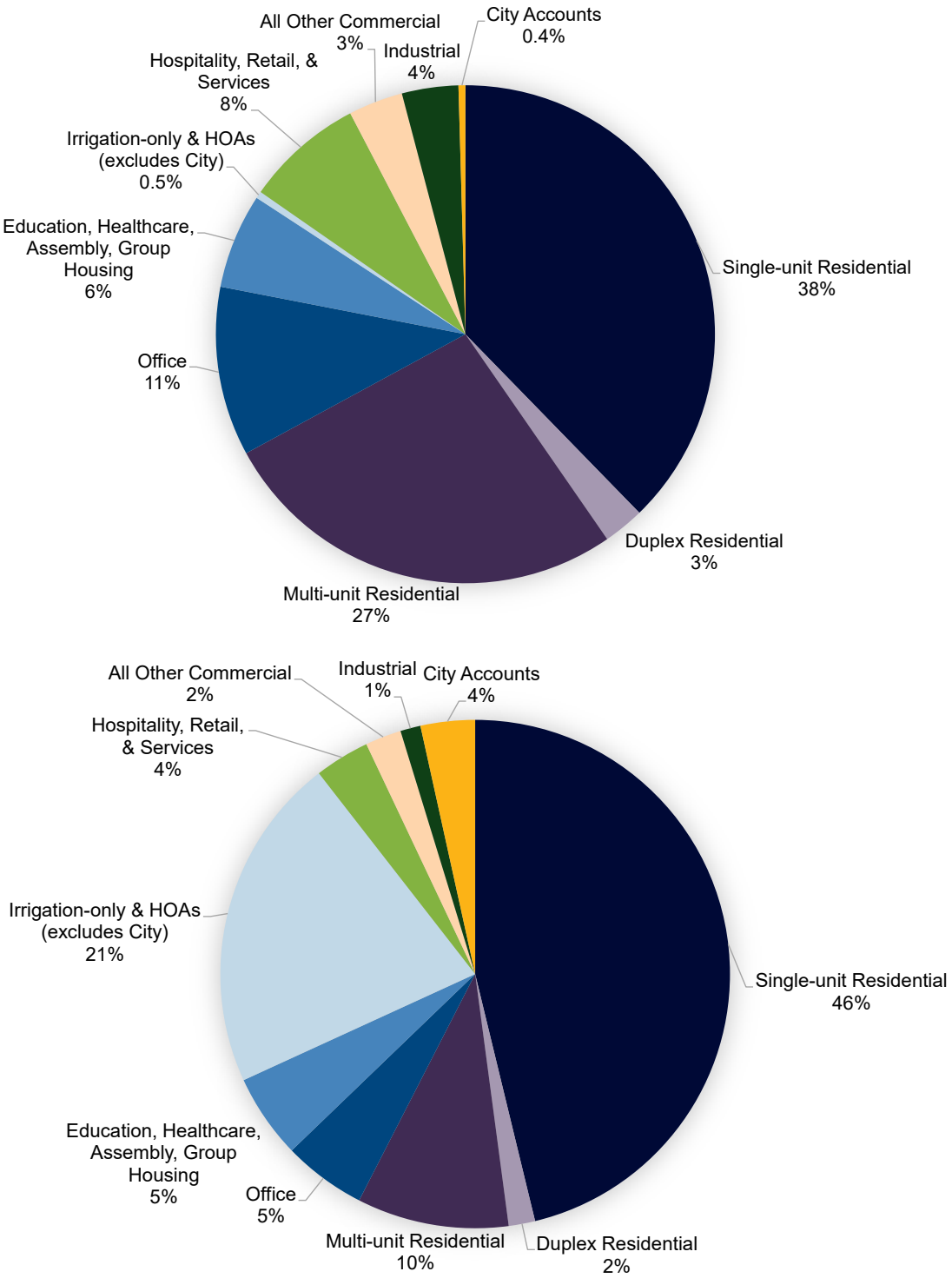


Figure note: Billed water volume shown excludes non-revenue losses, wholesale, and contractual obligations.

2.2.3 GPCD: Water Demand Per Person Per Day

System-wide per capita demand measured in gallons per capita per day (GPCD) is a common metric to evaluate water use independent of population growth. The Water Conservation Division tracks GPCD to monitor trends and compare to past WEP goals. The Water Conservation Division calculates GPCD as the annual total treated volume of water divided by the service area population and 365 days. This calculation includes non-revenue system losses but excludes water used for wholesale and contractual obligations. Other Water Utilities departments and other water providers calculate GPCD using different methods. Because of this, GPCD metrics *should not* be used for comparisons between water providers.

Figure 11 shows total GPCD from 2010 through 2024. The per person demands declined significantly over the last few decades. However, per capita consumption has remained fairly steady since 2017, suggesting that Water Utilities and customers will need to take additional actions to continue lowering demand on a per capita basis.

Water Utilities met the previous WEP goal – reduce demand to 130 GPCD by 2030 – once, in 2023. In that year, the service area experienced unusually high precipitation during irrigation months, which encouraged customers to reduce their outdoor water use. In 2024, per-capita demand was 135 GPCD (draft value), similar to pre-2023 levels.

Figure 11. Water use in GPCD and service area population (2000-2024)

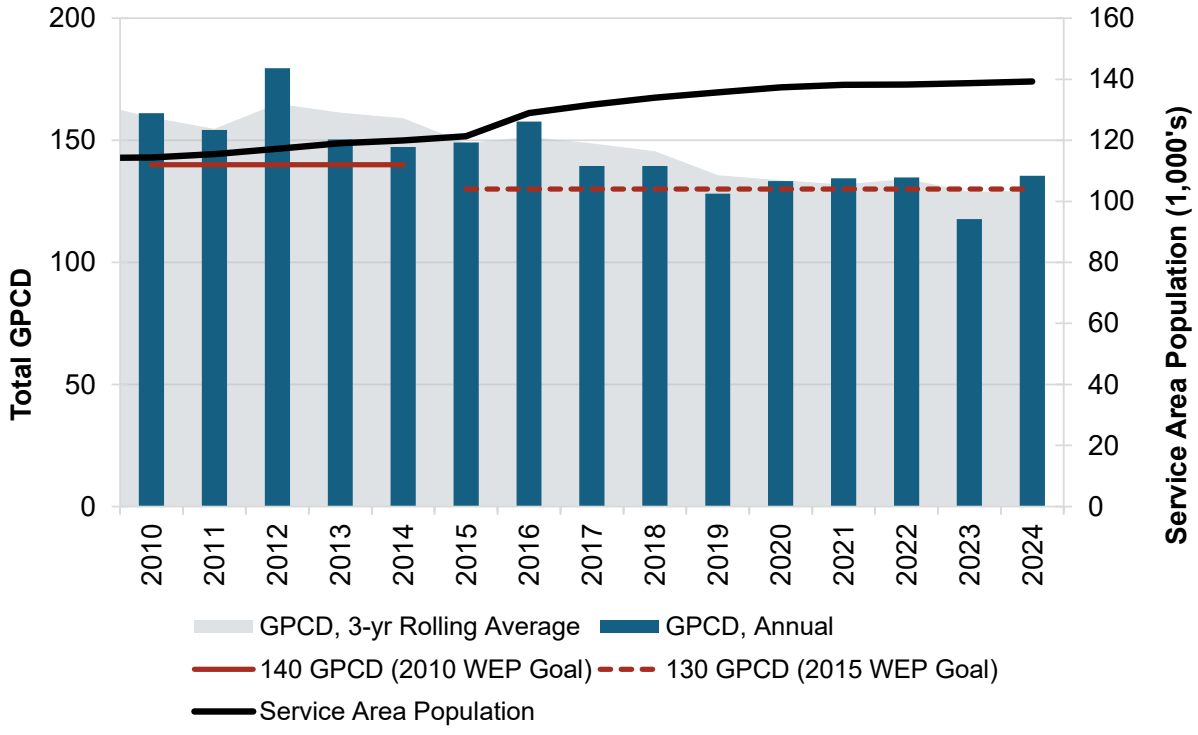


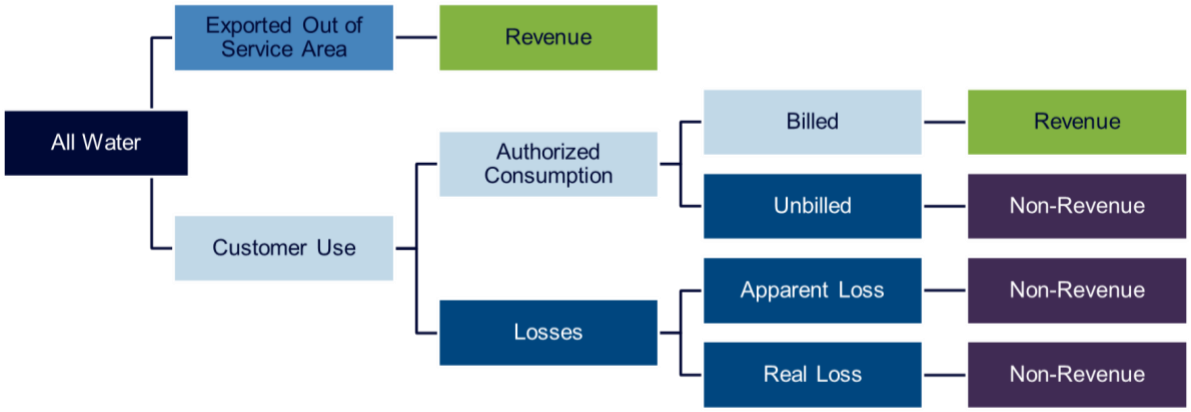
Figure note: GPCD values include non-revenue system losses and exclude wholesale and contractual obligations.

2.2.4 System Water Loss

Every water utility experiences water losses within production and distribution resulting in non-revenue water. Water Utilities uses the American Water Works Association (AWWA) M36 Water Loss Audit standards[12] as required by CWCB. This annual audit is focused on water loss within the distribution system before the customer meters. By collecting and reporting water loss audit data, Water Utilities can increase accountability, recover more revenue, better understand the distribution system, minimize system losses, and track annual variability. The audit incorporates detailed data from various Utility departments to determine types and volumes of water loss, financial loss, and operational efficiency.

The AWWA Water Loss Audit provides a water balance (Figure 12) that compares the volume of water entering a distribution system to the amount of water billed to customers and not accounted for. Each year, Water Utilities can calculate the revenue (i.e., billed) and non-revenue (i.e., physical losses like leaks, and apparent losses like unbilled water uses or data inaccuracies) water from this balance.

Figure 12. Water balance components evaluated in water loss audits



From 2019 to 2023, total non-revenue losses for the treatment and distribution system were estimated to range from 157 to 391 MGY. Of this, Water Utilities estimates that real physical losses from distribution system leaks range from 81 to 195 MGY. Although these real physical losses are an area of opportunity for water efficiency savings through leak detection, maintenance, or operations, the AWWA analysis predicts that some amount of real losses are unavoidable and will persist. Through Water Utilities' Leak Detection Program, crews continually monitor for system leaks with electronic leak-detection equipment and repair water main lines. Approximately 500,000 linear feet of main line is surveyed annually (about 20% of the full distribution system) and approximately 100 main breaks are repaired annually.

[12] Available online at awwa.org/Resources-Tools/Resource-Topics/Water-Loss-Control

In addition to the non-revenue and revenue water volume, Water Utilities tracks three other annual water loss metrics to understand the potential scale of non-revenue losses and the confidence in the audit results:

- Water Loss per Connection per Day: From 2019 to 2023, the average daily water loss per connection was 19.6 gallons.
- Data Validity Score: From 2019 to 2023, the average data validity score was 56.8, which was within the expected range and indicated confidence in the input data.
- Infrastructure Leak Index: From 2019 to 2023, the average infrastructure leak index was 0.54. Leak index values less than 1.0 indicate that either loss control is highly effective, or a portion of audit is flawed, and some losses have not been documented.

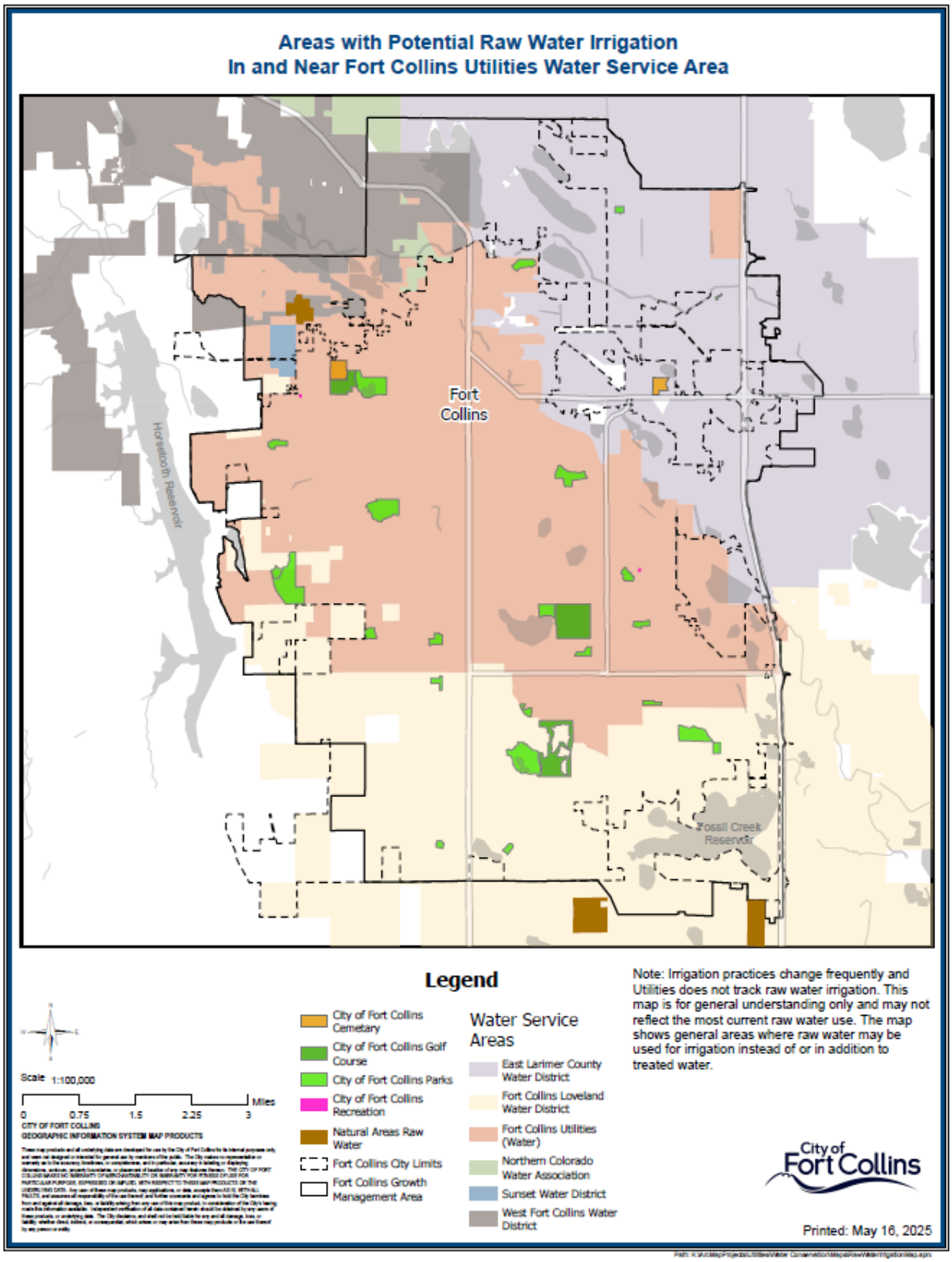
Water Utilities staff will continue to complete annual AWWA water loss audits and work to evaluate input data and results to improve understanding of both physical and apparent water losses.

2.2.5 Raw Water Use

In general, raw water use is managed through agreements separate from Water Utilities and is not subject to Water Utilities' jurisdiction. Therefore, Water Utilities is not considered a dual water provider (as defined in the CWCB's WEP guidance) and raw water uses are not discussed in detail in this WEP. Many entities, including private owners, schools, higher education, and HOAs irrigate with raw water.

The City diverts about 3,000 AFY (978 MGY) of raw water to irrigate City parks, golf courses, cemeteries, greenbelt areas, agricultural lands, and some school grounds. Water Utilities also provides approximately 4,000 AFY (1,300 MGY) of raw water to other entities to meet obligations and to fulfill exchanges and agreements. The City and Water Utilities recognize value in prioritizing raw water over treated water for irrigation, particularly due to lower water cost and avoiding unnecessary water treatment and distribution resources. Irrigation ditches and ponds used to convey and store raw water can provide ecological benefits such as habitat and wildlife corridors, although water loss through seepage and evaporation can also occur. City properties that have some areas of raw water irrigation are shown on Figure 13.

Figure 13. City properties that use raw water irrigation



2.3 Past and Current Demand Management Activities

This WEP update builds on past efficiency program strategies. Water Utilities created its first water efficiency position in 1977, and efficiency staffing and actions have continued to increase over time. A brief history of Water Utilities' water efficiency goals and activities is provided in Appendix A.

The City and Water Utilities have a strong commitment to efficiency that is evident in a long history of working with community members to lower water demand, respond to shortages, and maintain a high quality of life that includes beautiful, healthy landscapes. Water Utilities' programs help customers collectively reduce 155 MGY on average, an annual reduction of over 2.3% in water demand. Water Utilities' portfolio of current and planned new efficiency strategies is discussed in detail in Section 4, with additional information provided in Appendix C.

Figure 14 shows tracked annual water savings from water efficiency programs. Annual efficiency savings include only the water savings estimated for new actions implemented in a given year. This is a conservative approach that avoids over-estimating impacts that can vary year-to-year due to changing individual behaviors, However, many efficiency actions have ongoing savings that can continue for years (e.g., installing an efficient toilet or replacing turf with a xeric landscape). Even more water savings come from actions such as education, outreach, and marketing, with hard-to-measure water use impacts. Our active efficiency and educational strategies, as well as external influences including statewide regulations and passive savings from new technologies, together help Water Utilities manage overall water demand despite upward pressures from climate change and growth.

Figure 14. Annual treated water demand and savings from water efficiency programs

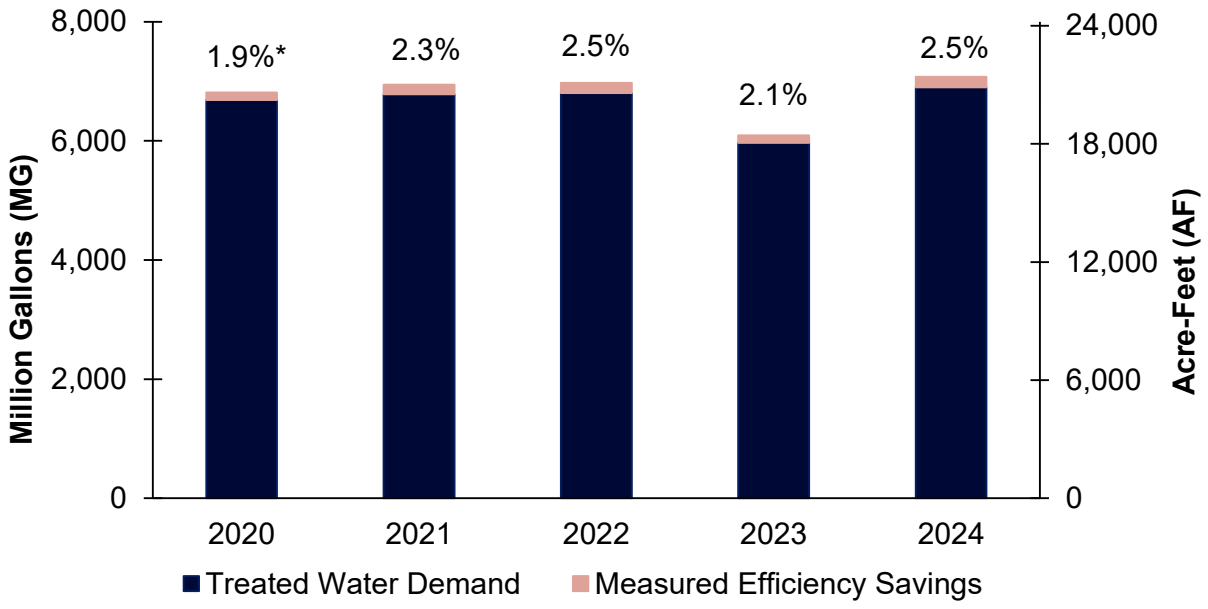


Figure notes:

Treated water volume shown includes non-revenue losses and excludes wholesale and contractual obligations. 2024 values are draft and subject to change.

** This chart shows the 2020 efficiency program savings of 130 MG. In that year, an additional 105 MG reduction resulted from 30 days of mandatory restrictions due to an infrastructure project and wildfire.*

2.3.1 Demand Management for Short-Term Water Shortages

The Water Shortage Action Plan (WSAP) establishes conditions and restrictions to manage Water Utilities' water supply in the event of projected shortages as established by City Code Section 26-167(a). A water shortage occurs when the projected water supply is less than the anticipated water demand as defined by the policy. Events including drought, water quality issues (i.e. contamination, fire, etc.), and infrastructure issues (i.e. pipeline failure, required water treatment facility maintenance, etc.) are all possible water shortage risks.

The response actions identified in the WSAP are designed to rapidly achieve short-term solutions. In contrast, the current and proposed efficiency and demand management strategies described in this WEP are intended for long-term water demand management. Some shortage response actions may also be appropriate as long-term demand reduction strategies and have been evaluated as possible WEP strategies.

2.3.2 Land Use and Water Integration with Demand Management

Demand management is supported by thoughtful integration of water and land use planning to consider current and future water needs together with development and growth patterns. In planning for future scenarios, it is critical to consider the relationship between land use and water efficiency. The City of Fort Collins has participated in two Growing Water Smart workshops in recent years that have each been attended by the Planning, Transportation, and Development (PDT) team as well as Water Utilities staff. Those workshops, along with other business needs, have helped to foster regular interaction between the Water Conservation, Water Resources, PDT, and City leadership teams. Water Conservation staff play an active role in the Development Review process by examining and approving all commercial and multi-unit residential irrigation plans in compliance with the City's Land Use Code. PDT and Water Conservation staff have collaborated to update landscape ordinances, including a requirement that caps the average annual maximum commercial landscape water requirement at 11 gallons per square foot. As of 2022, the WSR is commensurate with the estimated water demand of the new landscape, so developers are further incentivized to design and install low-water landscapes. Descriptions and estimated water savings from water efficiency activities and strategies that integrate closely with land use are included in Appendix C.

2.4 Demand Forecasts for Water Efficiency Planning

For this WEP, the portion of water demand associated with customer water use is most relevant to water efficiency programming and is tracked and predicted on short-term monthly or annual time scales. This WEP does not provide detailed demand forecasts for overall water supply planning but instead focuses on demand projections associated with billed residential and

commercial water use plus non-revenue losses associated with distributing treated water to those customers.

Future water demands are largely dependent on population change, growth patterns, service area boundaries, rates of commercial and industrial development, and climate. The rates and patterns of population growth and associated water demands are also influenced by the economy, land use policies, development incentives, and other factors.

2.4.1 Population Projections

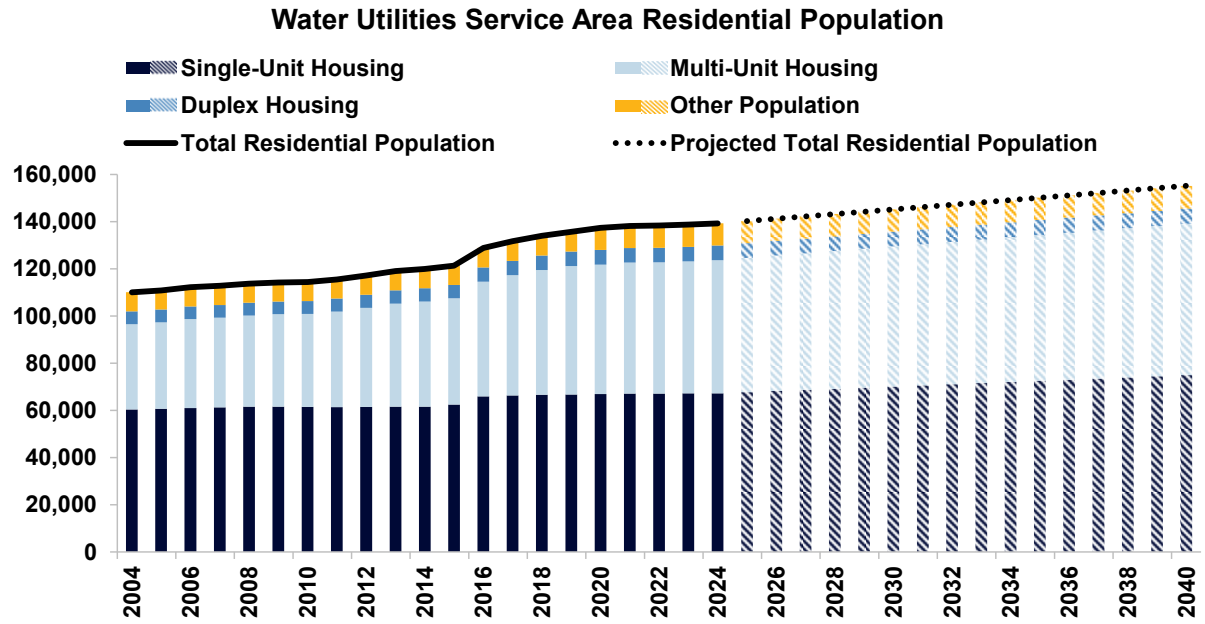
Estimating the current and future population to be served by Water Utilities is challenging. Its service area boundary does not coincide with the city limits and, therefore, official population estimates from the U.S. Census or other sources cannot be directly used. Staff have adjusted population estimation methodologies over time. The current service area population is determined based on the estimated number of residential units multiplied by the average number of persons per unit, plus the estimated population living in group quarters. Service area population is re-calculated each year to reflect changes, particularly the number and type of residential units. The current service area population estimates are lower than past estimates due to an updated methodology as well as observed slowing in rate of growth. Based on U.S. Census data for the entire City of Fort Collins, population growth averaged 3-4% annually in the 1960s-1980s, and 2-3% annually through the early 2000s. Recently, the rate of growth has slowed to about 0.1% per year from 2020-2023.

Water Utilities and PDT staff collaborate to align data and develop the methodologies used to project future population. Staff estimate the number and type of expected residential units based on available undeveloped land, zoning density allowances, and an estimated amount of growth from redevelopment following full buildout of undeveloped land. Water Utilities then uses the expected number and type of residential units to project future population.

It is anticipated that Water Utilities' water service area and the current city limits will reach build-out near 2040, meaning that all vacant, buildable land will be developed. Buildout of the GMA is likely expected to occur after 2050, which could influence growth patterns within the Water Utilities service area. After buildout, it is assumed that the water service area population will only grow via redevelopment. Variables that drive population growth and water demands during redevelopment include changes in population density, landscapes, and conversion of commercial spaces to mixed use or multi-unit residential. Due to the unpredictability of these variables, a range of growth scenarios are used to evaluate possible future demands.

Figure 15 presents recent and projected residential population growth in the water service area. The projections are based on the current amount of land available for development, current land use zoning, and assume buildout by 2040. Water Utilities will continue to update population projections using the best available data. Updated City population projections will be included in the next municipal comprehensive plan update and will be incorporated into the next WEP update.

Figure 15. Current and projected population for the Water Utilities service area



2.4.2 Demand Scenarios

A variety of future conditions that impact water demand are possible for the Water Utilities. Two bounding scenarios were used to estimate the range of demands for water efficiency planning in this WEP:

- **Moderate growth, no climate change** – This "status quo" scenario is based on residential growth projections shown in Figure 15 that assume development of available land by 2040 and current land use zoning, with a service area residential population of 155,150 in 2040. This scenario assumes that temperature and precipitation are consistent with what Fort Collins experienced during the recent 30-year period from 1991-2020 (average lines shown in Figure 4).

- **High growth, hot and dry** – This "higher demand" scenario is based on higher residential growth (more multi-unit dwellings and higher average persons per household), with a service area residential population of 164,280 in 2040. This scenario also assumes that the number of commercial water accounts increased by 10% by 2040, for all commercial sectors. Finally, this scenario applies the upper (mean plus one standard deviation) monthly maximum temperature projections and lower (mean minus one standard deviation) monthly precipitation projections for Fort Collins based on downscaled local climate model projections, as described in Section 1.3.1 and shown in Figure 4.

Both scenarios assume current levels of passive and active water conservation, and assume 8% distribution system loss.

2.4.3 Residential and Commercial Demand Projections

Customer demands are highly variable, can be further analyzed by customer type, and are influenced by demand management, weather, and land use development patterns. These variable customer demands are the focus of efficiency planning and tracking. Past customer demand trends are presented in Section 2.3. Future demand projections provide the foundation for setting the efficiency goals defined in Section 3 and the efficiency strategies described in Section 4.

Water Utilities staff work with consultants to model future water demands. Two key modeling tools are the new Water Efficiency Tool (WET), developed for this WEP update to enable examination of the potential water savings of certain efficiency programs, and the Demand Estimation Tool (DET) developed for the 2019 Water Supply Vulnerability study. Both models[13] evaluate the complex interactions that drive water demand and can be used to predict future demands for the Water Utilities service area under a range of growth, economic, and climate scenarios.

Figure 16 presents historical residential and commercial customer demand (including system losses but excluding large contractual obligations and wholesale), with projected future demand based on modeling a range of possible population growth and climate scenarios. The projections are based on existing levels of water efficiency savings and do not include potential savings from new strategies identified in Section 4. The modeled projections indicate that without efficiency and/or significant changes in landscaping choices, outdoor water use will likely increase over the coming decades as customers strive to maintain their landscapes in a hotter and longer growing season. As discussed in the Water Supply Vulnerability Study, increased demand could drive more frequent water shortages and resulting restrictions.

[13] The WET model was developed specifically to evaluate how water given efficiency strategies impact customer demands in a variety of scenarios. The intended outcome (efficiency planning) and hybrid econometric/end-use specific projection mechanisms in WET are distinct from past GPCD-based projections (such as used in long-term supply planning and for the Halligan Water Supply Project) or the demand estimation tool model, which supported risk analyses in the 2019 Water Supply Vulnerability Study. Instead, the WET focuses solely on the subset of total water use associated with billed residential and commercial customer demands. The WET was not used to predict future large contractual or wholesale demands, does not incorporate storage reserve targets, and does not include a water supply component. WET is a hybrid model that integrates (1) econometrics to examine the impacts of demographic, economic, and climatic factors on water demand variability with (2) water end-use accounting, which is the systematic analysis of how water is used at the household or unit level by residential or commercial “end-users”.

Figure 16. Historical (2000-2024) and range of projected (2025-2040) water use under possible future climate and growth scenarios

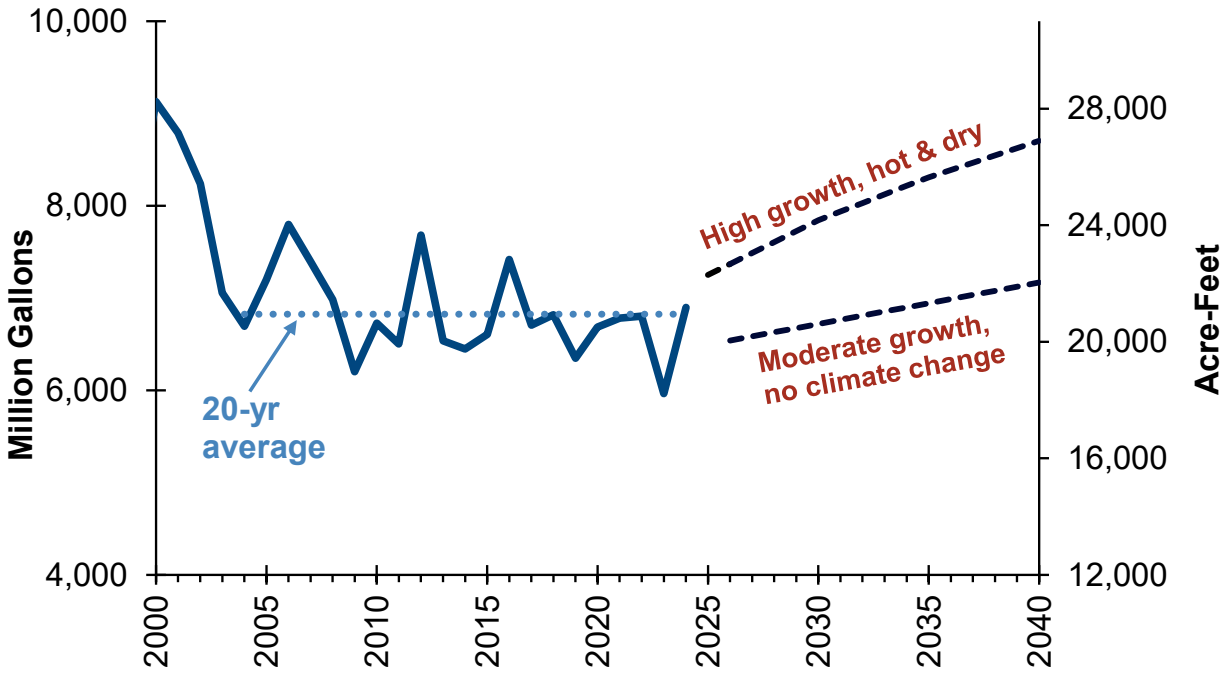


Figure note: Historical water use and projections include customer demands and non-revenue losses, and exclude wholesale and contractual obligations.

2.4.4 Additional Considerations for Overall Water Resource Supply Planning

Overall water supply planning is led by the Water Utilities Water Resources Division and includes all aspects of supply needs including obligations, contractual agreements, system-wide reuse, losses both upstream of treatment and in distribution, and reserve factors. The WSDMP, described in Section 1.2, defines Water Utilities' overall water supply planning criteria. The Water Resources Division tracks and projects all water supply needs for comparison to the supply yields presented in Section 1. Key water demand considerations for overall supply planning are presented here for reference, but are not factored into WEP water efficiency goals, savings projections, or analysis of historical demand by customer sector:

Large Contractual Obligations

Water Utilities has contractual obligations to provide water for the current and future demands of certain large industrial water users. Large contractual users' (LCUs') water use is estimated separately from population-based customer water demand projections and is not included in the GPCD metric because it can significantly skew the per capita demand rates. For long-term supply planning, LCU projections are added to projected customer demands, which are based on population projections and the 150 GPCD set in the WSDMP. The total LCU water use for 2040 is estimated to be about 8,000 AFY and will require a mix of single-use and reusable water sources.

Wholesale Water Treatment

Through an agreement, Water Utilities provides wholesale treated water to the approximately 4,000 WFCWD customers, and most of those customers are residential. In return, Water Utilities is reimbursed with an equivalent amount of C-BT supply. Water Utilities delivered an average of 163 MGY (500 AFY) of treated water to WFCWD over the last decade. Because the treated water is reimbursed, WFCWD demand is not considered in planning for future storage/water right needs.

Commercial Allotments

Water Utilities assigns non-residential water customers an annual water allotment pursuant to Sec. 26-149 of the City Municipal Code. Water use that exceeds the annual allotment is subject to an excess water use surcharge. Unlike regular utility rates, which cover the cost of operation and maintenance of the distribution system, revenue from surcharges go toward acquiring, developing, and improving Water Utilities' water resources to lessen the impact of customers exceeding their planned water demand. Both the used and unused volume of allotments is tracked annually for supply planning purposes. Commercial customers collectively use about 41% of the total allotments issued. However, this varies from year-to-year based on economics, irrigation needs, or other factors.

3 Integrated Planning and Water Efficiency Benefits and Goals

Water efficiency is a key component of the City's One Water approach to collaborative and holistic water resource management that promotes healthy watersheds, resilient communities, and water equity.

City of Fort Collins Water Utilities' mission statement: We are a One Water Utility, providing exceptional water services for our community through integrated, resilient, and equitable practices and systems.

The collaborative One Water approach aligns with the WEP guiding principles and drove the WEP update process:

- Selection of water efficiency goals (Section 3.1)
- Integrated land use planning and water efficiency (Section 3.3)
- Applying an equity lens to engagement and efficiency implementation (Section 3.4)
- Engagement with community and City staff (Section 3.5)
- Selection of efficiency strategies (Section 4)

In addition to applying a One Water approach, this WEP update strives to align with key related policies and plans, described in Appendix B, that provide direction and/or complement Water Utilities' water efficiency efforts.

Collaboration with Other Water Providers

Some areas within Fort Collins' growth management area are served by neighboring water providers. The largest adjacent water providers, ELCO and FCLWD, have their own WEPs that describe goals and strategies for their service areas. Water Utilities values these partnerships and continues to look for ways to collaborate through coordinated information-sharing, planning, communications/outreach, and efficiency strategies.

Important differences exist between the Water Utilities, ELCO, and FCLWD, including source water supply portfolios, organizational policies, size, staffing, mission and vision, financial resources, and growth patterns. Through ongoing and increased collaboration across water providers, there are opportunities for to better plan for risk and improve the resiliency of the water supply systems, and improve alignment and understanding of policies, plans and processes to best serve customers. An analysis conducted in 2021-2022 by consultants, titled "Water Resources Matters in the Fort Collins Growth Management Area: Study Report Results,"

identified over 100 challenges and potential solutions to improve coordination across water providers.

Current strategies for collaboration and coordination between water providers include:

- Interconnected infrastructure in the treatment and distribution systems
- Regular information sharing about water supply and potential restrictions status
- biannual check-in meetings with FCLWD through the Water Utilities Business Resource Team, which supports industrial customers

The WEP includes new strategies expected to encourage collaboration across water providers, such as:

- Establish regular contact and information sharing between Fort Collins water providers and Planning staff
- Integrate water into strategic plans and policies
- Support One Water efforts and an integrated demand management approach

3.1 Water Efficiency Goals

This WEP sets two water efficiency goals to guide Water Utilities, City, and customer actions (Table 4). The goals reflect community feedback, staff input, and a commitment to act now to build resilience and minimize future water shortage risks.

Goal 1 was set based on a "top-down" analysis of expected demand increase paired with a "bottom-up" analysis of feasible savings: Staff estimated future water demand increases based on a range of growth and climate conditions ("top down"), then set a reduction goal based on (1) outperforming historical Water Conservation Division program savings of approximately 2% each year, paired with (2) analysis of cumulative potential water savings from efficiency strategies described in Section 4 of this WEP ("bottom up").

The volume of savings associated with the 4% reduction in Goal 1 is determined based on projected demands for Water Utilities' customers under a range of future growth and climate scenarios. Because demands vary year-to-year, for a specific percentage reduction target (i.e., 4%) the volume (millions of gallons) of savings would go up or down based on variability in consumption. Staff estimate that a 4% reduction in 2040 demand is estimated to require 290 – 350 MG (890 – 1,075 AF) of efficiency savings which reflects the range of estimated 2040 demands driven by different climate and growth scenarios. This level of savings would be an increase of more than two times over average measured Water Conservation Division savings from 2020-2024. To gradually progress to the final 2040 goal, interim annual targets will be tracked from 2030-2040.

To illustrate this concept, Figure 17 shows recent historical customer treated water use (solid blue line) and the projected range of future customer water demands without efficiency

programs under different climate and growth scenarios (dashed blue lines). The green shading represents how the projected customer demands could be lowered with successful attainment of Goal 1. The green diamonds on Figure 17 represent average efficiency savings from interim and final Goal 1 targets. It is important to note that the annual percent reduction targets do not compound year-to-year and will *not* put Water Utilities on a track to zero water use in the future. This approach acknowledges that overall Utility-wide demand is likely to increase over time due to growth and climate change, even with increased efficiency actions and savings

Goal 2 was set based on collaborative discussions across City departments and alignment with the two-year municipal budgeting cycle, with the intent to average one new landscape resilience project with each two-year cycle.

Table 4: Water efficiency goals

Goals	Applicability	Objectives	Key Actions	Metrics
Goal 1: Reach 4% annual reduction in water use by 2040 to reduce risk of shortages	Treated water use in the Water Utilities water service area, including residential, commercial, and City water use	• Gradually lower demand to minimize the frequency and magnitude of water shortages • Offset a portion of increasing demand driven by increasing temperatures from climate change; we anticipate 320 MG savings is expected to offset the demand increases driven by an average increase in monthly maximum temperature of approximately 2°F by 2040, which is a plausible future scenario for Fort Collins based on climate models. • Reduce barriers, expand access to efficiency opportunities	• Target 1.1: By 2040, lower overall annual treated water use by 320 MG (980 AF) below projected water use • Target 1.2: Double the volume of savings from efficiency strategies by 2040, relative to 2020-2024 average performance • Target 1.3: Lower treated water use at City properties by a total cumulative volume of 5 MG (15 AF) by 2040 average performance	From 2030 – 2040, interim annual targets will be tracked, increasing to the 4% reduction goal: • 2030: 3% reduction, estimated at 220 MGY (675 AFY) • 2035: 3.5% reduction, estimated at 270 MGY (830 AFY) • 2040: 4% reduction, estimated at 320 MGY (980 AFY)
Goal 2: Improve water efficiency and build resilience on City-owned landscapes, to benefit the community and environment	City-owned landscapes (not limited by location or water source); projects that lower treated or raw water use and/or build landscape resilience on City-owned properties within the Fort Collins GMA will count toward this target	• Build resiliency in City-owned landscapes to prepare for a hotter future • Prioritize water use for landscapes and places that most benefit the community • Create highly visible projects that inspire water-saving actions by individuals and businesses • Contribute to the overall WEP Goal 1 by lowering the City's water use	• Target 2.1: The City will implement at least 1 new water saving project in each 2-year municipal budget cycle, for at least 7 new projects on City landscapes by 2040.	The number of projects, associated water savings, and total project area will be measured each year.

Figure 17. Water Efficiency Goal 1 interim targets and final 2040 goal

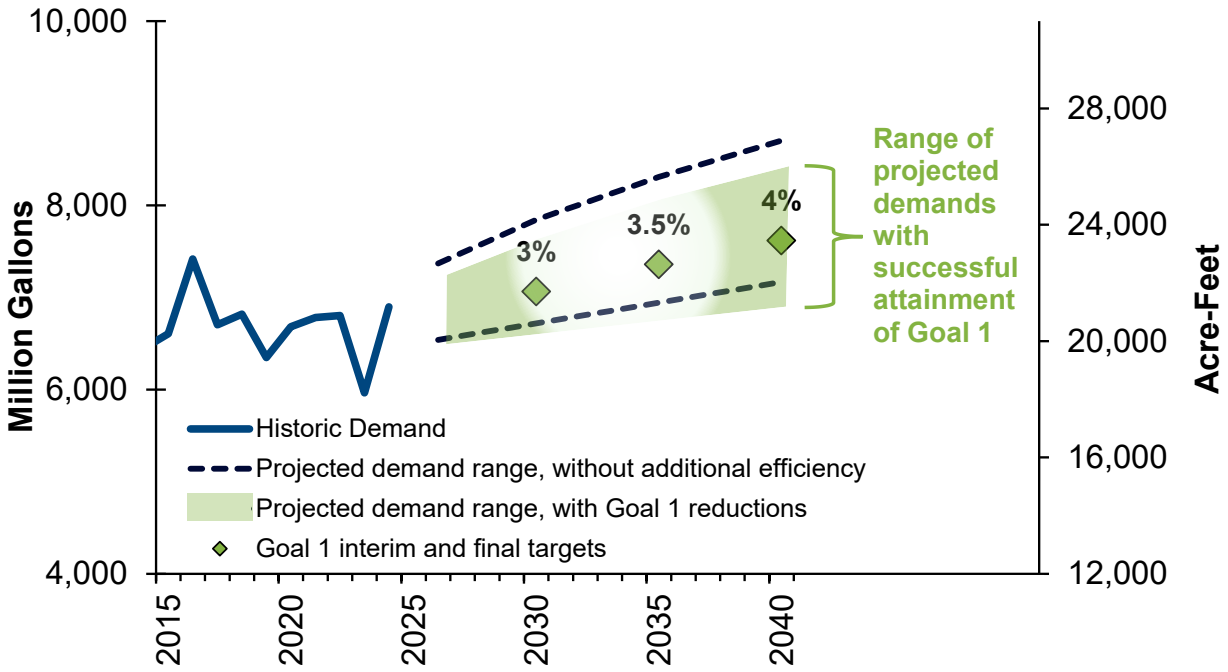


Figure note: Historical water use and projections include customer demands and non-revenue losses, and exclude wholesale and contractual obligations.

3.2 Benefits of Water Efficiency

Water is both essential to life and limited in our region. Water efficiency strategies are cost-effective means to manage water use in a way that minimizes water shortage risk, while providing enough water to support the community's values, including societal and environmental benefits. Some conserved water can be stored for periods of drought, leased for agriculture, and used for beneficial environmental enhancement efforts such as in-stream flow programs. Increased storage provides a physical location for conserved water and enables Water Utilities to take full advantage of savings achieved by customers. See Section 1.3.2 for more information on the role of storage in supply and demand management planning.

By updating water efficiency goals and strategies, Water Utilities aims to continue reducing water use to lower the risk of shortages and increase resiliency for its customers. Among the most significant benefits are the following.

Building Resilience to Drought and Climate Change

Efficiency efforts can help develop a community and landscape that is more resilient to drought conditions, especially during times of declared water shortage, when water restrictions are

enforced. Through support of drought planning and implementation of proactive mitigation efforts, the actions proposed in this plan can help to reduce vulnerability, protect economic health, and ease the effect of drought on individuals, businesses, and landscapes. By increasing water efficiency where it makes sense, like building's plumbing fixtures and unused high water use grass areas, Water Utilities can help prioritize water availability for uses deemed high value by the community, such as trees, which mitigate climate impacts and provide numerous environmental benefits; sports fields, which provide social and physical health benefits; as well as other multi-benefit purposes. Water Utilities could face significant challenges in the years ahead managing both water demands and water supplies. With many uncertainties regarding both water supply and demand, it is prudent to prepare for a wide range of conditions in the future.

Business Stability through Service Continuity

Water efficiency supports long-term economic growth through service continuity that comes from few periods of shortage or restrictions, reducing potentially costly or disruptive impacts to business operations.

Fostering an Efficiency Ethic and Reducing Waste

The success of this plan depends on the cooperation and support of customers. Instilling an efficiency ethic is an important foundation for changing habits and attitudes toward water use. Individual-customer actions make a big difference in protecting quality of life, including today's environment and for generations to come.

Demonstrating a Commitment to Sustainability

The City aims to be leaders in this effort. City properties use about 1.8% of all treated water use in Water Utilities' service area for buildings, recreational facilities, and landscape irrigation that provide services to residents, businesses, and visitors. The City also uses 978 MG (3,000 AF) of raw water to irrigate parks, golf courses, cemeteries, and other greenbelt areas. This WEP update sets savings targets directed at the City's water use.

Providing Water for Multiple Beneficial Purposes

Conservation efforts can help provide more water for beneficial uses beyond normal municipal purposes. For example, the area around Fort Collins continues to be a productive agricultural area, which in addition to representing economic activity, also provides significant open space that many residents desire. When possible, making some of Water Utilities' surplus water available for farmers and ranchers to rent provides supplemental revenue for Water Utilities and its customers. The potential environmental benefits of conserved water are also important. These can include providing additional flow for the local stream systems, supporting in-stream flow programs, improving water quality, enhancing aquatic and riparian ecosystems and recreational opportunities, among other benefits.

Minimizing Increases to Customer Costs

While water rates are expected to rise over time, using less water can help mitigate the pace of those increases by reducing overall system demand and operational costs. In addition to lowering monthly water bills, water efficiency strategies may reduce other costs for a customer when lower water use actions lead to a reduction in energy use, wastewater use, or landscape maintenance.

Reducing Water Utilities Costs

Decisions about water supplies, treatment/distribution capacity needs, and storage facilities are all made in consideration of projected water demand and peak capacity.

- Reduced or delayed acquiring of water rights: if Water Utilities need to acquire additional water equivalent to the Goal 1 reduction targets, this would cost significantly more than the cost associated with the Water Conservation Division programs. Based on 2024 costs, staff estimated that acquiring new water rights currently costs about $0.20 per gallon, while Water Conservation Division programming costs less than $0.01 per gallon saved.

- Reduced treatment and distribution costs: Water efficiency can decrease costs by reducing the amount of chemicals and energy used.

- Delay of capital expansion projects: Decreased wastewater flows have delayed the expansions of the Drake Water Reclamation Facility treatment capacity from 2010 to 2028.

- Reduced Halligan Water Supply Storage project size: The original Halligan Reservoir enlargement planned allotment for Fort Collins was 12,000 AF. Among other factors considered in the federal permitting process, the role of efficiency and the downward trend in per-person water use resulted in reducing the enlargement to 8,200 AF, which represents millions of dollars saved.

- Extra Water Treatment Facility capacity: The Water Treatment Facility was last expanded in 1999, prior to the significant increase in efficiency efforts prompted by the 2002-03 drought. The total Water Treatment Facility treatment capacity of 87 MGD is larger than the expected future peak demand. In 2013, the City entered into an agreement with Fort Collins-Loveland Water District to sell FCLWD up to 5 MGD in excess water treatment capacity.

Avoiding Cost of Inaction

Insufficient action now could lead to future costs, often referred to as the “cost of inaction.” In the 2023 Colorado Water Plan, the CWCB incorporates climate change into planning scenarios and notes that climate change introduces substantial uncertainty. It may increase water demand across all sectors, reduce overall supply, and pose resiliency challenges that must be addressed in current planning. Although water efficiency activities require resources for program materials, incentives, and staff, this investment in water efficiency supports long-term adaptation to climate change, builds resilience, and avoids potential future climate-driven costs.

Although these costs are hard to predict, one example is the potential damage to the Fort Collins' public trees, which have an estimated total replacement value of $112 million. Trees provide essential ecological services, including air purification and heat island mitigation. In addition to the environmental cost of services lost, replacing a single tree costs $350 - $450, and each tree requires intensive care and maintenance for the first two years after planting.

At a broader scale, the CWCB's Future Avoided Cost Explorer (FACE) calculator estimates that, under a medium climate change and moderate growth scenario, Larimer County will experience a cost increase of 5.1 times the current cost due to climate-driven hazards. Estimated total damages could reach $9.7 million--or $20 per person--based on projected impacts to livestock, crops, and recreation.

3.3 Summary of Integrated Land Use Planning Strategies

Integrating water and land use planning minimizes risk of future water shortage by considering water needs together with development and growth. In planning for future scenarios, it is critical to consider the relationship between land use and water efficiency. Looking ahead, it is anticipated that Water Utilities' water service area will reach build-out near 2040, as described in Section 2.4.1, while adjacent areas will continue to develop. Changes in housing density, landscapes, and conversion of commercial spaces to mixed use or residential are all variables that could influence future water demands but are hard to predict.

Most development activity within Water Utilities' water service area is overseen by PDT, the City of Fort Collins' land use authority. The department plays a central role in managing land use, zoning, and development proposals. Properties served by other water districts in Fort Collins city limits (Figure 2) are subject to City land use authority. Larimer County or other municipalities have land use authority over properties outside of Fort Collins' City limit and may be served by Water Utilities or one of the other Fort Collins water providers.

3.3.1 Current Strategies

The City and Water Utilities have prioritized integration of water and land use planning through many long-term and current strategies, which are briefly listed in Section 4, with additional details in Appendices C and D. These strategies are primarily focused around collaboration and thoughtful policy, through actions such as cross-departmental participation in Sonoran Institute's Growing Water Smart workshops, basing WSRs for new development on business use and landscape needs (see Section 1.3.4), and incorporating landscape, irrigation, and soil ordinances into the City's land use codes.

3.3.2 New Strategies

Water Utilities and PDT have reviewed and considered all strategies in the CWCB's Best Practices for Implementing Water Conservation and Demand Management Through Land Use

Planning Efforts and have plans to develop the new land use-focused strategies identified and described in Appendices C and D.

3.4 Equity in Water Use and Demand Management

Numerous City and State efforts support equity in water planning (see Appendix B). The City of Fort Collins Office of Equity and Inclusion promotes a people-centered, community-focused approach so that people of all identities can fully participate in City services and experience equitable community outcomes. The Office of Equity and Inclusion defines equity as both a process and an outcome: “A **process** by which policies, programs and tools are developed to ensure the elimination of existing disparities and includes inclusive engagement that leverages diversity. It becomes an **outcome** once a person's identity or identities no longer impacts their ability to experience equality and access to services.” For water efficiency, Water Utilities and the City can impact equity through processes, like updating this WEP, and through outcomes, like efficiency program and policy strategies.

Staff applied an equity lens throughout the WEP update process. This helped create an inclusive engagement process that placed importance on hearing from disproportionately impacted community members, and in turn elevated efficiency strategies that resulted in more equitable outcomes.

An important guiding principle for the WEP update is to develop inclusive community-driven water efficiency goals and strategies through broad engagement, as well as connecting with and elevating input from disproportionately impacted community members. This includes community members who might have the greatest negative impacts from water bill costs or climate change and community members who have lower historic efficiency participation rates. They may also face barriers to both participating in and benefitting from water efficiency programs and strategies. Together, Water Utilities refers to these as “disproportionately impacted groups” in this WEP, which includes the 14 historically underrepresented groups identified in the City’s Our Climate Future initiative, as well as renters, new residents, and English as a second language customers.

What is a Disproportionately-Impacted Group?

Leading with equity in process means asking who is most impacted by a decision. The WEP update focused engagement resources towards connecting with

- Community who might have the greatest negative impacts from water bill increases or rising temperatures,
- Community members with historically lower participation rates in water efficiency programs, including low income, communities of color, renters, new residents, and non-English speakers,
- The 14 historically underrepresented groups identified in Our Climate Future (some of which are also identified as having low participation):
    - Communities of color
    - Community members under age 29
    - DACA students
    - LGBTQIA+ communities
    - Local indigenous communities
    - Migrant communities
    - Communities of disability
    - Veterans
    - Religious minorities
    - People experiencing homelessness
    - People living in manufactured homes
    - Commuters
    - Low-income communities
    - Small businesses

These identities overlap and intersect. Water Utilities recognizes that many people are part of multiple groups.

3.4.1 Equity in Engagement

WEP engagement included paid community consultants, input from the City's Climate Equity Committee, meetings with community members who identify with one or more EPGs, equity one-on-one interviews, an equity question in the broad survey, and reducing barriers to participation in WEP engagement (Spanish translations, survey paper format and tabling in public spaces, providing food, childcare, and efficiency giveaways at meetings). Further details about all engagement activities conducted and feedback received are presented in Section 3.5 and Appendix B. Participants provided feedback that informed current and future communications and marketing, educational and incentive offerings, policy development, equity evaluations, and outcome metrics.

> "It is expensive to be poor, and our policies and subsidies should seek to combat this issue. **Subsidies and grants** should be easily available to help people afford the changes needed to reduce water use — **rebates don't go far enough** to help those who cannot afford the upfront cost."
>
> - *WEP Survey Respondent*

Themes observed from engagement included key equity-related challenges for the community: affordability, renter autonomy, accessibility to programs and services, and the need for long-term relationship and trust building between the community and City organization.

3.4.2 Equity in Outcomes - Strategy Selection and Implementation Planning

To apply an equity lens to efficiency strategy selection, Water Utilities developed a two-step equity evaluation tool to analyze, revise, and prioritize potential WEP strategies. To ensure community input shaped how equity was defined and assessed in the equity evaluation tool, the project team conducted a series of informational interviews with community leaders and with City staff who have been involved in equity efforts.

The tool was designed to identify barriers and improve the accessibility of each strategy evaluated. The evaluation consisted of two steps:

Step 1 - Barrier and Burden Assessment

Initial check of whether the strategy has obvious equity issues, based on staff knowledge of the burden of compliance, unintended consequences, and barriers to participation. This assessment was applied "midstream" in the efficiency strategy selection process to inform both final selection of the short list of proposed strategies, as well as to identify which strategies might need refinement to improve equitable access and positive outcomes. The following key questions guided the assessment:

- Does the strategy have any fundamental barriers that prevent participation by disproportionately impacted groups? (e.g., Internet or cell phone access, travel requirements, home ownership, access to private outdoor space, expertise)
- Is this strategy a reimbursement program, where an upfront purchase is required to participate?
- Could this strategy disproportionately place the burden of compliance on a disproportionately impacted group?
- Could this strategy have negative unintended consequences that disproportionately impact equity-priority groups? (e.g., Non-functional turf may not account for informal uses of green space, rate increases passed on to renters rather than building owners reducing consumption)

Step 2 - Potential to Support Positive Equitable Outcomes Evaluation

For the final list of proposed efficiency strategies, assess the extent to which each strategy can support equitable outcomes for equity-priority groups. A range of questions were applied to each strategy to assess whether the strategy was likely to have a high, medium, or low support of the following desired equity outcomes:

- Preserving water for now and for future generations, including disproportionately impacted community members
- Accessible participation for all, including disproportionately impacted community members
- Investment in and partnership with disproportionately impacted community members
- Affordable water bills
- Minimizing financial water burden

The equity evaluation tool is designed for ongoing use, including before, during or after a water efficiency activity is in place. Staff are considering how to incorporate it into annual project planning and reviews, as well as regular learning opportunities with the community. The equity work conducted for the WEP update is just a starting point. Staff will continue applying these tools to improve access, participation, and efficiency benefits across the community.

3.5 Community Engagement

Water Utilities is committed to thoughtful planning and public participation in government, and community input was vital in shaping the WEP and its associated efficiency goals and strategies. Engagement strategies drew on the One Water integrated and collaborative planning approach, with tactics to broadly engage all water customers while focusing resources on

connecting with disproportionally impacted communities. This resulted in the development of inclusive and community-driven water efficiency goals and strategies.

WEP Engagement Objectives

- Center engagement in diversity, equity, and inclusion.
- Center engagement in a One Water approach.
- Ground engagement in water conservation education opportunities that increase awareness of current opportunities and recognition of the value of efficiency activities.
- Collaborate with City Staff to determine organizational water use goals and priorities for efficiency strategies.
- Collaborate with specific people, including disproportionately impacted, marginalized and historically excluded community members, to understand values, needs, and barriers.

From 2023 through June 2024, engagement captured over 5,000 touchpoints via:

- Survey (1,319 community responses)
- Our City web page
- Advertisements
- In-person meetings hosted by community consultants
- Focus groups and meetings with targeted water users including City departments, HOAs and small businesses
- Meetings with community members who identify with one or more disproportionately impacted groups
- Consultant-led one-on-one interviews
- Input from the City's Climate Equity Committee[14]

Engagement tactics and results are presented in more detail in Appendix B.

3.5.1 Incorporating Feedback into Goals and Strategies

After evaluating raw data from community feedback, staff incorporated feedback from City departments to create guiding themes for goal and strategy development. These themes were critical to developing the WEP goals described in Section 3.2 and the strategy selection process described in Section 4.

The overarching community and staff engagement themes that guided efficiency goal and strategy development were:

- Community values that inform efficiency goals
    - Concerns about water scarcity and providing for future generations
    - Willingness to take action
    - Want all community members to take responsibility and action
    - Support for landscape change away from turf grass

[14] The Climate Equity Committee (CEC) was formed to support the equitable implementation of Our Climate Future.

- Characteristics of efficiency strategies that are generally supported by the community
    - Strategies should show impact by lowering demand at multiple water use levels: individuals, highest users, and municipal.
    - Support upgrades to water-efficient fixtures for both indoor (e.g., plumbing) and outdoor (e.g., irrigation) uses by making them free or inexpensive, and providing installation support.
    - Reduce existing turf and encourage water-efficient landscapes
    - Support customers with leak issues
    - Use regulations to manage some water uses, including new growth, non-functional turf, commercial users, and the highest water users
    - Provide inexpensive actions that save money
    - Provide more education for everyone, specifically:
        - Target HOAs, landscapers, homeowners, and disproportionately impacted communities with resources specific to them
        - Remove barriers by coming to people in places and ways where they are already gathering and comfortable

WHAT WE HEARD **FROM THE COMMUNITY**

“As climate change becomes more severe, water is going to be absolutely critical. I'm concerned about cost of water in the future and how that will affect marginalized communities.”

“We would like to see the City offer some additional assistance or educational opportunities for people so they can be a participant in the City's services and help to meet future challenges.”

“Equal access to safe drinking water at reasonable rates, as well as water to allow for green spaces/trees in all neighborhoods.”

“What is the City of Fort Collins doing to lower its water usage? The City of Fort Collins needs to lead by example.”

“HOAs would like to see the City share best practices shared with HOAs and contractors, so the right things can happen at the right time, both have increased understanding.”

“Offer repair/replacement of dripping faucets, toilets, showers. Many inexpensive repairs can save a lot of water for those without the wherewithal to do the work themselves.”

Many mobile home residents shared… “There is not help for infrastructure or pipes. If you have leaky pipes, need a plumber, have a leak under your home, that’s all out of pocket and usually avoided due to high cost.”

“I think the focus should be on people who can’t afford to do things like change out their shower heads, replace grass with natural, local plants, etc. We did this with no support, but it was costly. Our water bill is much lower because we use so much less but people who can’t afford this need support.”

“There is a strong interest in learning more about xeriscaping and water-efficient landscaping techniques, particularly how to adapt these practices to different yard sizes and business properties.”

“New construction should be designed from the outset to use less water, since the cost of doing it up front is much less. Beyond that, efforts should focus on the highest water users first.”

“The City needs better building codes so new apartment buildings don't have "freeze warning" signs out when it is cold telling tenants to drip their faucets.”

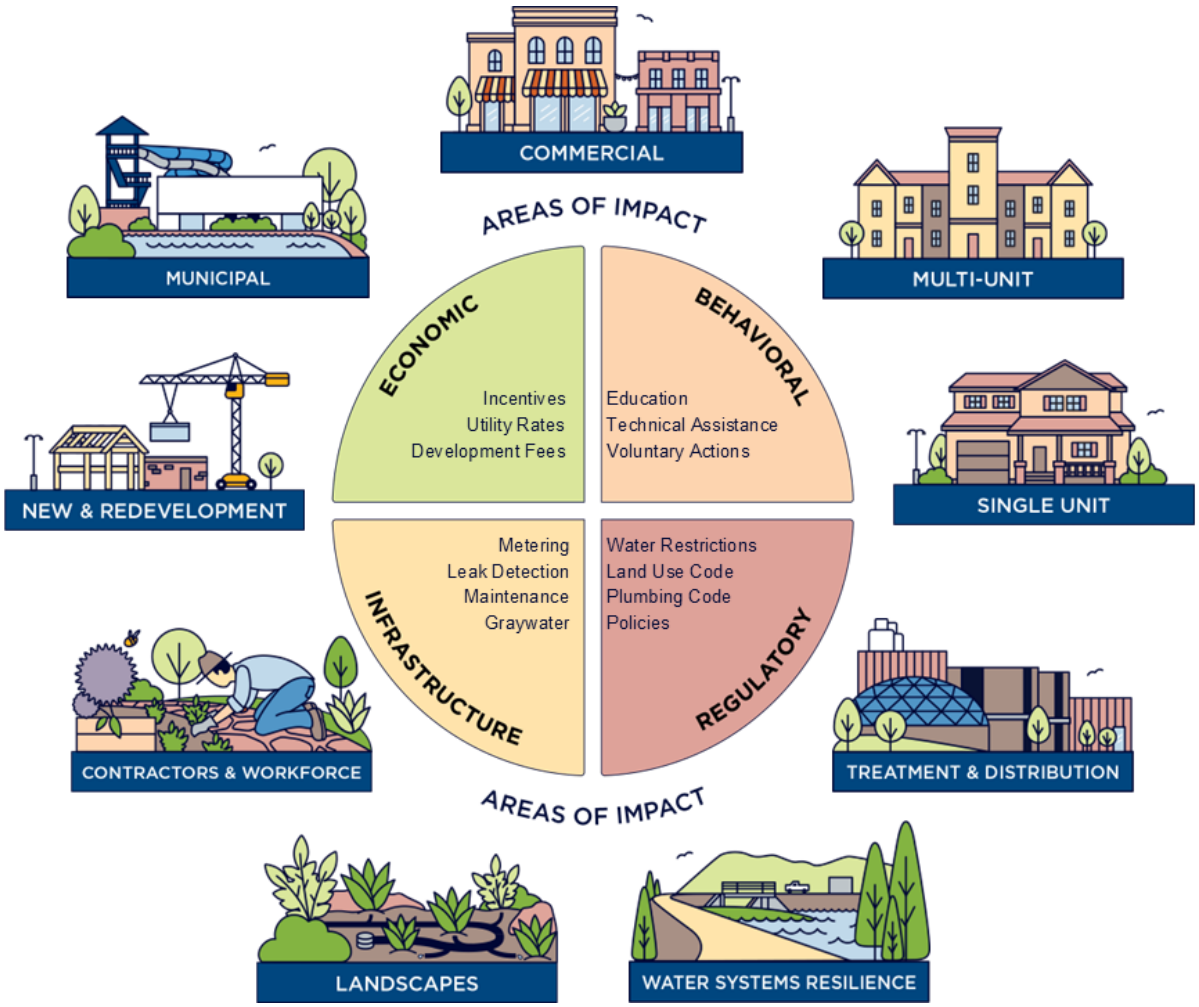
“What will happen to our water availability as our population grows and temperatures increase?”

4 Selection of Water Efficiency Activities

The Water Conservation Division will continue to build on existing efficiency strategies and will develop new strategies to meet efficiency goals and improve equitable outcomes. Strategies can impact the entire service area, and the overall intent of strategy selection is to identify a diverse and balanced set of cost-effective strategies that are expected to lower risk and meet the efficiency goals. Other strategies are intended to cultivate a water efficient, adaptive, and knowledgeable customer base through education and outreach.

By updating water efficiency goals and strategies, Water Utilities aims to promote long-term reductions in water demand through a variety of approaches to manage water use - behavioral, regulatory, infrastructure, and economic (Figure 18).

Figure 18. Approaches to influence water demand and areas potentially impacted by efficiency strategies



With input from customers and staff, Water Utilities identified key themes that informed strategy selection, as described in Section 3.5 and Appendix B. By continuing effective strategies and gradually implementing new strategies, Water Utilities is developing a portfolio of strategies that are expected to:

- Increase water savings and landscape resilience to lower risk and meet the WEP goals
- Provide opportunities for all customers, including disproportionately impacted groups and those who have had low historical participation rates
- Reflect best practices and provide customized strategies to meet high-use and unique customer sector needs
- Continue doing what works well and is liked by customers
- Lower City water use and implement projects to lead by example as a City
- Continue integration of water and land use planning

Water Utilities has a robust water efficiency approach with several efficiency activities that have been implemented for years. Staff intend to continue many of these effective and liked activities within their current portfolio of strategies. The efficiency strategies outlined in this WEP are likely to evolve over the years and the exact specifics of each are subject to change as a result of changing state legislation, regulations, technology, customer preferences, funding availability, appliance/fixture saturation rate, and Water Utilities/City priorities. Water efficiency strategies are intended to be implemented, monitored (Section 5) and refined over time to best serve Water Utilities customers.

4.1 Summary of Selection Process

In support of Goal 1, customer efficiency strategies are directed toward lowering customer treated water demand while supporting equitable outcomes. Staff conducted a tiered selection process using the following steps:

1. Identify strategies: Compile “long list” of all current and potential new strategies
2. Qualitative screening: Eliminate infeasible strategies based on staff input
3. Criteria-based screening: Screen remaining strategies based on selection criteria
4. Prioritize: Prioritize the highest-scoring strategies based on offering a diverse portfolio of efficiency options with broad reach across customer sectors and a variety of approaches to impact demand (Figure 18)

For City actions associated with lowering the City’s treated water use (supporting Goal 1) and advancing efficiency and resilience on City-owned landscapes (supporting Goal 2), strategy identification and selection was conducted through collaborative engagement and decision-making meetings with cross-

departmental staff. The focus was on identifying efficiency and resilience actions that integrate with land use planning and align with existing plans, policies, practices, and available funding.

4.1.1 Selection Process and Criteria

Strategy Identification

In addition to a review of existing activities, staff researched new and innovative activities to develop an initial comprehensive "long list" of water efficiency strategies to consider. Potential activities were identified from several sources including the CWCB's technical resources, the Colorado WaterWise Guidebook of Best Practices for Municipal Water Conservation in Colorado, a broad literature review, exploration of other utility case studies, and input from the community and City staff, described in Section 3.5 and Appendix B,

Qualitative Screening

Water Conservation staff performed an initial qualitative screen to narrow down the initial comprehensive list of potential new strategies by identifying and eliminating infeasible, duplicate, and low-impact strategies. Staff qualitatively considered whether the new strategy concepts were likely to significantly contribute to water savings, could feasibly be implemented with reasonable time and resources, were likely to receive public acceptance, and were likely to improve equity by increasing accessibility to efficiency programs.

For the new strategy concepts retained following this qualitative evaluation, staff developed brief high-level program plans to develop scope, objectives, implementation requirements, and resource needs.

Criteria-based Screening

Current efficiency strategies and the potential new strategies that passed the qualitative screen were scored based on six criteria, which were selected through a collaborative cross-departmental staff process and informed by the WEP guiding principles. Staff developed a modified version of the spreadsheet-based Alliance for Water Efficiency (AWE) Water Conservation Tracking tool to perform the criteria-based screening process and tabulate a combined score for each existing and potential new strategy evaluated.

The following screening criteria were evaluated to develop total numeric scores, based on weighted averages of the following scores:

- Water savings potential: How effective is the activities in terms of gallons of water saved per program dollar spent? The default AWE tool calculation method was used, informed by actual or projected water savings and cost data.
- Cost: What are likely initial and ongoing program costs?
- Ease of implementation: How labor- and time-intensive is the program? Does Water Utilities have the staff resources to properly support, monitor and evaluate the program? Staff assigned a high, medium, or low score based on past project experience and the preliminary program descriptions developed for potential new strategies.

- Acceptance: Does this activity meet the needs and wants of Water Utilities water customers? Does this activity support the social and economic health of customers? Staff assigned a high, medium, or low score based on community engagement and past project experience.

- Co-benefits: Staff identified potential environmental (e.g., promote short-term drought responses, lower greenhouse gas emissions) and social (e.g., improve water literacy, foster positive interactions with government) co-benefits.

- Reach: How many customers could be impacted by this program? What types of customers does it reach? Is it likely to reach previously unengaged customers? The default AWE tool calculation method was used, informed by actual or projected participation information.

A subset of strategies were carried forward to final prioritization (Section 4.1.2) but were not evaluated in the criteria-based screen because they were either required or an identified high priority:

- Existing strategies that were considered necessary to continue into the future due to external requirements. These include required actions to support State requirements, like the Water Loss Audit.

- Municipal strategies to lower the City's treated water use in support of Goal 1. As described in Section 4.2, these were developed through collaborative discussions to align with existing needs, practices, and objectives.

Strategies that were evaluated based on the screening criteria, but not selected for implementation at this time, are tabulated in Appendix C. This includes historical and existing strategies that will be discontinued and potential new strategies that were considered but not prioritized for implementation.

4.1.2 Prioritization Process

The existing and new strategies that were retained following the criteria-based screen were all practical strategies to implement and the results of the process described here will be saved for future reference and consideration. However, it is expected that not all of the strategies are necessary to attain the 4% reduction identified in Goal 1, and it is not possible for the Water Conservation team to implement all of these strategies in the near future. As a final step, staff prioritized the highest-ranking existing and potential new strategies to create a cost-effective and balanced strategy portfolio that provides a mix of behavioral, regulatory, infrastructure, and economic activities. Staff also sought a mix of programs that are broadly available to all customers as well as those that are tailored to high water uses or disproportionately impacted customers.

4.2 Strategies for Goal 1

If fully implemented, Water Utilities estimates that programs and projects outlined in this WEP will lower treated water demand by up to 314 MG per year by 2040. Regulatory changes could lower annual demands by an additional 46 MG per year, and other factors such as rate or fee changes could further impact demands. Brief descriptions and a detailed tabular summary of existing and new efficiency strategies are provided in Appendix C.

Water Utilities currently manages or supports a wide variety of programs and policies aimed to lower treated water demand through more efficient water use, build resilience, and increase community awareness.

As described in Section 2, on average these strategies have lowered water demand by 130 – 180 MG each year, up to 2.5% of treated water demand, and involved over 25,000 participants or community touch points each year. Water Utilities is planning to gradually add 10 new strategies over the coming years to expand program offerings and access and make additional progress toward the WEP goals.

The portfolio of water efficiency strategies selected to lower treated water demand in support of Goal 1 is summarized below. New strategies are indicated with an asterisk (*). Strategies are organized according to the primary approaches, or "levers," of impact: behavioral, infrastructure, economic, and regulatory.

Table 5: Current and New Water Efficiency Strategies Supporting Goal 1

Approach	Strategies
Behavioral strategies	• Community educational programs and events for all ages • Campaigns such as Fix a Leak Week and Imagine a Day without Water • Garden Party / Eco Fest event with classes and native plant swap • Xeriscape Demonstration Garden • Efficiency equipment giveaways, including showerhead swaps • Irrigation system assessments for single-unit residential • Irrigation system assessments for commercial and HOA properties • Indoor assessments and equipment direct installation for single-unit residential • Indoor equipment direct installation for multi-unit residences and small businesses • Indoor use assessments for commercial facilities • Saving water hotline to report water waste • Customized water use reports for residential and commercial accounts • Customized single-unit residential water budgets • Water use estimator spreadsheet tool for development concepts • Waterwise landscape professionals network and support • High bill evaluations* • Wrap-around support for efficiency in large turf areas and HOAs* • Rental tenant and owner/manager outreach and giveaways* • Commercial water use benchmarking* • Comprehensive conservation communications plan*
Infrastructure-based strategies	• Advanced metering for all accounts • Customer data portal • Leak alerts and high-use notifications • Monthly billing with rate codes that align with tiered rates and customer type

Approach	Strategies
Economic strategies	• Indoor product rebates for residential and commercial customers • Irrigation equipment rebates for residential and commercial customers • Xeriscape Incentive Program rebates and grants for residential customers • Xeriscape Incentive Program rebates and grants for large commercial and HOA landscapes • Garden in a Box discounts • Custom rebates for commercial projects • Conservation-oriented tiered/seasonal rate structures • Conservation-oriented water supply requirement fee • Allotments and excess water use surcharge for commercial accounts • Plumbing repair assistance* • On-bill financing for efficiency upgrades* • Design assistance and incentives for new development and redevelopment*
Regulatory strategies	• Wasting water ordinance and code enforcement • Building codes and plumbing standards • Landscape, irrigation, and soil codes • Parkway landscaping regulations • Stormwater criteria supports low impact development • Review of irrigation plans during development review • Graywater reuse for toilet/urinal flushing • Water adequacy determination regulation • Restrictive covenants ordinance • Water Shortage Action Plan • Daily sprinkler watering window* • Examine existing land use regulations for barriers or conflicts to water efficiency*

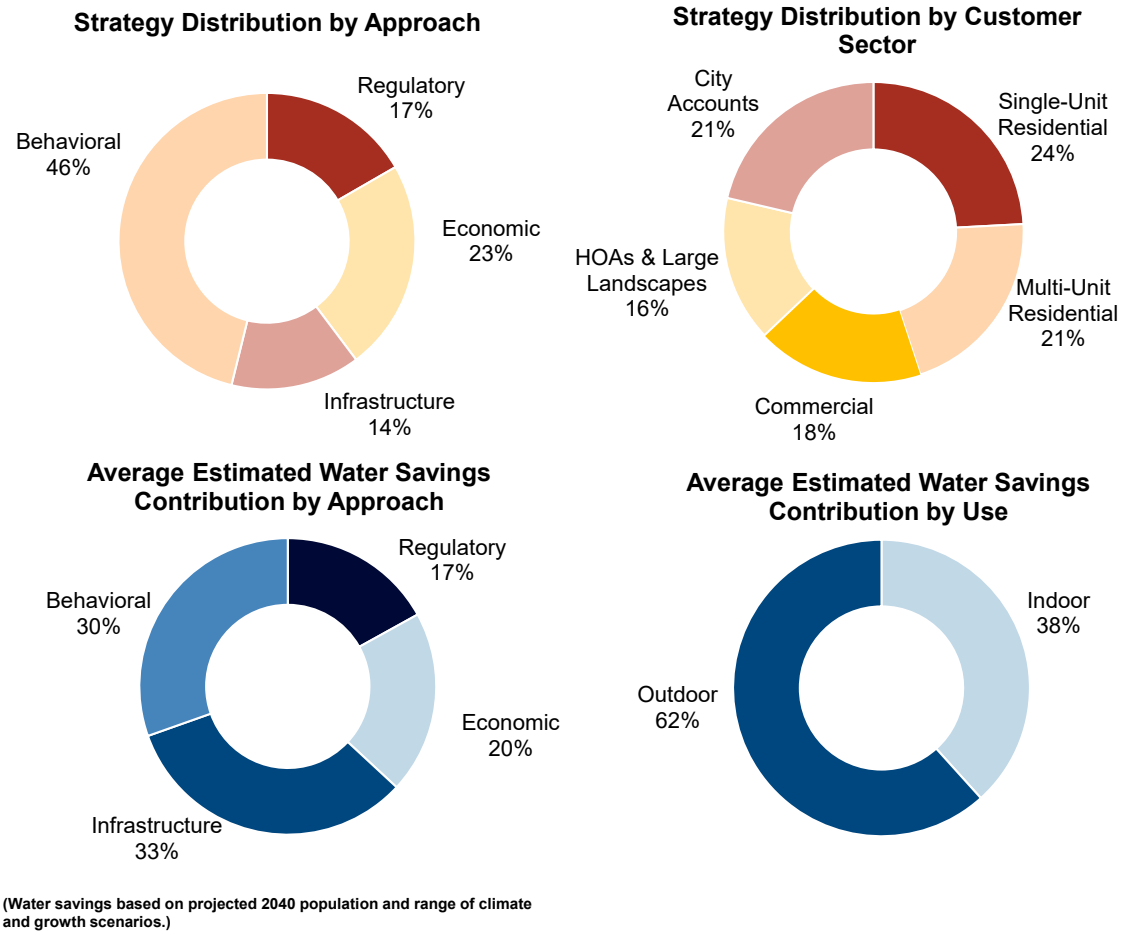
** indicates new strategies identified in this WEP.*

4.2.1 Examples of How Customers can Contribute to Goal 1 Reduction

Strategies can impact the entire community and this WEP identifies a set of strategies that not only align with feedback from engagement but also target cost-effective water savings. The portfolio of water efficiency strategies is diversified to collectively meet the WEP goals and targets, and to support the WEP guiding principles listed in the Introduction. Strategies are intended to be implemented, tracked, and refined over time. By cultivating a water efficient, adaptive, and knowledgeable customer base through education and cost-effective water efficiency programs, the community can help minimize water shortage risk and support the City's strategic objectives.

Figure 19 shows how the prioritized strategies work together to provide water savings through a variety of approaches.

Figure 19. Summary of water efficiency impacts with full implementation of all current and new strategies.



(Water savings based on projected 2040 population and range of climate and growth scenarios.)

Water Utilities customers have a variety of options to lower their water use, including the strategies outlined in this WEP. To illustrate how individual actions can collectively help achieve the 4% reduction target in Goal 1, the following examples highlight actions different customers might take overtime:

Residential customers

The average single-unit household in the Water Utilities service area uses about 80,800 gallons of water a year. This means that the average residential customer can help meet the 4% WEP goal by lowering their water use by about 3,200 gallons each year (relative to current average use).

- Change Showers: Swapping out a 2.5 gallon-per-minute showerhead for a free 1.5 gallon-per-minute version (currently offered for free through the Water Conservation Showerhead Swap program) and cutting shower from 12 to 8 minutes can save up to 1,500 gallons per year and save about $5 on water bills.
- Check Sprinklers: Outdoor water use spikes in the summer. Free irrigation assessments save participating households an average of 5,000 gallons per year and over $16 on water bills. Many lawns have correctable issues like inefficient watering schedules and broken or tilted heads).
- Redo Landscapes: Native landscaping is water-smart, supports ecosystems, and looks great. A 1,000 square-foot project can save 6,000 gallons annually and lower water bills by about $20 annually. The average cost to Xeriscape Incentive Program participants for a project of this size was $1,840 and rebates can cover up to $1,000 of that cost. Additional savings are possible through the Garden in a Box discounts.

Business customers

The typical water use and potential for water efficiency savings varies based on business type, size, and other factors. The WEP includes a variety of commercial efficiency strategies, including custom rebates that let a business identify what opportunities work best for them.

- Plumbing Upgrades: Replacing 10 older urinals with WaterSense models could save a business between 26,000—60,000 gallons annually and up to $180 on annual water bills. Even smaller changes—like upgrading five toilets—can cut 11,000 gallons a year. Rebates available for urinals and toilets typically offset about 20% of the installation costs.
- Water Efficient Large Landscapes: Replacing bluegrass turf with native grass species is a cost-effective strategy for reducing water use on large landscapes. Converting 10,000 square feet can save approximately 70,000 gallons annually. Water Utilities offers rebates up to $15,000 for qualifying projects.

4.3 Strategies for Goal 2 and One Water Demand Management

In support of Goal 2, the City organization will continue refining current best practices while also exploring new opportunities to improve water efficiency and build resilience across City-owned landscapes. In some cases, these actions will also yield treated water savings that contribute to Goal 1 targets while advancing integrated land use and water planning, as well as One Water integration across Water Utilities and the City organization. Brief descriptions and a detailed tabular summary of existing and new City strategies are provided in Appendix D.

City departments currently implement numerous best practices and operation strategies that address distribution and treatment inefficiencies, lower treated and raw water use, improve landscape resilience, or achieve a combination of these. New strategies to lower the City's treated water use (in support of Goal 1) and improve landscape resilience (in support of Goal 2) were developed through collaborative discussions to align with existing needs, practices, and objectives.

Strategies focused on lowering City treated water use and building landscape resilience; new strategies are indicated with an asterisk (*):

- System water loss audits
- Distribution line repair/replacement
- Efficiency incorporated in plans, policies, and best practices
- Irrigation application rates based on water need and system audits
- City landscape designs follow xeriscape principles and irrigation best practices
- Prioritize raw water sources for irrigation to lower treatment costs
- Track water use data for City buildings and properties
- Prioritize dedicated irrigation to trees
- Implement and update Municipal Sustainability Adaptation Plan
- Increase pace of plumbing retrofits in City buildings*
- Irrigation and landscape efficiency projects on City-owned properties*
- Increase pace of distribution line replacement/repair*
- Water Conservation Division provides technical and financial support for City efficiency and resiliency projects*
- Establish regular contact between City planning departments and water providers*
- Look for opportunities to expand Water Conservation Division involvement in development review*
- Further integrate water and efficiency into strategic plans and policies*
- Support One Water efforts and integrated demand management*
- Use City properties to pilot efficiency activities (e.g., commercial use benchmarking)*

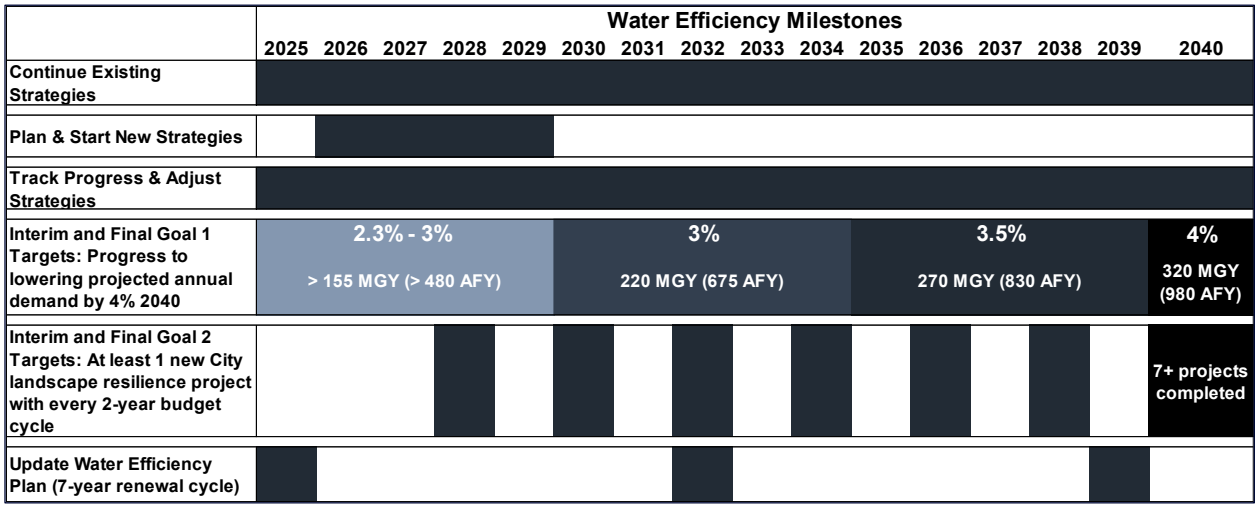
5 Implementation and Monitoring

This WEP presents a general implementation timeline and monitoring approach. Impactful water efficiency requires ongoing, adaptive management to track progress, identify and respond to changing conditions, and adjust the portfolio of efficiency strategies and/or implementation tactics to progress towards goals and support City priorities.

5.1 Implementation

Implementation of new customer strategies will be staggered over the coming years to gradually increase water savings, align with staff capacity, and allow time for planning. Some strategies may also require City Council review and approval (e.g., policy changes) or funding acquisition prior to implementation. For City actions related to lowering the City's treated water demand or building landscape resilience, staff aim to complete at least one new project for every 2-year municipal budgeting cycle, for a total of at least 7 projects by 2040. Figure 20 presents a conceptual implementation timeline.

Figure 20. Conceptual implementation timeline



Key activities that Water Conservation staff will generally apply to implement efficiency strategies include:

- Determine if an approval process is necessary or desired; approval is required for actions such as code changes or funding requests
- Develop and regularly update individual implementation plans

- Identify and obtain needed resources such as staff time, funding[15], materials/supplies, or external expertise
- Seek community and partner input, as needed, to effectively plan, market, and refine strategies
- Monitor strategy metrics such as water savings, participation rates and demographics, units replaced, or area impacted.
- Adjust strategies to improve water savings and equitable outcomes, manage funds and resources, or align with broader Water Utilities, City, state, or federal requirements and objectives.

The Water Conservation Division will holistically evaluate the combined efficacy and balance of the full suite of efficiency strategies to consider the best timing for bringing new strategies online, making substantial modifications, or discontinuing activities.

Successful implementation of water efficiency strategies will benefit from ongoing alignment with the engagement themes, development of an efficiency-focused communications and marketing plan, and maintaining the community and staff relationships that were fostered during WEP engagement. Staff will seek new opportunities to partner with broad-reaching organizations in the community such as schools, higher education, and professional and community organizations to share information and promote efficiency. This will facilitate water use understanding and efficiency opportunities between Water Utilities and the community, especially City departments and disproportionately impacted community members.

5.2 Monitoring

Water Utilities staff routinely monitor high-level metrics to evaluate water demand, efficiency impact, and potential shortage risk. These metrics include:

- Total volume of water treated
- Total volume of water billed to customers
- Combined measurable Water Conservation program savings
- Average GPCD
- System water losses

[15] The programs that ultimately are implemented will be a function of the City's budgeting process or, in some cases, securing grant funds. The City uses a Budgeting for Outcomes approach, which emphasizes accountability, innovation, and partnerships. This is a two-year process that begins with updating the City's Strategic Plan, which directly informs the funding choices in the budget. Throughout both phases of this two-year cycle, community input is an important factor in setting the City's priorities and objectives.

- Water supply indicators such as snowpack, storage levels, and other parameters outlined in the Water Shortage Action Plan
- Climate influences on demand, including temperature, precipitation, and evapotranspiration (ET)
- Difference between projected and actual water demand

Many of these metrics are posted online at *fcgov.com/Water Utilities/water-availability-demand* to support transparency and community water literacy.

Additionally, Water Conservation Division staff track key performance indicators to quantify individual and combined impacts of efficiency strategies. The following metrics will be tracked to evaluate progress towards the WEP goals:

Goal 1 Metrics

- Treated water savings from individual efficiency strategies: This will be estimated based on various strategies' water savings as a result of completed projects, participation, area, and other measurable methods.
- Total treated water savings: The cumulative measurable savings from individual Water Conservation Division efficiency strategies. Indirect impacts associated with education or other hard-to-measure effects are not included in these estimates.
- Total billed water demand, as well as:
- Billed treated water demand by various residential and commercial customer sectors, evaluated by season and indoor/outdoor use
- Billed treated water use for City properties
- Area of residential and commercial water-efficient landscape improvements
- System water losses
- Program participation rates, disaggregated by demographics and/or geographic area when possible
- Number of treated water efficiency projects on City properties and total City treated water savings
- Reach and touchpoints from educational activities
- Strategy-specific metrics such as number and type of rebates issued, wasting water calls, count of new development irrigation reviews completed, assessments completed, leak notifications, portal registrations, or volunteer hours logged
- Strategy-specific customer feedback such as participant surveys

Goal 2 Metrics

- Total number of City landscape resilience projects completed
- The number and square footage of irrigation efficiency projects completed on City-owned landscapes
- The number and square footage of turf-to-low-water landscape conversion projects completed on City-owned landscapes

The Water Conservation Annual Report provides a detailed overview of the impact of water efficiency programs. It serves as a tool for accountability, keeping the community informed about progress toward water efficiency goals, challenges faced, and the direction for the future. The annual report is posted online in an accessible format and available in print form at events.

6 Adoption, Public Review, and Formal Approval

6.1 Adoption of New Policy

City of Fort Collins City Council approved and adopted this WEP by resolution on September 2, 2025. This document replaces the previous WEP, which was approved in 2015.

6.2 Public Review Process

6.2.1 Public Review of WEP Document

Water Utilities conducted an extensive public engagement process as part of preparing this WEP, as described in Section 3.5 and Appendix B. Public comments on the draft WEP were received from April 23 – June 23, 2025. During this time, the draft WEP was posted online, and community members could submit comments via an online form or through direct email to staff. Although the draft was prepared in English only, translation via Google Translate was available, and the online comment form was offered in both English and Spanish. Community members could also request a mailed printed version of the draft WEP and comment form. The public comment period was promoted through a bill insert, social media, emails, newsletters, websites, and public events.

Eight online forms and one direct email were received during the public comment period and are summarized as follows:

Goals

- Understandable: 3 Yes, 4 Somewhat, 0 No
- Reflect community values: 3.7 (out of 5)
- Appropriate for our community: 2 Yes, 4 Somewhat, 1 No
- Applicable to my life: 2 Yes, 4 Somewhat, 1 No
- Ambitious: 4 Yes, 3 Somewhat, 0 No

Strategies

- Understandable: 3 Yes, 4 Somewhat, 0 No
- Applicable to my life: 3 Yes, 4 Somewhat, 0 No
- Target right uses: 4 Yes, 3 Somewhat, 0 No
- Appropriate for our community: 3 Yes, 4 Somewhat, 0 No
- Adequately support customers: 2 Yes, 3 Somewhat, 2 No

Write-in comments generally aligned with the feedback received during WEP engagement (Section 3.5 and Appendix B).

6.3 Local Adoption and State Approval Processes

Staff met with multiple Fort Collins advisory boards and commissions during the WEP preparation phase, as well as during the public comment period to seek final input and

recommendations for approval. These meetings are described in Appendix B. The WEP was presented to Fort Collins City Council at Work Sessions on Feb. 13, 2024, and Feb. 25, 2025. At the regular session on September 2, 2025, Council adopted the plan by resolution.

Water Utilities staff maintained regular communication with CWCB staff during the WEP preparation process. The CWCB reviewed the public comment. The Council-approved final WEP was sent to CWCB for approval in the fall of 2025.

6.4 Periodic Review and Update

Progress towards the WEP goals will be monitored annually and reported in the Water Conservation annual reports, which are publicly available and submitted to the Fort Collins Water Commission for review. Water Utilities will develop an updated WEP at the frequency required by state regulation. The next WEP update is expected to begin in 2032.

7 References

Alliance for Water Conservation. Water Conservation Tracking Tool. Available online at: allianceforwaterefficiency.org/resource/water-conservation-tracking-tool/

American Water Works Association. 2016. Water Audits and Loss Control Programs, Fourth Edition. M36-2016.

Bolinger, R.A., J.J. Lukas, R.S. Schumacher, and P.E. Goble, 2024: Climate Change in Colorado, 3rd edition. Colorado State University. doi.org/10.25675/10217/237323.

City of Fort Collins. 2024. Water Conservation Annual Report.

City of Fort Collins. 2022. Water Resources Matters in the Fort Collins Growth Management Area: Study Report Results. Prepared for City of Fort Collins by Brendle Group.

City of Fort Collins. 2021. Our Climate Future Plan.

City of Fort Collins. 2020. Water Shortage Action Plan.

City of Fort Collins. 2019. Water Supply Vulnerability Study. Prepared for Fort Collins Utilities by Stantec, in association with RTI International.

City of Fort Collins. 2012. Water Supply and Demand Management Policy. Resolution 2012-099 of the Council of the City of Fort Collins Adopting a Water Supply and Demand Management Policy. Available online at: Water Supply and Demand Management Policy.

City of Fort Collins and Platte River Power Authority. 1978. Agreement for the Reuse of Water for Energy Generation (The Reuse Plan).

Colorado Legislation. 2010. House Bill 10-1051. Concerning Additional Information Regarding Covered Entities' Water Efficiency Plans.

Colorado Legislation. 2004. House Bill 04-1365. The Water Conservation Act of 2004.

Colorado Legislation. 1991. House Bill 91-1154. The Water Conservation Act of 1991.

Colorado Water Conservation Board. 2023. Department of Natural Resources. Colorado Water Plan. Developed for Colorado Water Conservation Board by Brown and Caldwell and Wilson Water Group. Available online at dnrweblink.state.co.us/CWCB/0/edoc/219188/Colorado_WaterPlan_2023_Digital.pdf

Colorado Water Conservation Board. 2019. Best Practices for Implementing Water Conservation and Demand Management Through Land Use Planning Efforts Addendum to 2012 Guidance Document. Prepared for Colorado Water Conservation Board by Anne J. Castle, Getches-Wilkinson Center, University of Colorado and Erin Rugland, Babbitt Center for Land

and Water Policy. Available online at: dnrweblink.state.co.us/cwcbsearch/ElectronicFile.aspx?docid=208193&dbid=0

Colorado Water Conservation Board. 2019. Municipal Water Efficiency Plan Guidance Document. Prepared for Colorado Water Conservation Board by AMEC. Available online at: cwcb.colorado.gov/public-information/technical-tools/municipal-water-efficiency-plan-guidance-document

Colorado WaterWise. 2024. Guidebook of Best Practices for Municipal Water Conservation in Colorado. Second Edition. Available online at: https://indd.adobe.com/view/a66fdb02-50c6-4ec3-8fea-4db473212faf

United Status Census Bureau. 2024. Quick Facts for Fort Collins, Colorado. Available online at: census.gov/quickfacts/fact/table/fortcollinscitycolorado/IPE120223#IPE120223.

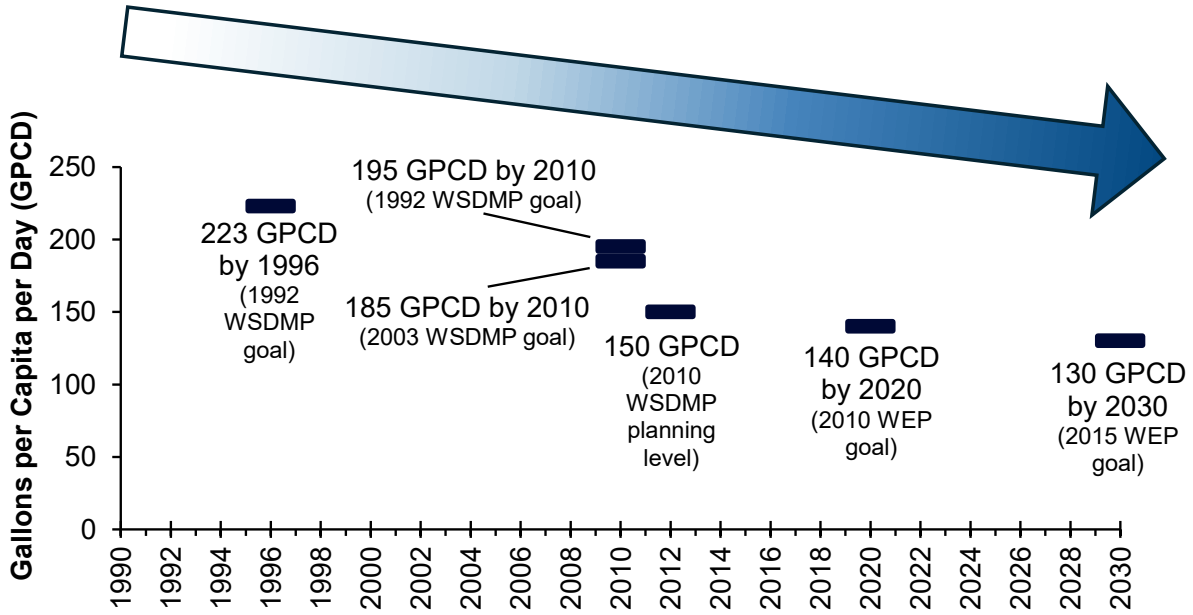
United Status Census Bureau. 2024. American Community Survey. Available online at: data.census.gov/profile/Fort_Collins_city,_Colorado?g=160XX00US0827425

Water Research Foundation. 2017. Blueprint for One Water. Water Research Foundation Project 4660, developed by Brown and Caldwell.

Appendix A: Brief History of Water Conservation

This WEP updates and builds on the past water demand management goals and efficiency program strategies. Water Utilities has a long history of active water efficiency. Faced with a drought in 1977, Water Utilities created a part-time water efficiency position. In 1989, the position expanded to a full-time position. The first WSDMP in 1992 lead to an expansion of efficiency projects and increased educational and outreach efforts. The 1992 policy set an efficiency goal of 195 GPCD by the year 2010. Subsequent revisions of the WSDMP, followed by the first Water Efficiency Plan in 2010, have set increasingly rigorous goals and planning demand levels, as shown in Figure A-1 below.

Figure 21: Historical water demand management planning levels and goals for Fort Collins Water Utilities



Prompted by the drought of 2002-03, Water Utilities made several efforts to increase accountability and encourage efficient use of water, including fully metering every customer. Water Utilities implemented an efficiency-oriented rate structure – a tiered rate structure – with a seasonal component, created several new outreach and educational programs, and developed its first Water Supply Shortage Response Plan as guidance during drought and other emergency conditions.

Water Utilities' Water Conservation program expanded again in 2010 with the development of a formal Water Conservation Plan, which was approved by the Colorado Water Conservation Board in early 2010. This plan set the efficiency goal of 140 GPCD by 2020. The 2015 WEP replaced the Water Conservation Plan and set a goal to lower demand to 130 GPCD by 2030. City Council approved the budget for additional programs and staff outlined in the 2015 WEP.

The 2015 WEP identified five key areas of opportunity for greater water efficiency that guided efficiency activities for the past several years:

- Leverage advanced meter Fort Collins data and capabilities
- Promote and support greater outdoor water efficiency
- Encourage greater integration of water efficiency into land use planning and building codes
- Expand commercial and industrial strategies
- Increase community water literacy

Water Conservation Division programs, policies, and activities have centered around these areas of opportunity since 2015. Water Utilities' per person demands declined significantly over the last few decades. However, per capita consumption has remained fairly steady since 2017, and Water Utilities met the previous 2015 WEP goal only once, in 2023. In that year, the service experienced unusually high precipitation during irrigation months, which encouraged customers to reduce their outdoor water use. In 2024, per-capita demand was 135 GPCD, similar to pre-2023 levels.

Appendix B: Alignment, Equity, and Engagement

Strategic Alignment

In addition to applying a One Water approach as described in Section 3, this WEP update strives to align with key related policies and plans that provide direction and/or complement the Water Utilities' water efficiency efforts. Along with the most recent 2015 WEP, these documents were considered by staff when developing this updated WEP and will also guide implementation moving forward.

City of Fort Collins Strategic Plan (2024)

This document is a result of a planning process incorporating input from community members, businesses, City Council, and City staff. It identifies the City's key outcome areas as well as several strategic objectives in each area; these are to guide the work in all City service areas. Water efficiency aligns very strongly with Strategic Objective ENV 2, "Sustain the health of the Cache la Poudre River and regional watersheds while delivering a resilient, economically responsible and high-quality water supply for all Fort Collins residents."

City of Fort Collins Administrative Policies (2024)

The City's Administrative Policies include guidelines for water conservation in City operations. The Policies reinforce the City's commitment to a water conservation ethic and to using water efficiently, as a model for wise water use throughout the community. The Policies also note that, whenever feasible, City activity located outside of the Water Utilities service area should also follow Water Utilities guidelines and requirements, including but not limited to, the Water Efficiency Plan and Water Shortage Action Plan.

Colorado Water Plan (2023)

The Colorado Water Plan provides a framework for helping Colorado meet its water challenges through collaborative action around water development and water conservation. The Plan guides future decision-making and supports local actions to address water challenges with a collaborative, balanced, and solution-oriented approach that builds resilience. The Colorado Water Plan includes actions in four main focus areas: Vibrant Communities, Robust Agriculture, Thriving Watersheds, and Resilient Plannings.

Fort Collins City Council Priorities (2024 – 2026)

City Council Priority 7: Protect Community Water Systems in an Integrated Way to Ensure Resilient Water Resources and Healthy Watersheds

Fort Collins City Plan (2019)

The City's comprehensive plan, City Plan guides how the community is expected to grow over a one- to two-decade horizon. City Plan includes guidance on future land-use and transportation.

Municipal Sustainability Adaptation Plan (2019)

The Municipal Sustainability and Adaptation Plan is the employee roadmap to being a sustainable organization. The City aims to be sustainable and resilient to continue to provide world-class services and demonstrate excellence and innovation in daily work. With this plan, the City formally addresses climate adaptation and resilience, to prepare for the future.

Natural Areas Master Plan (2014)

This plan sets priorities for conserving land and water while providing meaningful education and appropriate recreation opportunities.

One Water Framework (2025)

Opportunities for integrated water resource management will be identified through a One Water evaluation and ongoing implementation of One Water principles. The One Water Action Framework advances collaborative and holistic water management approaches that promote healthy watersheds, resilient communities, and water equity.

Our Climate Future (2021)

This plan guides the City toward a more sustainable future while focusing on the needs of people and provides a high-level framework to achieve carbon emissions reduction objectives. Big Move #3 – Climate Resilient Community addresses water as follows: Update the Water Efficiency Plan, a Council-approved and State-required guiding document for water conservation and efficiency. Adopt a holistic approach to integrated water resource planning and management Explore and adopt water-wise landscaping standards. Explore incorporating Nature-based Solutions in the planning and development of infrastructure and other City projects. The plan also includes an action to adopt a holistic approach to integrated water resource planning and management.

Parks Infrastructure Replacement Plan (2022) and Parks and Recreation Master Plan (2021)

These plans identify planning and infrastructure replacement priorities for the City' parks, trails, golf courses, swimming pools, and recreational facilities, including irrigation systems. These priorities provide opportunities to align and collaboratively address water efficiency and landscape resilience targets set in this WEP. The Master Plan identifies goals and actions, including prioritizing the use of raw water or other irrigation systems that conserve water resources and build resiliency and targeting reduced water consumption.

Water Shortage Action Plan (2020)

This document identifies the restrictions and requirements intended to achieve progressively higher levels of water savings under various projected water shortage conditions. The original plan was approved by City Council in 2003 and updates were approved in 2014 and 2020.

Water Supply and Demand Management Policy (2012)

This is the guiding document for water supply and demand management activities. The objective is to provide a sustainable and integrated approach to 1) ensuring an adequate, safe, and reliable supply of water for the beneficial use by customers and the community, and 2) managing the level of demand and the efficient use of a scarce and valuable resource consistent with the preference of Water Utilities water customers and in recognition of the region's semi-arid climate. The original water supply-focused policy was developed and approved in 1988; it was updated in 2003 and again in 2012, with the most up-to-date report published in 2014. This policy defers to the latest Water Efficiency Plan to set the efficiency goals. The policy also requires stable transparent water rate structures that provide an economic incentive to use water efficiently.

Urban Forest Strategic Plan (2025)

This comprehensive plan guides management, protection, and improvement of Fort Collins' urban forest and provides action recommendations to ensure that the urban forest remains healthy and vibrant into the future. The plan includes water efficiency and drought resilience actions including giving trees dedicated irrigation, creating a drought response plan, developing educational resources for tree watering and drought-tolerant species selection, creating water-smart landscapes on City properties.

Equity Considerations

The Water Conservation Division acknowledges equity concerns associated with water use and efficiency, including efficiency program participation, and that costs are increasing and vulnerable populations will be disproportionately impacted by climate. Removing barriers and providing more equitable access to water efficiency program participation, will better customers by reducing their water use and associated costs, increasing individual resilience to future water shortages, and decreasing the entire community's risk of future water shortage through overall lower demands. Equity is integrated into the WEP update process and Water Conservation work through (1) targeted engagement activities, (2) selection of efficiency strategies, and (3) implementation and evaluation of efficiency strategies.

Numerous City and State efforts support equity in water planning, including:

City of Fort Collins 2024 Strategic Plan
(Strategic Objective: Neighborhood & Community Vitality 3)

Identify and remove systemic barriers and advance equity so that persons of all identities, including race, ethnicity, religion, sexual orientation, gender identity, gender expression, age, mental and physical abilities, and socioeconomic levels can access programs and services with ease and experience equitable outcomes

2024-2026 City Council Priorities

Improve human and social health for vulnerable populations: Obstacles and barriers exist that impede access to services for our underserved community members. We need to work with our

regional partners and invest in a robust and accessible safety net to create conditions where one is not needed.

2021 Our Climate Future Plan (Appendix I)

We designed Our Climate Future with the goal of equitable solutions that address a spectrum of needs within our community…This approach is intentional about addressing barriers and designing solutions that work for those most impacted, while also ensuring all community members can benefit, participate, and influence outcomes.

2023 Colorado Water Plan

Recognizes that robust and inclusive water planning builds resilience to respond to water challenges and advances equitable outcomes for all.

Importance of Equity in Water Conservation Planning

Accessibility

Currently, water efficiency programs underserve some groups in the community. Analysis of efficiency program participation data relative to Census demographics revealed:

- Current programs underserve diverse and low-income areas.
- In addition to other races/ethnicities, Hispanic, non-white community members show the largest gap in program participation
- Programs predominately serve homeowners while underserving renters

Housing and Water Utilities Costs

The cost of water is a key element of housing affordability – both the cost to develop housing and the Water Utilities cost passed on to the future owner/occupant. The 2021 Fort Collins Equity Indicators Final Report notes that the median annual combined water and electric utility cost is about 1.8% of median income for City residents. Water Utilities affordability programs aim to minimize this cost through programs that offer emergency and long-term assistance through reduced utility rates and access to efficiency programs. As of 2024, approximately 570 Water Utilities water customers were enrolled in the Income Qualified Assistance Program.

Expanding water efficiency opportunities is also important as Water Utilities looks to the future and strives to maintain affordability and quality of life across the community. Water utility rates are predicted to increase in the coming years in response to critical infrastructure needs.

Climate Impacts

Climate change can worsen long-standing inequities, as noted in in the Fifth National Climate Assessment[16], “Some communities are at higher risk of negative impacts from climate change due to social and economic inequities caused by ongoing systemic discrimination, exclusion, and under- or disinvestment. Many such communities are also already overburdened by the

[16] nca2023.globalchange.gov

cumulative effects of adverse environmental, health, economic, or social conditions." By applying an equity lens to water demand management planning now, Water Utilities aims to follow the approach laid out in the Our Climate Future plan, which acknowledges that local governments have the opportunity to prioritize actions that simultaneously address equity and enhance community resilience - leading to better outcomes for all.

Equity in Engagement

When an equity lens is applied to interactions with the public, Water Utilities ensures that all voices are heard and informed. Equity and inclusion work is especially focused on elevating the voices of communities who have been disproportionately disadvantaged and historically excluded. To increase public participation and quality civic engagement, City staff worked to better understand the circumstances and characteristics of the local community and demographics and the positional power of municipal government to influence who benefits directly.

WEP Sections 3.4 and 3.5 described efforts to develop inclusive community-driven water efficiency goals and strategies by engaging disproportionately impacted customers (including those who have been historically and currently excluded and underserved), while also pursuing broad general engagement. A variety of engagement tactics were implemented including a widely promoted survey and numerous meetings. The most effective ways to receive feedback from disproportionately impacted community members involved investing time and resources on targeted group or one-on-one interactions and making it easier for people to participate. These engagement efforts helped fill in information gaps remaining following the broader survey.

Water Utilities successfully collected a statistically significant number of survey responses (1,319). Staff provided paper surveys at frequented community locations (e.g., libraries), tabling at community events, meeting customers where they were (e.g., attending a student gathering), and offering Spanish language versions. Five people responded in Spanish and 40 filled out the paper version of the survey[17]. 58% of survey respondents answered demographic questions. Comparison of respondent demographics to City-wide census demographics identified demographic gaps in survey responses including residents who identified as Hispanic, Black, or Asian, non-student renters and low-income residents, non-residential customers (including businesses, organizations, and institutions), and people than age 30.

Themes observed from WEP engagement included these equity-related challenges for the community:

Affordability

The most frequently mentioned equity issue dealt with the cost of water efficiency. Wealth fundamentally offers high-income customers freedom of choice in how much water they use.

[17] While these numbers may appear low relative to the overall response total, the consultants recommended continuing to provide these alternative distribution channels for maximal accessibility of future surveys.

These customers can typically afford projects or technologies that help them reduce their water use, which may be out of reach for lower-income customers. Lower-income customers, on the other hand, were perceived to struggle more to afford basic water bills and/or efficiency upgrades, limiting their ability to use less water. Many respondents noted that wealthier customers are more likely to have outdoor irrigation needs such as lawns and thus raised excessive outdoor water use as an equity concern.

Renter Autonomy

Concerns arose around the ability of renters to participate in programs because they do not have sole control over their water usage. From an infrastructure perspective, renters lack access to water use information that may influence how efficient or conservative they are with their water. Metering practices tie multiple customer's irrigation water to a single bill or are only accessible to the property owners or managers, and appliances and equipment that use water are often selected by landlords. Depending on who pays water bills and how water costs are determined, there can be conflicting incentives or little motivation for renters or property owners to invest in water efficiency at a rental property. Water Conservation Division staff have also observed a related concern: aging infrastructure in rental properties and mobile home parks can lead to water leaks, service outages and high bills. Tenants have little power to change this.

Accessibility and Participation

Many survey respondents observed that water efficient technologies may be cost-prohibitive for low-income residents or disallowed for renters. Some respondents expressed dissatisfaction with the current rebate programs, which require upfront cost investment and can be complex or time-consuming. These barriers may disproportionately dissuade customers from participating in such programs.

Relationship Building

Equity-priority audiences prefer a variety of outreach methods. Every audience is different, and Water Utilities should understand what works best for each by working directly with community members or partner organizations. Reframing engagement from an aspect of the planning process to long-term relationship-building will increase access to efficiency programs.

To better understand the community's sentiments and values related to equity and water use, the survey included an optional write-in response to the following question:

> *In the Water Efficiency Plan update process, we are focusing on equity. Equity means considering individuals' and communities' histories, lived and living experiences, and needs. It also means prioritizing and serving those most marginalized first and with deeper care. When you think about equity as it relates to using water in Fort Collins, what comes to mind?*

The 523 responses to this question illustrated a broad lack of consensus on the definition of the word “equity” in this situation and the role that it should play in Water Utilities’ work and approach to providing services. Many respondents (approximately one-third) discussed the structural and systemic challenges to water efficiency: that certain demographic groups such as renters, low-income residents, and non-English speakers would benefit from dedicated programming that supports their access to clean, affordable water and water efficiency.

> “This is a hard question to answer. If we want all customers to receive the same high level of service, regardless of their background, then this shouldn't matter.”
>
> *- WEP Survey Respondent*

Others (slightly over one-quarter of respondents) responded critically to the question, suggesting that Water Utilities’ focus on “equity” is misguided or unfair. These respondents preferred to treat all customers the same, believing that targeted programs would draw resources away from others, the community, or the overarching problem of water overconsumption.

These varied responses reflect a broad community dialog regarding equity versus equality and the challenge of balancing equitable program delivery with programing equally accessible to all.

Equity in Conservation Strategy Selection and Implementation Planning

As described in WEP Section 3.4, staff and consultants developed a two-step equity evaluation process to identify barriers and improve the accessibility of efficiency strategies. The project team conducted a series of informational interviews with City staff and community leaders to develop the evaluation tool.

Conservation strategy selection involved conducting a red flag assessment (step 1 of the equity evaluation process). This is an initial check of whether the strategy has obvious equity issues, based on staff knowledge of the burden of compliance, unintended consequences, and barriers to participation. This assessment was applied “midstream” in the efficiency strategy selection process to inform both final selection of proposed strategies, as well as to identify which strategies might need refinement to improve equitable access and positive outcomes.

In addition to the red flag assessment, the following criteria (Section 4.1.1) informed strategy scoring and final selection:

- Acceptance: Does this activity meet the needs and wants of Water Utilities water customers? Does this activity support the social and economic health of customers? Staff assigned a high, medium, or low score based on community engagement and past project experience.
- Reach: How many customers could be impacted by this program? What types of customers does it reach? Is it likely to reach previously unengaged customers?

The default AWE tool calculation method was used, informed by actual or projected participation information.

- Co-benefits: Staff identified potential environmental (e.g., promote short-term drought responses, lower greenhouse gas emissions) and social (e.g., improve water literacy, foster positive interactions with government) co-benefits. Strategies with more likely co-benefits received a slightly higher score.

The second step of the equity evaluation will be applied during implementation planning for the full portfolio of existing and new efficiency strategies. This will involve evaluating each strategy's potential to support positive equitable outcomes and developing implementation plans intended to maximize positive equitable outcomes for disproportionately impacted and underserved groups. A range of questions will be applied to each strategy to assess whether the strategy is likely to have a high, medium, or low support of the desired equity outcomes. Staff will work to adjust program implementation over time to increase the likelihood of high support for positive outcomes.

As noted in WEP Section 3.4, the efforts to elevate equity in both engagement and decision-making should be considered the starting point of an ongoing approach to offering equitable water efficiency activities that best serve all customers. Staff will continue applying and refining the engagement tactics and equity evaluation methods in an effort to improve access, participation, and efficiency benefits across the community. To the extent possible, program participation will be tracked and compared to demographics or other indicators as one metric to evaluate changes in participation and equity over time.

Engagement Activities

The following engagement activities were conducted during development of the WEP. Feedback from these activities is summarized in Section 3.5.

Engagement with the Community

Feedback from community members was critical to the development of water efficiency goals, selection and preliminary design of efficiency strategies, and development of the equity evaluation tool. A wide variety of tactics were conducted over several months to foster both broad participation and feedback from equity-priority groups. Community engagement activities are summarized in Table 5 and included:

Community Consultants

The broader public engagement process began by hiring four community members to lead engagement with equity priority stakeholder groups. Each of these community consultants selected their target stakeholder groups based on their specific backgrounds and experiences. The community consultants' program was integral to the engagement approach of this plan update process. Designed to collect community insights and feedback authentically and through trusted community brokers, the community consultants program emphasized meeting communities where they are rather than inviting them to come to Water Utilities of the City.

Meeting formats ranged from one-on-one phone calls and home visits to attending an existing community meeting, deploying many of the engagement “best practices” described in the engagement plan. Reaching over 110 community members in over 15 different locations across the city and over the phone and in people’s homes.

Community-Wide Survey

Water Utilities and the consultant team also developed a community-wide survey to collect input from the broader Fort Collins community on water efficiency priorities, concerns, and opportunities. The bilingual survey was uploaded to the City’s online engagement platform, Our City, and distributed in hard-copy form to two libraries, the Water Utilities Administration Building, and events attended by Water Utilities staff. Water Utilities promoted the survey digitally through several avenues, including Our City, social media, email distribution lists, and at events attended by Water Utilities staff. The tabling events hosted by staff to promote the survey included paper version with English and Spanish translation, efficiency-related giveaways, and coloring books for kids. Ultimately the survey garnered 1,329 responses, including 40 hard copy responses and five Spanish language responses.

Community Events

Water Utilities staff attended several community meetings throughout the process to collect input and feedback from specific stakeholder groups. Over the course of six months, Water Utilities staff presented at or organized eight meetings, to listen and collect feedback on water efficiency goals, programs, and challenges.

Informational Interviews

Along with interviewing key staff and members of the Climate Equity Committee, five community leaders were involved in a discussion about the equity evaluation process. These individuals were identified by Water Utilities as key connectors and experts who could provide insight into existing equity challenges in the City, on best practices for integrating equity into plans, and from the perspectives of equity priority communities.

Table 6: WEP update community engagement activities

Audiences Reached	Engagement Tactic
Community Consultant-Led Engagement: Over 110 engaged	
Native American community	Community Consultant-led activities including meetings and tabling
Small business owners and managers	
Wildlife Interest	
Religious groups	
Elderly	

Audiences Reached	Engagement Tactic
Mobile Home residents	
Colorado State University community	
Spanish speakers	
Students	
Renters	
WEP-Focused Meetings and Events: Over 200 engaged	
Representatives from various City Boards and Commissions	Presentations and feedback collection at City-organized board and commission meetings
Water-wise landscaping professionals	Presentation and feedback collection at facilitated meeting of participants in Certified Landscaping Professionals & Xeriscape Incentive Program Ambassadors programs; included meal
Spanish speakers in mobile home parks	Facilitated engagement with participants in Community Champions group; included translation services, meal, and childcare
Colorado State community	Defend Our Beer tabling event
Broad community	Campus sustainability groups facilitated workshop
People with disabilities	People First
Small business owners	Presentation and feedback collection at facilitated meeting of NoCo Business Connect; included meal and translation services
HOA residents who have completed water-wise landscape projects	Presentation and feedback collection at facilitated meeting of participants in Water Utilities landscaping programs
Broad Community Outreach: Over 4,700 engaged	
WEP community survey	1,319 (40 submitted via paper handouts, 1,279 submitted online; 5 in Spanish, rest in English)

Audiences Reached	Engagement Tactic
WEP information sharing at community events including Earth Day, Eco Fest, Defend Our Beer	186 participants Feedback frames were used to gain “Yes” or “No” votes on 12 water efficiency strategies
WEP outreach and marketing including bilingual movie theater ad, utility bill inserts, customer emails, key accounts meeting, social media, e-newsletters, university student advertising, staffed info booths	3,216 hits on the public engagement website about the WEP update

Engagement with City Advisory Groups

Staff sought input on water use, conservation, and efficiency from multiple advisory groups:

City Council

Water Utilities staff presented information about the WEP update process and proposed goals and strategies at City Council Work Session meetings on February 13, 2024, and February 25, 2025. Council provided feedback and comments that informed the final WEP goals and strategies.

City Board and Commission Super Issues Meeting

City board and commission participants have the opportunity to participate in “Super Issues” meetings to learn about and discuss broad topics that could affect the community at large. Water Utilities staff presented an overview of the WEP and demand management strategies. Feedback was collected through discussion and an informal questionnaire. General sentiment was that the greatest opportunities for efficiency may exist with commercial customers (including businesses, HOAs and commercially metered multifamily properties) with high outdoor use. Participants suggested that engagement should include heavy incentives and light regulations, or an even mix of incentives and regulations.

Water Commission

The City’s Water Commission advises the City Council on focuses on all aspects of water. Staff met with Water Commission on April 6, 2023, and May 18, 2023, to seek early input on efficiency strategies to consider for evaluation during the WEP update. An interactive voting exercise and large group discussion indicated a high interest in turf restrictions, budget-based water rates, and increased collaboration on efficiency programs. Staff met with the Water Commission again on March 20, 2025, and June 5, 2025, to provide an update and seek feedback on proposed goals and strategies. They unanimously-approved a motion to support the WEP at their July 17, 2025 meeting.

Natural Resources Advisory Board

The Natural Resources Advisory Board advises the City Council on all matters pertaining to the sustainability of the City’s natural resources including water resources. On June 26, 2024, staff

presented an overview of the WEP and led an engagement activity to seek input on water efficiency strategies as they pertain to urban tree health/benefits and raw water irrigation. On May 21, 2025, staff presented an overview of the WEP draft that was available during the public comment period and solicited final input from Board members. The Natural Resources Advisory Board provided a letter of support for the WEP update to City Council on June 18, 2025.

Parks and Recreation Advisory Board

The Parks and Recreation Advisory Board advises and makes recommendations for matters pertaining to Parks and Recreation. On May 28, 2025, staff presented an overview of the WEP draft that was available during the public comment period and solicited final input from Board members. They provided specific comments, which staff addressed through revisions to the WEP text and a comment response memorandum dated June 23, 2025. Staff returned to address questions at the June 25, 2025 meeting. The Parks and Recreation Advisory Board provided a letter of support for the WEP update to City Council on July 28, 2025.

Planning and Zoning Commission

Planning and Zoning Commission makes recommendations to the City Council regarding zoning, annexations, major public and private projects and long-range planning activities. The Commission is also the final decision-making authority regarding land use proposals including development plans. On May 9 and May 15, 2025, staff presented an overview of the WEP draft that was available during the public comment period and solicited final input from Commissioners. They unanimously-approved a motion to support the WEP at their May 15, 2025 hearing.

Climate Equity Committee

The City's foundational climate action plan, Our Climate Future, helped establish the Climate Equity Committee (CEC), a citizen advisory group that advises the City on integrating equity into its climate work. The CEC met with Water Utilities staff three times throughout the process and provided deep feedback on the engagement process and equity evaluation.

Engagement with City Staff

A variety of engagement activities were conducted with City staff who work in departments that use water for municipal purposes including parks, natural areas, cemeteries, open spaces, streetscapes, municipal trees, municipal buildings, recreation centers, and pools. Staff feedback informed organizational water use goals and strategy priorities, as well as alignment with policies, plans, and practices. Staff engagement tactics are summarized in Table 6 and included:

Staff Core Team and Lead Team

The Strategic Leadership Team is made up of seven city staff members, with the goal of helping to champion, learn, integrate, and support. This team stays informed on WEP progress and helps to provide strategic guidance on the outcomes including the WEP goals, integration with Our Climate Future, and Water Commission communications. Following the completion of WEP, these champions will help to implement WEP strategies within teams across City organizations.

The Staff Core Team consists of more than 10 city staff members. Like the Strategic Leadership Team their goal is to stay informed and provide strategic guidance throughout the WEP update process. The Core Team reviews, provides feedback and varying perspective, guides overall direction, ensures continuity of subgroup tasks and alignment with overall WEP efforts. Following the completion of WEP, this team will help to facilitate implementation of WEP strategies within teams across City organizations. Both teams meet monthly or quarterly and at key milestones.

Staff Road Shows

As a part of preliminary pre-engagement hundreds of staff and community members were engaged in a dozen presentations or activities during this phase. Presentations were given by Water Conservation staff to key departments across the City. The road shows were intended to provide awareness of the WEP update effort and foundational information to City staff departments, prior to facilitated meetings in Q1-Q2 2024 with some departments to identify and discuss water efficiency strategies.

Staff Focus Groups and Meetings

In April of 2024, Water Utilities hosted several City staff in a series of four focus groups intended to collect feedback on the Water Utilities' proposed strategies and goals. Additional small group meetings were also held. Staff attendees were from various departments and divisions across the City's water users, including Parks, Operation Services, Engineering, Environmental Services, Water Resources, Water Treatment, Field Operations, Planning, Recreation, Forestry, Golf, Parks Planning, Natural Areas, Gardens on Spring Creek, Economic Health, Customer Care and Technology, Energy Services, Utilities Affordability Programs, and Social Sustainability.

Informational Interviews

A key aspect of this plan update process for Water Utilities was the development of an evaluation by which strategies would be assessed for their potential equity impacts. This evaluation was co-created by Water Utilities staff and the consultant team, then vetted through a series of informational interviews with key staff members, members of the Climate Equity Committee, and five community leaders. The community leaders were identified as key connectors and experts who could provide insight on existing equity challenges in the City, on the best practices for integrating equity into plans, and from the perspectives of equity priority communities.

Table 7: WEP update City staff engagement activities

Focus Area	Engagement Tactic	Date
WEP Road Shows	WEP overview and kick-off presentations with at departmental all-staff meetings	
Municipal Indoor Water Use	Facilitated focus group feedback collection by consultant facilitator	4/1/2024
Municipal Outdoor Water Use		3/21/2024
Municipal One Water and Conservation Opportunities, Including Municipal Operations, Distribution, and Stormwater		3/21/2024
Land Use and Building Policies and Customer Impacts		4/1/2024
Informational Interviews with staff working on equity, climate, and sustainability topics	1:1 or small team interviews by consultant facilitator	June 2024
Information sharing meetings with staff from departments and divisions including Parks, Operation Services, Engineering, Environmental Services, Water Resources, Water Treatment, Field Operations, Planning, Recreation, Forestry, Golf, Parks Planning, Natural Areas, Gardens on Spring Creek, Economic Health, Customer Care and Technology, Energy Services, Utilities Affordability Programs, and Social Sustainability	Internal meetings to share information, seek collaboration opportunities, and align municipal efforts	Summer 2024
State of the Water and Parks departmental meetings	Internal meetings to learn about practices and challenges, seek collaboration opportunities, and align municipal efforts	Spring 2024, Spring 2025
Municipal water use goal and strategy development (follow-up to facilitated focus groups)	Meetings with key staff and managers for departments connected to WEP municipal efficiency strategies	Summer – Fall 2024

Key Findings from WEP Engagement

Seven primary research questions were used to guide feedback collection across all engagement tactics. Below is a summary of community member feedback as interpreted by the project team, organized by the seven questions.

- What are the public's top concerns about water efficiency, and how strongly are those concerns held? Will those concerns drive public action?
    - Long-term viability of Fort Collins' water supply, especially given the changing climate and population growth.
    - Water scarcity and potential for rising water costs, which would exacerbate equity and access issues.
    - Financial cost of water efficiency upgrades, particularly around xeriscaping.
    - Threats to water quality, especially for mobile home park residents and with climate change.
    - The issues of scarcity and sustainability were nearly universal.
    - Some responded with desires to curtail population growth and development; or require much more stringent regulations on water use for new development.
    - Others expressed broader support for public action.

- What water efficiency strategies (e.g., programs, incentives, policies, education) are the public most interested in?
    - Water efficient fixtures were the most mentioned incentive program followed by xeriscaping and water audits.
    - Education was a commonly mentioned strategy to promote water efficiency with the public.
    - Opportunities to tailor education and outreach for: landscapers as they are key players in guiding homeowners; HOAs that set policies for outdoor landscaping for their communities; homeowners and realtors to normalize xeriscaping and water-wise landscaping; and equity priority communities to promote participation in programs.

- What are the public's values and sentiments related to equity as it pertains to water efficiency and uses?
    - Wealthy residents and businesses can afford to pay fines or higher rates.
    - In contrast, low-income residents would struggle to pay for bills, fines, and necessary upgrades.
    - Landlords may pay water bills for their renters, which means tenants do not necessarily benefit from water efficiency efforts.
    - Low-income communities face higher leakage rates, older infrastructure, and less efficient fixtures and appliances.
    - Urban heat island effect and tree canopy coverage may suffer from water use restrictions, which would disproportionately impact equity priority communities.

  - Concern over the conflicting incentives between landlords and tenants, both residential and business.

- What is the public's appetite for mandates versus incentives?
  - Greater interest in regulating large businesses, public spaces, HOAs and the City's operations. This was particularly strong in equity priority communities and young people.
  - More desire for incentives targeted at private residences, small businesses, and mobile home parks.

- What are the gaps in the existing *public outreach approach?*
  - Low-income renters.
  - Spanish speaking community.
  - HOAs, landscaping professionals, and realtors are important groups to continue or begin engaging.

- What are the potential drivers for individual action on water efficiency?
  - Increased transparency on City water efficiency efforts and major commercial users.
  - Understanding of the impact of individuals' efficiency efforts.

- What are effective methods for reaching both general and priority audiences?
  - Invest in building relationships and building in the time during engagement processes to listen to people's concerns first.
  - Reframe engagement from an aspect of the planning process to long-term relationship-building work. (Climate Equity Committee)
  - Identify opportunities to streamline or leverage existing intervention points such as when business owners receive their business licenses.
  - Meeting community members at locations or times when they are already meeting and attending community events.
  - Engagement opportunities to continue building off including:
    - Renewing Community Consultant contracts.
    - Strengthening relationships with community groups.

Suggestions for Future Engagement

Water Utilities received many suggestions throughout the engagement process for opportunities to improve or build on its engagement efforts. Central to these recommendations is the idea of reframing engagement from an aspect of the planning process to long-term relationship-building work. Every engagement should be treated as an opportunity and building block for creating deeper relationships in the community. There was a strong desire throughout Water Utilities' engagement with equity priority communities for the City generally to center engagement and strategy development around their needs. Participants stressed the importance of identifying groups missing from previous efforts and developing ways to craft culturally relevant, accessible messaging and communications. To adapt a common refrain in public engagement, the

community's feedback suggests that simply "inviting them to the table" misses the opportunity to meet them at their own table.

Appendix C: Efficiency Strategies Supporting Goal 1

Water efficiency strategies were identified and selected following the process described in WEP Section 4. This process yielded a portfolio of both existing strategies that will be continued and opportunities for new strategies to gradually implement.

In this WEP update, Water Utilities categorized water efficiency strategies based on the primary approaches, or "levers," of impact: behavioral, infrastructure, economic, and regulatory. These categories are similar, but not identical, to the SWSI Levels Framework (foundational activities, targeted technical assistance and incentives, ordinances and regulations, and educational activities) outlined in the CWCB's Municipal Water Efficiency Plan Guidance Document. The SWSI level description for each strategy is listed to facilitate comparison to CWCB guidance.

The range of annual water savings for recent years is presented for those programs that have tracked quantitative savings; however, many of the other programs listed have likely also lowered overall community water use but are difficult to quantify (e.g., educational activities). As described in Section 2, current Water Utilities' programs with tracked program savings help customers collectively reduce 155 MGY on average, an annual reduction of over 2.3% in water demand.

Current Strategies Supporting Goal 1

This section provides a summary table (Table 7) and brief descriptions of the current Water Conservation program activities that staff intend to continue to make progress towards **Goal 1: Reach 4% annual reduction in water use by 2040 to reduce risk of shortages**. Additional information about these strategies is provided in Table 7. Some strategies implemented on City-owned properties, described in Appendix D, will also support Goal 1.

Behavioral Strategies

Community Education Programs and Events (1977)

Water Utilities conducts educational programs about Xeriscape landscaping, watering techniques and practices, fixture replacements, and general water efficiency. A daily Lawn Watering Guide is published on the City's website during the watering season. Information is disseminated via bill inserts, bus benches, billboards, events, newspaper articles, TV and radio announcements, Water Utilities website information, social media, and more. The team also serves as technical experts to help commercial customers with water use or billing questions. Displays are set up at several community events. Staff regularly adjust the focus and content of educational programs and materials based on community interest in need. Potential topics for future education include the goals and strategies in this WEP, climate and resilience, and regional water availability issues. (SWSI Educational activity) Key highlights of educational activities include:

- Student (K – 12) Education Programs (1977) – Led by Water Utilities Community Engagement staff, presentations and hands-on activities are provided to school classes on water topics, including the history of water in Fort Collins, water use and efficiency, water chemistry and watersheds. (SWSI Educational activity)
- Water Conservation Annual Report (2012) – The annual report provides a detailed overview of the impact of water the Water Conservation Division's efficiency programs over the past year. It serves as a tool for accountability, keeping the community informed about progress toward water efficiency goals, challenges faced, and the direction for the future. The report is posted online in ADA-accessible format and available in print form at events.
- NoCo Bloom Articles and Advertisements (2016) – Articles and advertisements focused on water-efficient landscape practices in a free three-times annually publication produced collaboratively between the City, Colorado State University, and Larimer County Extension. Article and advertisement content varies year-to-year. (SWSI Educational activity)

Campaigns (2016)

Fort Collins participates campaigns to promote efficiency, such as Imagine a Day Without Water sponsored by the U.S. Water Alliance and Fix a Leak Week activities sponsored by U.S. EPA WaterSense. Activities and promotions vary year-to-year and are conducted in partnership with Water Utilities Community Engagement staff. (SWSI Educational activity)

Garden Party / Eco Fest Community Event (2003)

Annual one-day event with free classes, a native plant swap, live music, and numerous booths staffed by local professionals, non-profits and City staff promoting water-wise landscaping. Hundreds of people attend the event each year.

Xeriscape Demonstration Garden (1986)

Staff oversees maintenance of the City's Xeriscape Demonstration Garden and provides tours at organized events and upon request. Water Utilities is also partnering to support various demonstration gardens and other events at the Gardens on Spring Creek. (SWSI Educational activity)

Efficiency Equipment Giveaways (1990)

Free indoor and/or outdoor water-saving devices and information are offered frequently to customers during events. Giveaways vary, but have included shower timers, faucet aerators, toilet tank banks, playing cards with conservation tips, hose timers, hose nozzles, and gardening gloves. In 2024, giveaways were further promoted through the free Showerhead Swap program. The showerhead swap program allows customers to exchange qualifying used showerheads for free, new high-efficiency showerheads. This program was piloted in 2024 over 5 months. (SWSI Educational activity)

Irrigation Assessments – Residential (1999)

Free assessments are offered to homeowners to help them improve sprinkler system efficiency. Since 2024, this has been done in partnership with Resource Central. (SWSI Targeted Technical Assistance and Incentives activity)

Irrigation Assessments – Commercial and HOA (2024)

Assessments are offered to businesses and HOAs to help them improve sprinkler system efficiency. Since 2024, this has been done in partnership with Resource Central. (SWSI Targeted Technical Assistance and Incentives activity)

Indoor Assessments and Direct Installation – Residential (2007)

Free inspection of home and installation of appropriate products based on a home's needs. Products may include showerheads, aerators, toilets and energy-efficiency items. Since 2012, this has been done in partnership with Larimer County Conservation Corps.

Direct Installation for Small Businesses and Multi-Unit Housing (2007)

No-cost installation of low-flow aerators, pre-rinse spray valves, and showerheads.

Indoor Assessments – Commercial (2004)

A free, whole facility energy and water assessment to help customers understand and manage utility costs and identify savings opportunities.

Saving Water Hotline (2014)

Community members can submit an online notification or call a phone hotline to report leaks, flowing, or pooling water. Water Conservation staff respond to the notifications and work with customers to resolve the water waste concerns.

Water Reports – Residential (2014) and Commercial (2018)

Customers receive customized reports that display their water use and compare it to either similar households (residential) or to historical use (commercial and a subset of residential). (SWSI Educational activity)

Residential Water Budgets (2020)

Water budgets based on occupancy, irrigable area, and weather provide customized water use targets to help single-unit and duplex customers understand and manage their water use. Residential water budgets are managed and distributed through the MyWater data portal.

Water Use Estimator for Development (2022)

Born out of cross-collaboration between Water and PDT staff at a Growing Water Smart workshop, this tool is used to estimate how much water a proposed development might use. The tool can be used during Development Review to support project design choices and decision-making that promotes water-wise development before development approval.

Waterwise Professionals Network and Support (2016)

This program bridges the community with local landscape and irrigation professionals who are well-versed in water-efficient practices, while also connecting these professionals to City programs, training, and resources. A filterable public webpage lists businesses that have attended the mandatory annual meeting, serving as a valuable resource that staff can direct customers to for guidance.

Infrastructure (Including Operations)

Advanced Metering (2014)

Commercial and multi-unit units have been metered for decades; the Water Utilities fully metered residential customers by 2003. The Water Utilities transitioned to advanced metering infrastructure (AMI) in 2014. The data resolution is hourly intervals for water. (SWSI Foundational activity)

Monthly Billing with Detailed Rate Codes (2001)

Customers are billed on in 30-day increments according to the tiered rate structure and customer type. Billing data is connected to advanced metering infrastructure readings for each account. Customers can access their water use data through an online data portal and monthly paper or electronic bills. Staff have multiple methods to analyze customer use data by sector to support efficiency programming, while maintaining security of private customer information. (SWSI Foundational activity)

Customer Data Portal (2014)

This web-based portal was developed to provide customers with near-real time access to their historical and current electric and water usage and costs. The portal also provides comparisons to the previous bill period, and illustrates which tier you are currently in. There are alert-based features that a customer can use to provide automatic notifications when they reach a certain usage level or cost level. A mobile version was launched in December 2014. (SWSI Foundational activity)

Leak Alerts and High Use Notifications (a.k.a. Continuous Consumption Program; 2015)

This program uses a commercial software program to identify and notify customers who have hourly water usage for 24 hours. Customers with the highest continuous flow rates are contacted to make them aware of the continuous consumption and the likely leak. Staff troubleshoots with the customer to try to find the source of continuous use. (SWSI Foundational activity)

Economic Strategies

Indoor Product Rebates – Residential (2010)

Rebates for qualifying high-efficiency equipment including toilets, smart home monitors, and showerheads. The type and model of fixtures rebated changes over time based on water savings, availability, and interest

Indoor Product Rebates – Commercial (2003)

Rebates for qualifying high-efficiency equipment including toilets, urinals, and commercial kitchen and laundry appliances. The type and model of fixtures rebated changes over time based on water savings, availability, and interest.

Irrigation Equipment Rebates – Residential (2018)

Irrigation equipment rebates are available to all customers, and incentivize the replacement of old equipment with new, more efficient technology. Rebates are issued for qualifying equipment including weather-based irrigation controllers, high-efficiency nozzles, drip irrigation conversions, rain sensors and more.

Irrigation Equipment Rebates – Commercial (2019)

Irrigation equipment rebates are available to all customers, and incentivize the replacement of old equipment with new, more efficient technology. Rebates are issued for qualifying equipment including weather-based irrigation controllers, high-efficiency nozzles, drip irrigation conversions, rain sensors and more.

Xeriscape Incentive Program Rebates – Residential (2010)

Residential accounts are eligible to receive a rebate for projects that reduce outdoor water demand on the property through landscape renovation.

Xeriscape Incentive Program Rebates – Commercial (2020)

Commercial accounts are eligible to receive a rebate for projects that reduce outdoor water demand on the property through landscape and irrigation renovation.

Xeriscape Grants (2024)

Grant funding for outdoor water efficiency projects such as irrigation repairs or efficiency upgrades and low-water landscape installation

Garden in a Box Discounts (2017)

Through a partnership with Resource Central, customers receive discounts for professionally designed, regionally appropriate, water-wise garden kits.

Custom Rebates – Commercial (2011)

Rebate offering for any upgrade that has a documented water savings compared to current process or equipment. E.g. Cooling tower conductivity control, car wash reuse, leak detection and repair, custom appliance replacement, etc. (SWSI Targeted Technical Assistance and Incentives activity)

Conservation-Oriented and Seasonal Rate Structures (2003)

Water Utilities implements an efficiency-oriented rate structure for residential and commercial customers. On a monthly basis, Water Utilities charges a fixed base charge and, in most cases, a variable, tiered block rate based on volume of water used. There are 3 tiers for single and double-unit housing accounts, 2 tiers for commercial accounts, and 1 tier for multi-unit residences. Multi-unit residences and commercial taps have a seasonal rate increase from May

to October when water use is higher due to irrigation. Current rates are posted online at fcgov.com/Water Utilities. (SWSI Foundational activity)

Conservation-Oriented Water Supply Requirement Fee for Commercial Water Taps (2022)

The Water Supply Requirement (WSR) is a development fee collected to pay for the water necessary to serve a new or upsized, commercial water tap. The WSR is determined by calculating demand based on various factors depending on the property type, including business type, number of beds, landscape area, and more. In general, the WSR fee varies for commercial water taps such that lower-water-use developments pay less, while higher-water-use developments pay more.

Allotments and Excess Water Use Surcharge for Commercial Accounts (1984)

Commercial water accounts are each assigned an annual allotment - the volume of water a tap can use in a 12-month period before incurring an excess water use surcharge. The excess water use surcharge is a volumetric charge based on water used through the remainder of a 12-month billing period once an account has exceeded the annual allotment. When appropriately sized, allotments have potential to serve as a valuable efficiency tool.

Regulatory Strategies (Regulations and Ordinances)

Wasting Water Ordinance and Code Enforcement (1917)

Staff enforces the section of the City Code that prohibits wasting water. Wasting water complaints are investigated. Complaints are used as an education tool, but enforcement by ticketing is also an option.

Building Codes and Plumbing Standards (1978, 2012, 2019, 2022)

Historically, Water Conservation has recommended code updates and participated in and/or led update proposals. Conservation-related code elements include: All construction within the City of Fort Collins shall comply with adopted International codes, including but not limited to Building Code, Energy Conservation Code, Plumbing code, and all local amendments adopted for each. Included in local amendments are specifications for maximum flow rate and consumption for plumbing fixtures and fittings. In addition to historical efficiency-oriented code changes, active Water Conservation leadership and involvement is expected for implementation of recent efficiency-oriented code updates and upcoming proposals such as 2025 Plumbing code updates and alignment with future State-level legislation. (SWSI Regulations and Ordinances activity)

Landscape, Irrigation and Soil Preparation Codes (1994, 2003, 2025)

Historically, Water Conservation has recommended code updates and participated in and/or led update proposals. Conservation-related code elements include new developments and redevelopments on commercial properties require landscape and irrigation plans that comply with adopted Land Use Code. Requirements include efficient design of irrigation, dedicated irrigation to trees, an average gallon per square foot cap on outdoor water demand, and minimums for plant coverage and tree canopy. A rain shut-off device and a post-installation audit are required for commercial sprinkler systems. By City Code ordinance, all properties

where areas are disturbed and proposed to hold plant material require soil loosening and soil amendment. In addition to historical efficiency-oriented code changes, active Water Conservation leadership and involvement is expected for implementation of recent efficiency-oriented code updates and upcoming proposals such as alignment with pending State-level legislation related to landscapes. Activities anticipated in coming years include actions related to 2025 Landscape, Irrigation, & Soil Code Amendments, Streetscape Standards, and Parkway Landscaping Regulations.

Parkway Landscaping Regulations (2013)

Streetscape Standards detail standards for appropriate water-wise landscape designs in parkways and medians on all road types. Residential and commercial streetscape landscape plans require Development Review.

Stormwater Criteria Manual, including Low Impact Development Criteria (2011, 2013, 2016, 2018)

The City has stormwater and low impact development (LID) criteria, adopted by ordinance, that set out landscape design standards to manage stormwater, and which can encourage efficiency through practices such as mulching, native plants, and rain gardens

Development Review includes Water Conservation Review of Plans (2011)

The Water Conservation Division reviews irrigation plans for new commercial developments and redevelopment to ensure irrigation systems and landscapes being installed meet municipal code standards for water efficiency. Landscapes installed for new commercial development and redevelopment are required to use less than 11 gallons of water per square foot per year.

Graywater for Limited Water Reuse Ordinance (2022)

Graywater (i.e., water used in a residential, commercial or industrial building that is collected after the first use and put to a second use) can be collected from certain indoor bathing and washing fixtures and use for toilet and urinal flushing.

Water Adequacy Determination Regulations (2023)

Water Adequacy Determination requires proof that new developments have secured sufficient water supply. Updates to the policy over time have further outlined the process as a part of the Development Review process. Limited supply and high cost of water resources have resulted in developers pursuing more creative ways to provide water to their proposed developments, particularly projects striving to provide affordable housing or the denser development patterns called for in the City Plan.

Restrictive Covenants Ordinance (2003)

City Code prohibits HOA covenants from banning the use of Xeriscape or requiring a percentage of landscape area to be planted with turf, if the homeowner owns the property and pays for the water that irrigates the landscape.

Water Shortage Action Plan (2003, 2020)

The Water Shortage Action Plan includes a comprehensive list of tactics and restrictions for customers to implement in the event of a water shortage. The WSAP also includes definitions of shortage levels and guidelines for the City Manager to declare a shortage or restrictions.

Table 8: Current efficiency strategies supporting Goal 1

Fort Collins Water Utilities Efficiency Activities	Start Year	Tracked Estimated Annual Water Savings, 2020-2024 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
--: *Indicates efficiency savings not quantitatively tracked or estimated.*							
Behavioral							
Community education programs	1977	--					✓
Student (K-12) education programs	1997	--					✓
NoCo Bloom articles and advertisements	2016	--					✓
Water Conservation programs annual report	2012	--					✓
Campaigns – Fix a Leak Week, Imagine a Day Without Water	2016	--					✓
Garden Party / Eco Fest community event	2003	--					✓
Xeriscape Demonstration Garden	1986	--					✓

Fort Collins Water Utilities Efficiency Activities	Start Year	Tracked Estimated Annual Water Savings, 2020-2024 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
Efficiency equipment giveaways	1992	--					✓
Showerhead swap	2024	**875,000**			✓		
Irrigation assessments – residential	1999	**153,000 – 2,045,000**			✓		
Irrigation assessments – commercial and HOA	2024	not available			✓		
Indoor assessments and direct installation – residential	2007	**981,000 – 2,750,000**			✓		
Direct installation for small businesses and multi-unit housing	2019	**165,400 – 5,086,000** (multi-unit housing); **12,465 – 92,500** (small businesses)			✓		
Indoor use assessments – commercial	2017	6,000 – 670,000			✓		

Fort Collins Water Utilities Efficiency Activities	Start Year	Tracked Estimated Annual Water Savings, 2020-2024 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
Saving water hotline	2014	89 – 120 reports received annually; volume of savings not available			✓		
Water use reports – residential and commercial	2014	**24,000,000 – 75,000,000**			✓		
Water budgets – residential	2020	--					✓
Water use estimator for development	2022	--	✓		✓		
Waterwise landscape and irrigation professionals network and support	2016	--					✓
Infrastructure							
Advanced metering for all accounts	2014	--		✓			

Fort Collins Water Utilities Efficiency Activities	Start Year	Tracked Estimated Annual Water Savings, 2020-2024 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
Customer data portal	2014	--		✓			
Leak alerts and high use notifications (continuous consumption program)	2015	**40,500,000 – 110,500,000**			✓		
Monthly billing with rate codes that align with tiered rates and customer type	2014	--		✓			
Economic							
Indoor product rebates – residential	2010	**2,100,000 – 3,400,000**			✓		
Indoor product rebates – commercial	2003	**12,400 – 1,027,000**			✓		
Irrigation equipment rebates – residential	2018	**1,007,000 – 1,740,000**			✓		
Irrigation equipment rebates – commercial	2019	**1,510,000 – 9,556,000**			✓		

Fort Collins Water Utilities Efficiency Activities	Start Year	Tracked Estimated Annual Water Savings, 2020-2024 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
Xeriscape incentive program rebates – residential	2010	**448,900 – 661,300**			✓		
Xeriscape incentive program rebates – commercial	2020	**54,000 – 3,495,000**			✓		
Garden in a Box discounts	2017	**310,000 – 529,000**					
Xeriscape grants	2024	--			✓		
Custom rebates – commercial	2011	**0 – 15,000,000 (average 3,100,000)**			✓		
Conservation-oriented and seasonal rate structures	2003	--		✓			
Conservation-oriented water supply requirement fee for commercial water taps	2022, most recent update in 2025	--	✓	✓			

Fort Collins Water Utilities Efficiency Activities	Start Year	Tracked Estimated Annual Water Savings, 2020-2024 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
Allotments and excess water use surcharge for commercial accounts	1984, most recent update in 2024	--		✓			
Regulatory							
Wasting water ordinance and code enforcement	1917	--	✓			✓	
Building codes and plumbing standards	1978, most recent update in 2022	--	✓			✓	
Landscape, irrigation and soil preparation codes	1994, most recent update in 2025	**1,700,000** (estimate of annual savings for most recent update)	✓			✓	
Parkway landscaping regulations	2013	--	✓			✓	

Fort Collins Water Utilities Efficiency Activities	Start Year	Tracked Estimated Annual Water Savings, 2020-2024 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
Stormwater Criteria Manual, including Low Impact Development criteria	2011, most recent update in 2018	--	✓			✓	
Development Review includes Water Conservation review of irrigation plans	2011	--	✓			✓	
Graywater for limited water reuse ordinance	2022	--				✓	
Water Adequacy Determination regulations	2023	--	✓			✓	
Restrictive covenants ordinance prevents limits on xeriscape and turf grass requirements	2003	--				✓	
Water Shortage Action Plan	2003, most recent update in 2020	--				✓	

Fort Collins Water Utilities Efficiency Activities	Start Year	Tracked Estimated Annual Water Savings, 2020-2024 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
Water Adequacy Determination regulations	2023	--	✓			✓	

Planned New Strategies Supporting Goal 1

The following are descriptions of the new Water Conservation program activities identified for likely implementation in support of **WEP Goal 1:** Reach 4% annual reduction in water use by 2040 to reduce risk of shortages. Additional information about these strategies is provided in Table 8 and cumulative potential impact of these strategies is discussed in Section 4.

Behavioral

High Bill Evaluations for Residential Customers (Targeted start in 2028)

Identify and connect directly with residential customers with high water use. This strategy is about pathways for behavior change and communicating throughout the journey. (SWSI Targeted Technical Assistance and Incentives activity)

Wrap-around Support for Water Efficiency in Community Greenspaces or HOA and Large Turf Areas (Targeted start in 2028)

A stepwise program to support HOAs and other large turf landscapes through irrigation education, irrigation equipment upgrades, turf conversions, and ongoing maintenance. (SWSI Targeted Technical Assistance and Incentives activity)

Rental Tenants and Owners/ Managers Efficiency Outreach & Giveaways (Targeted start in 2027)

Develop educational materials and resources for rental tenants and owners to increase water efficiency awareness and support effective water use practices across rental properties. Educational materials developed may include sample lease language, move-in efficiency checklists, suggestions for behavior changes to lower water use, information on how to find and read a water bill, and welcome packets that include leak detection kits and easy-to-install fixtures like high-efficiency showerheads and faucet aerators. Staff intend to consult and partner with City's Neighborhood Services department to implement this strategy. (SWSI Educational activity)

Commercial Water Use Benchmarking (Targeted planning start in 2027)

Water use benchmarks are standards or reference points used to measure and compare water consumption levels. They help to set goals for water efficiency and identify areas for improvement. Establishing water use benchmarks for indoor and outdoor consumption can drive efficiency efforts. A public-facing website would track and report water use for multi-unit housing and commercial buildings to promote transparency and accountability. City buildings could be used to pilot this strategy prior to general public application. (SWSI Educational activity)

Comprehensive Communications and Marketing Plan for Conservation Promotion (Targeted start in 2026)

Comprehensive and cross-departmental approach to communication and marketing of efficiency strategies, programs, and education about water or water-adjacent topics. Sharing the progress

made toward community and municipal water goals, including projects and upgrades on City-owned properties, must be included in messaging. (SWSI Educational activity)

Infrastructure (Including Operations)
No new infrastructure or operations-based opportunities were selected.

Economic

Plumbing Repair Assistance (Targeted start in 2028)
For under resourced customers, a financial assistance program for plumbing services such as leak detection and repair, and high-efficiency appliance or fixture installation. This strategy also intends to provide access to a network of plumbers who are equipped to identify and repair leaks, install high-efficiency appliances, and align with Water Conservation's goals and resources. (SWSI Targeted Technical Assistance and Incentives activity)

On-Bill Financing for Efficiency Upgrades (Targeted planning start in 2027)
This program is intended to support customers who experience water loss issues that require costly fixes, such as service line repairs or replacements. Customers who meet certain qualifications can receive a multi-year loan and make payments through the Water Utilities billing system. (SWSI Targeted Technical Assistance and Incentives activity)

Design Assistance for New Development and Redevelopment (Targeted planning start in 2027)
Financial and/or technical assistance to encourage more water efficient designs during the design phase of development. Also planned is better promotion of incentives and assistance before and during project development. (SWSI Targeted Technical Assistance and Incentives activity)

Regular Evaluation of Conservation-oriented Rate Structures with Water Conservation Involvement (Targeted start in 2026)
Water Utilities implements an efficiency-oriented rate structure. On a monthly basis, Water Utilities charges a fixed base charge and, in most cases, a variable, tiered block rate based on volume of water used. There are 3 tiers for single- and double-unit housing accounts, 2 tiers for commercial accounts, and 1 tier for multi-unit housing. Multi-unit housing and commercial taps face a seasonal rate increase from May to October when water use is higher due to irrigation. Water Conservation and Finance staff are committed to evaluating the rate structure to make sure the utility is striking the right balance between cost recovery, resource efficiency, and affordability. (SWSI Foundational activity)

Regulatory (Regulations and Ordinances)

Daily Sprinkler Watering Window (Targeted planning start in 2027)
To reduce evaporation and water loss due to drift, implement a daily watering window that prohibits overhead irrigation between the hours of 10 a.m. and 6 p.m. Historically, daily watering windows have only been implemented as a water shortage response action. (SWSI Regulations and Ordinances activity)

Examine Existing Land Use Regulations for Barriers, Conflicts to Water Efficiency (Targeted start in 2028)

PDT and Water Conservation are working together to identify and improve Development Review processes, such as the minor amendment, that may hinder and make more challenging the approval of water-wise landscaping, landscape renovation projects on commercial properties and landscaping on right-of-way property. (SWSI Regulations and Ordinances activity)

Table 9: New efficiency strategies to support Goal 1

Fort Collins Water Utilities Efficiency Activities	Planned Start Year	Potential Estimated Annual Water Savings by 2040 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
--: Indicates efficiency savings not quantitatively tracked or estimated.							
Behavioral							
High Bill Evaluations - Residential	2028	**200,000**			✓		
Wrap-around Support for Water Efficiency in Community Greenspaces or HOA and Large Turf Areas	2028	**2,700,000 – 4,200,000**			✓		
Rental Tenant and Owner/ Managers Efficiency Outreach & Giveaways	2027	--					✓
Commercial Water Use Benchmarking	2027	--					✓
Comprehensive Communications and Marketing Plan for Conservation Promotion	2026	--					✓

Fort Collins Water Utilities Efficiency Activities	Planned Start Year	Potential Estimated Annual Water Savings by 2040 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
Economic							
Plumbing Repair Assistance	2028	**890,000**			✓		
On-bill financing for efficiency upgrades	2028	--			✓		
Design Assistance and incentives for New Development and Redevelopment	2027	**13,400,000 – 49,200,000**	✓		✓		
Regular Evaluation of Conservation-oriented Rate Structures with Regular Evaluation with Water Conservation Involvement	2026	--		✓			
Regulatory							
Daily Sprinkler Watering Window	2027	**40,200,000 – 47,800,000**				✓	

Fort Collins Water Utilities Efficiency Activities	Planned Start Year	Potential Estimated Annual Water Savings by 2040 (gallons)	Land Use Integration	Statewide Water Supply Initiative Level			
				Foundational Activities	Targeted Assistance & Incentives	Ordinances & Regulations	Educational Activities
Examine existing land use regulations for barriers, conflicts to water efficiency	2028	--	✓			✓	

Efficiency Strategies Evaluated but Not Selected for Implementation

Some new efficiency activities received relatively high scores for one or more screening criterion but were not included in the final set of new strategies identified as highest priority for implementation over the time period of this WEP. These strategies are documented here to support future consideration if conditions change. These are listed in following table:

Table 10: New efficiency strategies evaluated but not currently planned

Not Selected Fort Collins Water Utilities Efficiency Activities	SWSI Category	Mechanism of Impact	Reason for Not Implementing at this Time
Submetering incentives and promotion	Targeted Technical Assistance and Incentives	Behavioral	Low combined screening criteria score
Land development ratings system	Education	Behavioral	Low combined screening criteria score
Landscape water budgets (update and expansion of discontinued program)	Targeted Technical Assistance and Incentives	Behavioral	Low combined screening criteria score; will be considered as part of new commercial water benchmarking strategy
Cooling tower management program	Targeted Technical Assistance and Incentives	Behavioral	Low combined screening criteria score

Discontinued Water Efficiency Strategies

Some efficiency activities have been discontinued over time. These are listed in following table:

Table 11: Discontinued water efficiency strategies

Discontinued Activities	Time Period Program was Active	SWSI Category	Mechanism of Impact	Description
Dishwasher rebates	2007 - 2018	Targeted Assistance & Incentives	Economic	Residential customers purchasing qualified ENERGY STAR ® dishwashers received a bill credit of $25
Allotment Management Program	2019 - 2024	Targeted Assistance & Incentives	Economic	Commercial customers with allotments undersized for their landscape could apply for a temporary waiver from the Excess Water Use surcharge while renovation projects to permanently lower outdoor water demand were completed.
Landscape water budgets for commercial customers	2018 - 2022	Targeted Assistance & Incentives	Behavioral	Participants with at least one commercial water tap received reports comparing actual landscape water use to the estimated landscape water budget developed based on site visit data collection.
Off by October irrigation campaign	2021 - 2023	Educational	Behavioral	Campaign targeted toward residential customers; customers who pledged to turn off irrigation by Oct. 1 were eligible for a $50 credit on their next Water Utilities bill.
Hotel and restaurant efficiency materials	2003 - 2014	Educational	Behavioral	A three-card set available for hotels and other commercial customers to inform guests about the importance of water conservation to our area and to encourage the reuse of towels and linens.

Discontinued Activities	Time Period Program was Active	SWSI Category	Mechanism of Impact	Description
Watershed tours	2012 - 2019	Educational	Behavioral	Educational bus tours of the Water Utilities' Cache la Poudre watershed; involves information about drinking water, protection of water resources, water quality, and managing urban watersheds.
Online water use calculator	2012 - YEAR	Educational	Behavioral	Customers could use an online calculator with their household parameters and historic water consumption to identify ways to improve efficiency and reduce use.
Home efficiency loans, Zero Interest Loans for Conservation Help	2010 - 2016	Technical Assistance and Incentives	Economic	Program for residential customers that offered a low cost, no-money-down financing option for up to 20 years. Loans were repaid by the customer through their monthly utility bill.
Children's Water Festival	1992 - 2022	Educational	Behavioral	Festival geared towards children in grades 3-5 in which presenters and exhibitors led activities and games for children to learn about watershed health and sustainability.

Appendix D: Efficiency and Landscape Resilience Strategies for Goal 2 and City One Water Demand Management

The WEP includes a goal and strategies directed at City-owned properties: **Goal 2: Improve water efficiency and build resilience on City-owned landscapes, to benefit the community and environment**. Beneficial outcomes for actions on City-owned landscapes include contributing to overall water efficiency (Goal 1) by lowering municipal water use, building resiliency in our public landscapes to prepare for a hotter future, prioritizing water use for spaces that most benefit the community, and creating highly-visible projects that inspire water-saving actions by local individuals and businesses

The City organization will focus on continuing and improving current best practices (Table 11) and seeking new opportunities (Table 12) to improve water efficiency and build resilience on City-owned landscapes, in support of Goal 2. In some cases, these actions will also yield treated water savings that contribute to Goal 1 targets and will support integrated land use and water planning and One Water integration across Water Utilities and the City organization. Current Activities Supporting Efficiency and Resilience on City-Owned Properties

In this WEP update, Water Utilities categorized water efficiency strategies based on the primary approaches, or “levers,” of impact: behavioral, infrastructure, economic, and regulatory. These categories are similar, but not identical, to the SWSI Levels Framework (foundational activities, targeted technical assistance and incentives, ordinances and regulations, and educational activities) outlined in the CWCB’s Municipal Water Efficiency Plan Guidance Document. The SWSI level description for each strategy is listed to facilitate comparison to CWCB guidance

Current Activities and Best Practices for Managing Water Use on City-Owned Properties

This section provides brief descriptions of best practices implemented by City of Fort Collins departments. City departments currently implement numerous best practices and operations which address distribution and treatment inefficiencies, lower treated water use, lower raw water irrigation use, improve landscape resilience, or a combination of these. Note that this list provides several examples but is not fully comprehensive of the many day-to-day best practices, departmental policies, and operational decisions that guide City water use and landscape maintenance. Additional information about these strategies is provided in Table 11.

Reuse Plan (1985)
Treated wastewater from the Drake Water Reclamation Facility is pumped to Rawhide Power Plant for landscaping and cooling water.

Water Loss Auditing (1993)
Annual audit and reporting of Water Utilities treatment and distribution system for water loss, also known as non-revenue water, following State House Bill 1051 requirements and the American Water Works Association M36 methodology. The audit documents and analyzed data about distribution line leaks, meter inaccuracies, and other physical losses or tracking inaccuracies.

Backwash Water Recycling at Treatment Facility (2003)
Backwash water recycling equipment at the water treatment facility treats backwash water and recycles it to the beginning of the treatment process.

Water Main Survey (1993)
Sonar equipment is used to listen for leaks in water main lines and to pinpoint their locations. Crews monitor water leaks on an ongoing basis, with a two-year cycle to survey all water mains. Catching leaks before they have surfaced saves water and costs of excavation and repairs and supports the wasting water ordinance. (SWSI Foundational activity)

Growing Water Smart Workshop Participation (2018, 2024)
Water Utilities and PDT staff attended and participated collaboratively at Sonoran Institute's Growing Water Smart Workshop in both 2018 and 2024. Cross-departmental action items emerged from those workshops, several of which are reflected in Current and Planned Land Use Activities, WEP Sections 3.3.1 and 3.3.2.

Municipal Sustainability Adaptation Plan (2019)
The 2019 Municipal Sustainability and Adaptation Plan is the employee roadmap to being a sustainable organization. The City aims to be sustainable and resilient to continue to provide world-class services and demonstrate excellence and innovation in daily work. With this plan, the City formally addresses climate adaptation and resilience, to prepare for the future.

City Administrative Policies (2024)
The City's administrative policies include a section focused on water efficiency which sets out guidelines including metering and monitoring water use, report and resolve water waste and leaks, indoor water efficiency upgrades, placing a high priority on water efficiency in landscaping, and operating irrigation systems for water efficiency. The policies recognize that there are City operations and facilities located in various water providers' service areas within City limits, each with its own plans and requirements. The policies state that, whenever feasible, City activity located outside of the City-governed Water Utilities water service area should also follow Water Utilities guidelines and requirements, including but not limited to, the Water Efficiency Plan and Water Shortage Action Plan.

Track Water Use Data for City Buildings and Properties (2009)
The Operations Services department tracks and reports building utility usage (water, electricity, natural gas, and sewer).

Prioritize Raw Water Sources for Irrigation of City Landscapes
Raw water is used to irrigate the majority of the City's parks, cemeteries, and golf courses, which lowers treatment and operations costs and lowers overall treated water demands.

Irrigation Application Rates Based on Evapotranspiration and Irrigation Audits
Continue using evapotranspiration to guide irrigation application rates on City parks, such that the irrigation rate is less than the water need based on measured evapotranspiration and precipitation; perform water audits on parks with an irrigation application rates that exceed evapotranspiration-based targets.

Landscape Designs Follow Xeriscape Principles and Best Irrigation Practices
Practices include minimizing high-water use turf grasses in areas other than those with high foot traffic and playing fields, incorporating smart controllers, and installing dedicated irrigation to trees. City-owned landscapes will also follow all municipal landscape and streetscape codes such as limits on nonfunctional turf and soil amendment requirements.

Table 12: Current City of Fort Collins activities and best practices for managing water use and landscapes on City-owned properties and facilities

Fort Collins Efficiency and Landscape Resilience Activities	Start Year	Tracked or Estimated Annual Water Savings (gallons)	Land Use Integration	Area of Impact			
				System Water Loss (Goal 1)	City Treated Water Use (Goal 1)	City Landscape Resilience (Goal 2)	City Raw Water Use
Distribution system water loss audits	1993	--		✓			
Water distribution line survey and leak repair	2009	**700,000 – 1,400,000**		✓			
Track water use data for City buildings and properties	2009	--			✓		✓
Municipal Sustainability Adaptation Plan	2019	--		✓	✓	✓	✓
City Administrative Policies include water efficiency	2018, most recent update in 2024	--		✓	✓	✓	
Irrigation application rates based on evapotranspiration and irrigation audits	--	**8,600,000** (for treated water irrigation in Water Utilities service area)		✓			✓
Prioritize raw water sources for irrigation of City landscapes	--	--	✓	✓			✓

Fort Collins Efficiency and Landscape Resilience Activities	Start Year	Tracked or Estimated Annual Water Savings (gallons)	Land Use Integration	Area of Impact			
				System Water Loss (Goal 1)	City Treated Water Use (Goal 1)	City Landscape Resilience (Goal 2)	City Raw Water Use
Landscape designs follow xeriscape principles and best irrigation practices	--	--	✓		✓	✓	✓
Growing Water Smart Workshop participation	2018, most recent workshop in 2024	--	✓		✓		

Opportunities for City Organization Water Efficiency, Landscape Resilience, and Land Use Planning/Development

This section describes opportunities for new actions to lower the City's treated water use (in support of **Goal 1**) and improve landscape resilience (in support of **Goal 2**), which were developed through collaborative staff discussions to align with existing needs, practices, and objectives. Additional information is provided in Table 12.

Increase Pace of Plumbing Retrofits in Municipal Buildings
City best practices include replacing old plumbing fixtures with high-efficiency models when other changes are made. This strategy involves fast-tracking efficiency upgrades when possible to more quickly increase water efficiency savings and lower treated water use.

Increased Pace of Distribution Line Leak Repair
Water main lines are regularly inspected for potential leaks. This strategy involves fast-tracking leak repairs and line replacement for high-risk main line sections to lower physical water loss following treatment and before customer taps.

Targeted Irrigation-Efficiency Upgrades on City-Owned Properties
Aging or inefficient irrigation infrastructure will be updated or replaced on up to seven City-owned properties by 2040. This strategy is expected to improve landscape resilience and has potential to lower either treated or raw water use.

Targeted Turf-to-Xeric Conversions on City-Owned Properties
Non-functional, high-water-use turf will be removed and replaced with water-efficient landscapes on up to seven City-owned properties by 2040. This strategy is expected to improve landscape resilience and has potential to lower either treated or raw water use. These projects also have the potential to incorporate co-benefits such as insect and pollinator habitat and native plant restorage.

Establish Regular Contact and Information Sharing between Water Providers and PDT Staff
Following the Growing Water Smart Workshop in fall 2024, a team of staff including members from Water Utilities and PDT have committed to meeting quarterly for an indefinite amount of time to share data and department information, as well as make progress on action items identified at the workshop. One of those actions includes developing a half-day workshop in 2025 with the other water providers in Fort Collins to build better partnerships.

Look For Opportunities to Expand Water Conservation's Role in Development Review Process
This strategy expands the role of Water Conservation during the Development Review process. Improvements to procedures for post-occupancy monitoring and enforcement include requesting funding to hire a Zoning Inspector for Water Conservation who would specialize in landscape design review and inspection and other water efficiency code requirements. Pending funding approval, the Water Conservation Inspector would serve as a designated representative

included in the early planning stages of all large scale residential and non-residential development and redevelopment projects for the purpose of providing information about water efficiency advantages and opportunities. This could look like using the Water Wise Estimator Tool, promoting WSR incentives, or connecting developers with other technical assistance.

Integrate Water into Strategic Plans and Policies
PDT and Water Utilities staff are committed to working together to include water efficiency in strategic plans and policies. This includes but is not limited to elevating the importance of water in the next update to City Comprehensive Plan.

Technical and Financial Support for City Efficiency Projects from Water Conservation
The Water Utilities Water Conservation Division will allocate staff time and a portion of the annual budget to support water efficiency and landscape resilience project completion on City-owned properties, as well as water use data tracking and reporting, project planning, cross-departmental collaboration, and marketing to highlight the City's efficiency activities and lessons learned for customer benefit.

Align, Track, and Publicly Display Water Supply and Demand Data Including Municipal Uses
Water Utilities and PDT are working together to identify different ways to track and present water supply and demand data to support conversations with leadership, elected officials, and the community, including data visualization for public consumption. This effort also prioritizes presenting municipal water use publicly to increase visibility and transparency for water use on city-owned properties and progress toward municipal strategies in the WEP.

Prioritize Dedicated Irrigation to Trees
When landscape or irrigation changes are occurring on existing City landscapes or new designs, prioritize dedicated irrigation to trees separate from surrounding turf or other landscapes. Dedicated irrigation valves or zones allows for deeper watering of trees than the rest of the landscape requires. The City is shifting to dedicated irrigation to trees in anticipation of a warmer climate in the future. All public Capital Improvement Projects along streets and in new parks now include dedicated irrigation to trees. This strategy is expected to improve landscape resilience and has potential to lower either treated or raw water use.

Use City Properties to Pilot Efficiency Activities
Staff will seek opportunities to pilot efficiency activities on City properties to contribute to City efficiency efforts and to test and refine strategies before customer participation. Areas of opportunity include testing commercial water use benchmarking on City-owned office, recreational, and industrial facilities, as well as irrigation and landscaping efficiency activities.

Update to Municipal Sustainability Adaptation Plan
Water Conservation staff will participate in the future update to the 2019 Municipal Sustainability and Adaptation Plan, which is the employee roadmap to being a sustainable organization. The City aims to be sustainable and resilient to continue to provide world-class services and

demonstrate excellence and innovation in daily work. With this plan, the City formally addresses climate adaptation and resilience, to prepare for the future.

Support One Water Efforts and Integrated Demand Management Approach
Water Conservation staff will actively participate in collaborative, integrated One Water demand management activities and will seek opportunities to increase efficiency through operations.

Table 13: New strategy opportunities for managing water use on City-owned properties and facilities

City of Fort Collins Efficiency and Landscape Resilience Strategies	Planned Start Year	Potential Estimated Annual Water Savings (gallons)	Land Use Integration	Potential Area of Impact			
				System Water Loss (Goal 1)	Municipal Treated Water Use (Goal 1)	Municipal Landscape Resilience (Goal 2)	Municipal Raw Water Use
Technical & Financial Support for City Efficiency Projects within Water Utilities service area from Water Conservation Division	2025	--		✓	✓	✓	✓
Look for Opportunities to Expand Water Conservation Division's role in Development Process	2025	--	✓		✓		
Establish regular contact and information sharing between Water providers across the growth management area and Planning staff	2025	--	✓		✓		
Integrate Water into Strategic Plans and Policies	2028	--	✓		✓		
Support One Water efforts and integrated demand management approach	2025	--	✓		✓		

City of Fort Collins Efficiency and Landscape Resilience Strategies	Planned Start Year	Potential Estimated Annual Water Savings (gallons)	Land Use Integration	Potential Area of Impact			
				System Water Loss (Goal 1)	Municipal Treated Water Use (Goal 1)	Municipal Landscape Resilience (Goal 2)	Municipal Raw Water Use
Prioritize dedicated irrigation to trees	2026	--			✓	✓	✓
Align, track and publicly display water supply and demand data, including municipal uses	2025	--		✓	✓		✓
Use City properties to pilot efficiency activities	2028	--			✓	✓	✓
Increase pace of Plumbing Retrofits in Municipal Buildings	2027	**130,000 - 400,000**			✓		
Increased Pace of Distribution Line Leak Repair	To be determined	**700,000 -1,400,000** (over existing annual loss reduction)		✓			
Targeted Irrigation Efficiency Upgrades on City-Owned Properties	2028	**275,000+**			✓	✓	✓
Targeted turf-to-xeric conversions on City-Owned Properties	2028	**275,000+**			✓	✓	✓

Appendix E: Glossary

Acre-Foot or Acre-Feet (AF): Volume of water equal to about 326,000 gallons; one acre-foot can supply around three to four single-unit homes in Fort Collins per year

Active Capacity: Usable capacity of a reservoir for storage and regulation of inflows and releases that does not include any capacity below the reservoir's lowest outlet (which is known as dead capacity/pool)

Allotment: The volume of water a tap can use in a 12-month period (Dec. 1 – Nov. 30) before incurring an excess water use surcharge. Allotments only apply to non-residential taps.

Carryover: Ability to save water in storage for use at a later time; often used in reference to storage

Climate Change: Long-term shifts in weather patterns including rising temperatures, increased frequency and intensity of extreme events, and changes in precipitation patterns

Colorado-Big Thompson (C-BT) Project: Bureau of Reclamation project that brings water from the Colorado River basin to the east side of the continental divide via a system of tunnels and reservoirs; operated by Northern Water

Conservation: Water savings through behavior (e.g., choosing to take a shorter shower). For simplicity and consistency with the division name, the term "efficiency" is used throughout this WEP to refer to both behavioral and technology-based water demand management; however, in practice, efficiency generally refers to technology-based solutions (e.g., a high-efficiency showerhead), while efficiency focuses on the water savings through behavior (e.g., choosing to take a shorter shower).

Efficiency Strategies: Actions such as policies, programs, incentives, and education that promote water efficiency

Demand Management: Extension of water supplies through activities that reduce water demands, lower losses and inefficiencies, or substitute alternative supplies such as reuse.

Direct Flow Right: Water rights under prior appropriation taken directly from the surface stream and used immediately for beneficial use.

Drought: Period of below average runoff that can last one or more years and is often measured by its duration, average annual shortage and cumulative deficit below the average.

Drought Criterion: Criterion adopted in the current WSDMP that defines the level of risk for the City's water supply system. The drought criterion states that in a 1-in-50 year drought the Water

Utilities should be able to meet the planning demand level. A 1-in-50 drought corresponds to a dry period that is likely to occur, on average, once every 50 years.

Efficiency: Water savings through technology-based solutions (e.g., a high-efficiency showerhead)

Evapotranspiration (ET): Water lost from the soil through evaporation from the soil surface and transpiration from the leaves of the plant; affected by temperature, relative humidity, wind and air movement, soil moisture availability, and types of plant

Firm Yield: Measure of the ability of a water supply system to meet water demands through a series of drought years

Growth Management Area (GMA): Planned boundary of the City of Fort Collins' future city limits

Gallons per Capita per Day (GPCD): Measurement of municipal water use; for Water Utilities, GPCD is calculated based on the total annual treated water produced at the Water Treatment Facility for use by all Water Utilities water customers (minus large contractual customers and other sales or exchange agreements) divided by the estimated population of the Water Utilities service area and 365 days

Infrastructure Leak Index (ILI): Ratio that compares the water loss volume to the unavoidable annual real losses for a system. A ratio of 1.0 indicates that the utility has reduced losses to the lowest level theoretically possible, given its annual average water pressure.

Light Detection and Ranging (LiDAR): Remote sensing technology that can be used in large-scale landscape analysis

Northern Colorado Water Conservancy District (Northern Water): Organization that maintains the Colorado-Big Thompson (C-BT) Project and several other regional water projects

North Poudre Irrigation Company (NPIC): Irrigation company that supplies water to farmers north of Fort Collins; currently owns all water stored in Halligan Reservoir

Planning Demand Level: Reference water demand used for water supply planning purposes

Return Flow Obligation (RFO): Legal requirement to mimic the historical return of water to a river basin after the official water use has been changed in court

Senior Water Rights: Water rights that have high priority in a river basin relative to Colorado's prior appropriation system

Storage Reserve Factor (SRF): Commonly-used engineering principle in designing water supply systems to address short-term supply interruptions; the current SRF from the WSDMP

mandates having 20 percent of annual demands in storage through a 1-in-50 drought, which equates to about 3.5 months of winter (indoor) demands or 1.5 month of summer demands

Data Validity Score: Unitless measurement indicating confidence in the audit input data

Treatable Yield: Amount of water that can be diverted each year after deductions from legal, natural, and operational factors

Water Loss/Connection/Day: Metric used to scale total apparent and real losses based on accounts served; does not indicate an actual loss of water at an individual tap

Water Rights Portfolio: Collection of water rights owned by a water provider

Water Supply and Demand Management Policy (WSDMP): Document that guides Water Utilities' efforts in balancing its water resources

Water Supply Requirement (WSR): Condition set by Water Utilities for new development; developers must provide water rights or cash-in-lieu of water rights to support the water needs of their developments

Winter Quarterly Average (WQA): Average of water demands in the winter months (December – February)

Yield: Amount of water that is produced from a water right

File Attachments for Item:

19. Resolution 2025-081 Approving Participation in the Settlement with An Additional Opioid Defendant, Purdue, and a Related Waiver of Claims.

The purpose of this item is to consider a resolution to allow the City to participate in the Colorado Opioids Settlement with Purdue by granting approval to sign an additional participation agreement and waiver of claims for opioid-related damages. This is in follow-up to prior approvals of settlements with multiple other opioid defendants, negotiated through national settlement efforts coordinated through the State of Colorado.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Rupa Venkatesh, Assistant City Manager

SUBJECT

Resolution 2025-081 Approving Participation in the Settlement with An Additional Opioid Defendant, Purdue, and a Related Waiver of Claims.

EXECUTIVE SUMMARY

The purpose of this item is to consider a resolution to allow the City to participate in the Colorado Opioids Settlement with Purdue by granting approval to sign an additional participation agreement and waiver of claims for opioid-related damages. This is in follow-up to prior approvals of settlements with multiple other opioid defendants, negotiated through national settlement efforts coordinated through the State of Colorado.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Through extensive negotiations, local governments and the Colorado Attorney General's Office negotiated a Memorandum of Understanding (MOU) to govern how opioids settlement funds will be allocated in Colorado, to maximize recovery from the variety of lawsuits filed by the state and local governments across the nation along with the Subdivision Settlement Participation Forms.

To date, Colorado is on track to receive over $880 million in opioids settlement funds, including $75 million from the proposed Purdue settlement. However, the amount the State recovers from the settlements is determined in part by the rate of participation of local governments, including both cities and counties, in the settlement agreement.

More information about the State of Colorado settlements and framework for distribution and use of the settlement funds can be found at: https://coag.gov/opioids/ .

• The Colorado framework allocates to participating local governments 20% of the total settlement funds.

• The framework allocates 60% of the settlement funds to 19 regional opioid abatement councils to be distributed for eligible projects.

- Larimer County is one of the regions that receives and then distributes the regional funds.

- The Larimer County Regional Opioid Abatement Council has received applications for and allocated approximately $5.5 million for 2022-2024.
- The City had designated Beth Yonce, Social Sustainability Director, to serve as its representative on the Council. In Resolution 2022-055, City Council authorized the City Manager to modify and make subsequent appointments to this role. Assistant City Manager Rupa Venkatesh has served as the alternate representative for the City and the City Manager has now designated her to replace Ms. Yonce as the lead representative for the City.
- More on the Larimer County Regional Opioid Abatement Council can be found at: https://www.larimer.gov/bocc/regional-opioid-abatement-council#/list/.

• The framework allocates 10% of the settlement proceeds to an Infrastructure Fund that is allocated by the Colorado Opioid Abatement Council.

• The framework allocates 10% of the settlement proceeds to the State of Colorado, managed by the Colorado Department of Law.

In 2021, Council adopted Resolution 2021-113, approving participation in the Colorado Opioids Settlement and authorizing execution of related agreements. In 2022, Council adopted Resolution 2022-055, authorizing the execution of an intergovernmental agreement (IGA) regarding regional opioids settlement implementation and designating a representative to the Larimer Regional Opioid Council.

On March 21, 2023, Council adopted Resolution 2023-028, authorizing the execution of participation agreements and waivers of claims for the City to participate in the additional settlements negotiated on behalf of the State of Colorado and participating local governments with opioid defendants Teva, Allergan, Walmart, CVS and Walgreens.

Most recently, on August 20, 2024, Council adopted Resolution 2024-096, authorizing the execution of participation of agreements and waivers of claims for the City to participate in additional settlements negotiated on behalf of the State of Colorado and participating local governments with opioid defendants Kroger.

CITY FINANCIAL IMPACTS

By approving the settlements from this additional defendant (Purdue), the City and the Larimer County region stand to receive an undetermined amount over a period of fifteen years. The State will not know the full amount to be received by the State and allocated until all communities that choose to participate have formalized their participation. The total amount over the fifteen-year period of the settlement with Purdue nationwide is $7.4 billion and the total amount the State of Colorado is expected to receive from Purdue is around $75 million.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Resolution 2025-081

RESOLUTION 2025-081
OF THE COUNCIL OF THE CITY OF FORT COLLINS APPROVING PARTICIPATION IN THE SETTLEMENT WITH AN ADDITIONAL OPIOID DEFENDANT, PURDUE, AND A RELATED WAIVER OF CLAIMS

A. Communities throughout the State of Colorado, including the City of Fort Collins ("City), are suffering from an epidemic of opioid addiction.

B. The opioid epidemic has not only affected individuals and families across the country, but it has also burdened the local and state governments charged with providing the services needed to address the wave of addiction.

C. Local and state governments across the nation, including in Colorado, have filed lawsuits against opioid manufacturers, distributors, and pharmacies for creating the opioid epidemic.

D. The parties to the various opioid lawsuits have been negotiating settlement agreements to resolve the litigation which include incentive payments for maximizing participation by local governments.

E. Through extensive negotiations, local governments and the Colorado Attorney General's Office negotiated a Memorandum of Understanding to govern how opioids settlement funds will be allocated in Colorado, to maximize recovery from the variety of lawsuits filed by the state and local governments across the nation ("MOU"), along with the Subdivision Settlement Participation Forms to address opioid defendants Johnson & Johnson, AmerisourceBergen, Cardinal Health, and McKesson.

F. On December 7, 2021, the City Council approved Resolution 2021-113, approving participation in the Colorado Opioids Settlement and authorizing execution of related agreements, which were signed and submitted to the Colorado Attorney General in December 2021.

G. On May 3, 2022, the City Council approved Resolution 2022-055, authorizing the execution of an intergovernmental agreement regarding regional opioids settlement implementation ("IGA") and designating a City representative to the Larimer Regional Opioid Council. Resolution 2022-055 appointed Social Sustainability Department Director, Beth Yonce, as the City's representative to the Larimer Regional Opioid Council until such time as the City Manager designates a different City representative. Assistant City Manager Rupa Venkatesh has served as the alternate representative and will replace Ms. Yonce as the City Manager's appointee.

H. The City entered into the IGA and it has since been amended to add participation by the Town of Estes Park, pursuant to City Council's Resolution 2023-011, adopted on January 17, 2023.

I. On March 21, 2023, the City Council adopted Resolution 2023-028, approving additional settlements with opioid defendants Teva, Allergan, Walmart, CVS and Walgreens.

J. On August 20, 2024, the City Council approved Resolution 2024-096 approving additional settlements with opioid defendant Kroger.

K. A national settlement has now been negotiated on behalf of the State of Colorado and participating local governments with additional opioid defendant, Purdue, and the City may participate in this settlement and receive settlement payments by executing a participation form for this opioid defendant, including an associated waiver of claims.

L. The City desires to participate in the Colorado opioids settlement to increase recoveries for Colorado government entities and so the City is eligible to receive settlement funds to be used for approved purposes to abate the opioid epidemic as defined in the MOU for the benefit of the residents of the City.

M. Accordingly, the City Council desires to approve participation in the Purdue settlement and authorize execution of a Purdue participation form consistent in content with the sample form attached to this Resolution as Exhibit A and incorporated herein by this reference.

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

Section 1. The City Council approves the City's participation in the Purdue settlement.

Section 2. The Mayor is authorized and directed to execute on behalf of the City a participation form consistent with this Resolution and in a final form recommended and presented by the City Manager and approved by the City Attorney.

Passed and adopted on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 2, 2025
Approving Attorney: Jenny Lopez Filkins

Exhibit: Exhibit A – Participation Form

EXHIBIT K

Subdivision Participation and Release Form

Governmental Entity: Fort Collins city	State: CO
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to that certain Governmental Entity & Shareholder Direct Settlement Agreement accompanying this participation form (the "*Agreement*")[1], and acting through the undersigned authorized official, hereby elects to participate in the Agreement, grant the releases set forth below, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Agreement, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Agreement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall promptly after the Effective Date, and prior to the filing of the Consent Judgment, dismiss with prejudice any Shareholder Released Claims and Released Claims that it has filed. With respect to any Shareholder Released Claims and Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at https://nationalopioidsettlement.com.

3. The Governmental Entity agrees to the terms of the Agreement pertaining to Participating Subdivisions as defined therein.

4. By agreeing to the terms of the Agreement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning following the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the Agreement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as and to the extent provided in, and for resolving disputes to the extent provided in, the

[1] Capitalized terms used in this Exhibit K but not otherwise defined in this Exhibit K have the meanings given to them in the Agreement or, if not defined in the Agreement, the Master Settlement Agreement.

SAMPLE

Agreement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Agreement.

7. The Governmental Entity has the right to enforce the Agreement as provided therein.

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Agreement, including without limitation all provisions of Article 10 (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in his or her official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Subdivision Releasor, to the maximum extent of its authority, for good and valuable consideration, the adequacy of which is hereby confirmed, the Shareholder Released Parties and Released Parties are, as of the Effective Date, hereby released and forever discharged by the Governmental Entity and its Subdivision Releasors from: any and all Causes of Action, including, without limitation, any Estate Cause of Action and any claims that the Governmental Entity or its Subdivision Releasors would have presently or in the future been legally entitled to assert in its own right (whether individually or collectively), notwithstanding section 1542 of the California Civil Code or any law of any jurisdiction that is similar, comparable or equivalent thereto (which shall conclusively be deemed waived), whether existing or hereinafter arising, in each case, (A) directly or indirectly based on, arising out of, or in any way relating to or concerning, in whole or in part, (i) the Debtors, as such Entities existed prior to or after the Petition Date, and their Affiliates, (ii) the Estates, (iii) the Chapter 11 Cases, or (iv) Covered Conduct and (B) as to which any conduct, omission or liability of any Debtor or any Estate is the legal cause or is otherwise a legally relevant factor (each such release, as it pertains to the Shareholder Released Parties, the "Shareholder Released Claims", and as it pertains to the Released Parties other than the Shareholder Released Parties, the "Released Claims"). For the avoidance of doubt and without limiting the foregoing: the Shareholder Released Claims and Released Claims include any Cause of Action that has been or may be asserted against any Shareholder Released Party or Released Party by the Governmental Entity or its Subdivision Releasors (whether or not such party has brought such action or proceeding) in any federal, state, or local action or proceeding (whether judicial, arbitral, or administrative) (A) directly or indirectly based on, arising out of, or in any way relating to or concerning, in whole or in part, (i) the Debtors, as such Entities existed prior to or after the Petition Date, and their Affiliates, (ii) the Estates, (iii) the Chapter 11 Cases, or (iv) Covered Conduct and (B) as to which any conduct, omission or liability of any Debtor or any Estate is the legal cause or is otherwise a legally relevant factor.

9. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Shareholder Released Claims or Released Claims against any Shareholder Released Party or Released Party in any forum whatsoever, subject in all respects to Section 9.02 of the Master Settlement Agreement. The releases provided for herein (including the term "Shareholder Released

SAMPLE

Claims" and "Released Claims") are intended by the Governmental Entity and its Subdivision Releasors to be broad and shall be interpreted so as to give the Shareholder Released Parties and Released Parties the broadest possible release of any liability relating in any way to Shareholder Released Claims and Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Agreement shall be a complete bar to any Shareholder Released Claim and Released Claims.

10. To the maximum extent of the Governmental Entity's power, the Shareholder Released Parties and the Released Parties are, as of the Effective Date, hereby released and discharged from any and all Shareholder Released Claims and Released Claims of the Subdivision Releasors.

11. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Agreement.

12. In connection with the releases provided for in the Agreement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

> **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Shareholder Released Claims or such other Claims released pursuant to this release, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Shareholder Released Claims or such other Claims released pursuant to this release that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Agreement.

13. Nothing herein is intended to modify in any way the terms of the Agreement, to which Governmental Entity hereby agrees. To the extent any portion of this Participation and Release Form not relating to the release of, or bar against, liability is interpreted differently from the Agreement in any respect, the Agreement controls.

14. Notwithstanding anything to the contrary herein or in the Agreement, (x) nothing herein shall (A) release any Excluded Claims or (B) be construed to impair in any way the rights and obligations of any Person under the Agreement; and (y) the Releases set forth herein shall be subject to being deemed void to the extent set forth in Section 9.02 of the Master Settlement Agreement.

SAMPLE

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

SAMPLE

File Attachments for Item:

Staff Report: Access Fort Collins Demonstration.

The purpose of this item is to provide a demonstration of the Access Fort Collins platform.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Amanda King, Chief Communications and Engagement Officer

SUBJECT

Staff Report: Access Fort Collins Demonstration.

EXECUTIVE SUMMARY

The purpose of this item is to provide a demonstration of the Access Fort Collins platform.

ATTACHMENTS

1. Presentation



Access Fort Collins – Application Demo

Amanda King
Chief Communications Officer

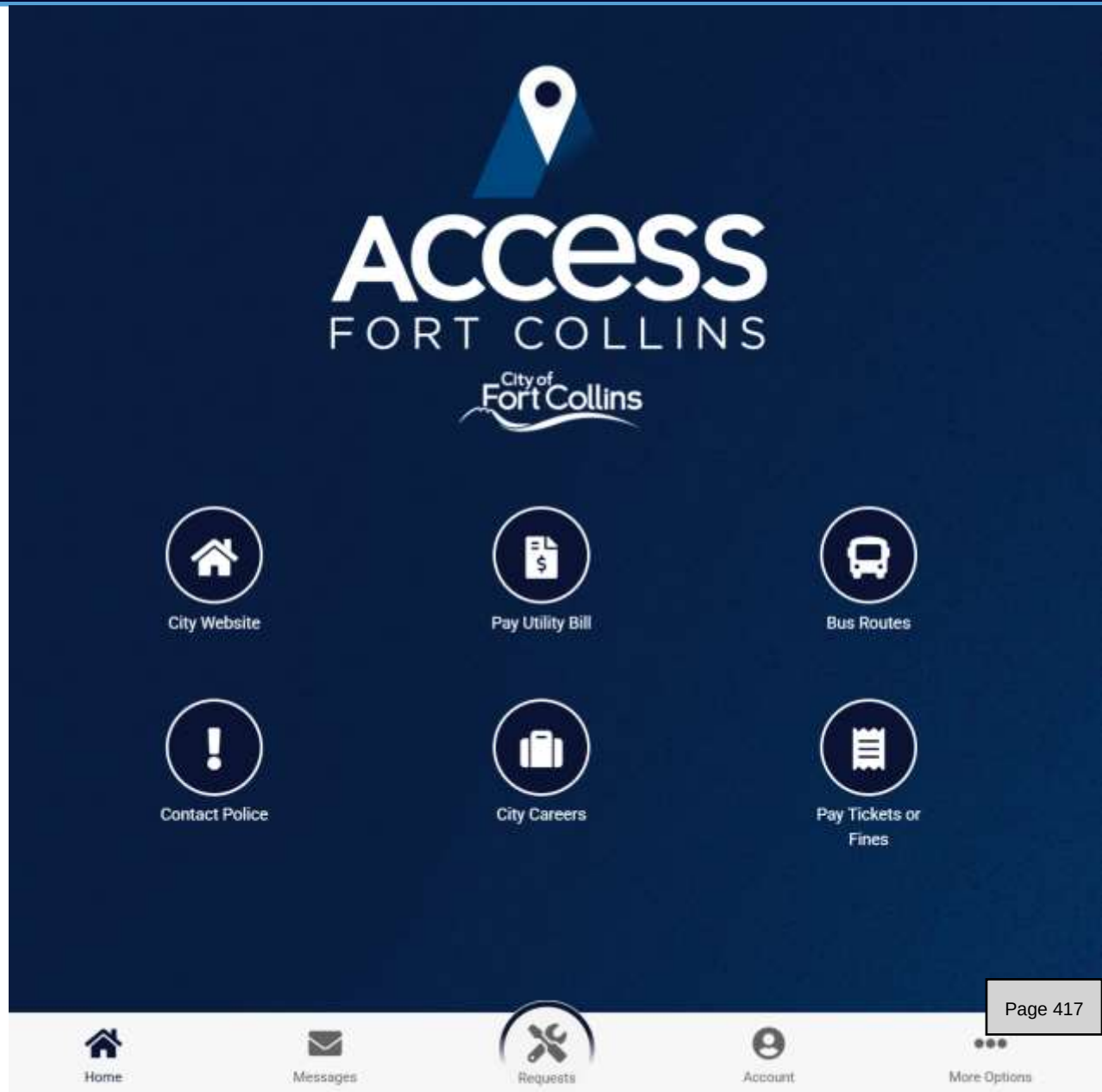
Access Fort Collins

Ways to Connect

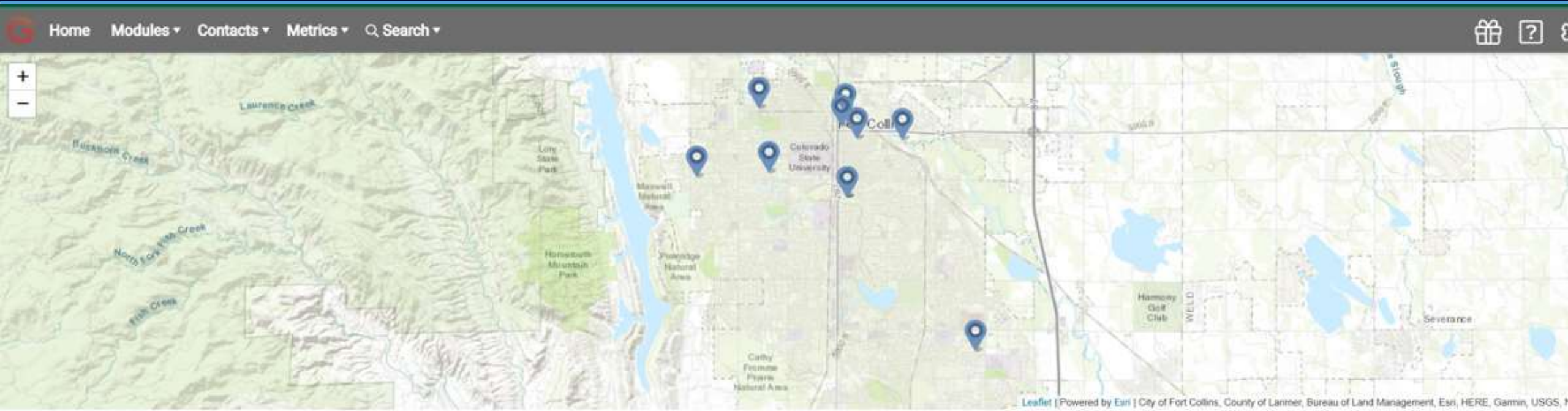
- Desktop (fcgov.com/accessfortcollins)
- Mobile App (Apple & Android)

New Features

- Streamlined interface
- View nearby requests
- Enhanced monitoring dashboard and metrics for staff



Dashboard



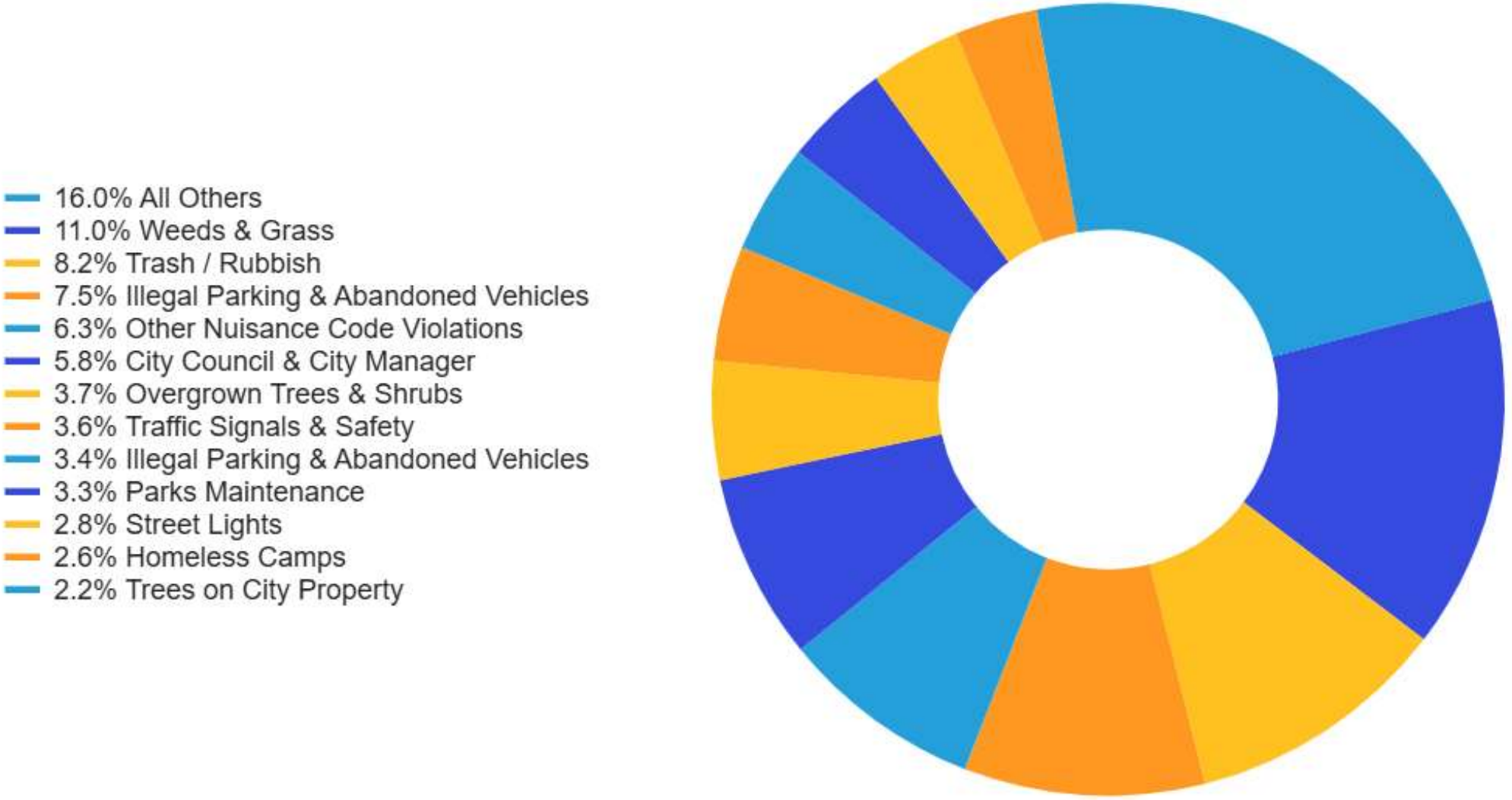
Submitted & Received Requests ☐ Only Show My Requests

ID	Date Created	Request Type	Approximate Address	Author	Assigned To	Boundary		Status
5381620	08/26/2025 @ 10:54 AM	Animal Neglect				Fort Collins City Limits	🔒	Received
5381601	08/26/2025 @ 10:49 AM	Trash / Rubbish				Fort Collins City Limits		Received
5381099	08/26/2025 @ 09:08 AM	Weeds & Grass				Fort Collins City Limits	🔒	Received
5381082	08/26/2025 @ 09:04 AM	Homeless Camps				Fort Collins City Limits		Received
5381042	08/26/2025 @ 08:54 AM	Illegal Parking & Abandoned V...				Fort Collins City Limits		Received
5380993	08/26/2025 @ 08:46 AM	Homeless Camps				Fort Collins City Limits		

Copyright © 2025 Granicus, Inc. All Rights Reserved.

Metrics

Requests by Type Switch to Totals



Questions?

File Attachments for Item:

20. Second Reading of Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site.

This Ordinance, adopted on First Reading on August 19th, 2025, by a vote of 6-1 (Nay: Gutowsky), supports the Civic Assembly's recommendations presented to Council on May 27, 2025, and adds additional specification to those recommendations.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Rupa Venkatesh, Assistant City Manager
Ginny Sawyer, Project and Policy Manager

SUBJECT

Second Reading of Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site.

EXECUTIVE SUMMARY

This Ordinance, adopted on First Reading on August 19th, 2025, by a vote of 6-1 (Nay: Gutowsky), supports the Civic Assembly's recommendations presented to Council on May 27, 2025, and adds additional specification to those recommendations.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

One of the identified 2024-2026 Council priorities is to develop a Hughes Site Master Plan for the approximately 165-acre site by engaging in an inclusive process to determine desired future uses on the site. Implementation of this priority resulted in a Civic Assembly process. Twenty delegates were randomly selected from across Fort Collins to reflect the city's demographic diversity in terms of age, Council district, housing status, household income, and educational attainment.

The Assembly convened for two full weekends: April 12-13 and May 3-4 to answer the following question:

> "Informed by the diverse needs of our community, what use of the Hughes site will contribute most effectively to Fort Collins' long-term vitality and meet the requirements outlined in the 2021 ballot measure?"

On May 27, 2025, staff and delegates from the Assembly presented the final report and recommendations to Council, which included:

- Property should be utilized for multiple uses to include a combination of bike park, open spaces, natural areas, trails and conservation/education features;
- Indigenous consultation, support, and opportunities should be included throughout the development of the site;
- Natural habitats should be restored throughout the development, as possible;

- Outdoor education and interpretation should be included;
- Multi-use center for public gathering, wildlife rehabilitation (i.e. wildlife hospital facility), learning and education, and Indigenous cultural representation ;
- Minimize light pollution;
- Include trail connections to Maxwell and Pineridge; and
- City will consult with land use experts, planners, architects, and designers for the optimal location of site features.

At an additional Work Session on July 8, 2025, staff presented a draft document of support for Council discussion. Based on feedback, the following updates have been incorporated:

- Ordinance language should stick as close as possible to the Civic Assembly recommendations;
- Uses recommended by the Civic Assembly should all use the same language, i.e. “the City will” vs “the City may include;”
- Specifically include wildlife rehabilitation as part of the environmental education partnership opportunities and increase acreage from 20 acres to 30 acres; and
- Clarification around “open space” (changed to City-owned land).

Also based on feedback from the work session, Council will consider referring the Ordinance as a ballot measure at the September 2 Council meeting.

The Ordinance will direct City staff to create development and management plans for the site in accordance with the following principles:

- Development and management of the Hughes Site will align with its zoning as Public Open Lands;
- The City will endeavor to engage in on-going consultations with Native American tribes and the Indigenous community throughout the development of the Hughes Site;
- The City will cultivate predominantly native and xeric vegetation and the Hughes Site will feature a naturalistic architectural palette;
- The City’s Natural Areas Department will acquire, maintain and restore a portion of the Hughes Site as a Natural Area, not to exceed 60 acres;
- On a portion of the Hughes Site not to exceed 30 acres, the City will provide environmental education partnership opportunities, to include but not be limited to wildlife rehabilitation, and zoning-appropriate structures;
- The City will develop and manage the remaining acreage as a park, to include but not be limited to the following amenities:
    - Connective trail system throughout the Hughes Site;
    - Bike park features, not to exceed 35 acres;
    - A community gathering space, available for reservation by permit; and
    - Any necessary supporting facilities, including restrooms, shade structures, trash collection, and parking.
- Existing uses such as the disc golf course and sledding hill may continue in appropriate locations according to the plans for the site;
- The City will manage features of the developed Hughes Site appropriately considering their respective lifecycles;
- Development and redevelopment of the Hughes Site will proceed over time as planning, design, and

funding allow;

- City projects to develop the Hughes Site will proceed through the applicable components of the City's development review process to ensure compliance with all current standards (e.g. stormwater, lighting, etc.); and
- The City will manage the Natural Area in accordance with City laws and policies regarding Natural Areas. The City will manage the park in accordance with City laws and policies governing parks.

SECOND READING BACKGROUND / DISCUSSION

One of the identified 2024-2026 Council priorities is to develop a Hughes Site Master Plan for the approximately 165-acre site by engaging in an inclusive process to determine desired future uses on the site. Implementation of this priority resulted in a Civic Assembly process. Twenty delegates were randomly selected from across Fort Collins to reflect the city's demographic diversity in terms of age, Council district, housing status, household income, and educational attainment.

The Assembly convened for two full weekends: April 12-13 and May 3-4 to answer the following question:

> "Informed by the diverse needs of our community, what use of the Hughes site will contribute most effectively to Fort Collins' long-term vitality and meet the requirements outlined in the 2021 ballot measure?"

On May 27, 2025, staff and delegates from the Assembly presented the final report and recommendations to Council, which included:

- Property should be utilized for multiple uses to include a combination of bike park, open spaces, natural areas, trails and conservation/education features;
- Indigenous consultation, support, and opportunities should be included throughout the development of the site;
- Natural habitats should be restored throughout the development, as possible;
- Outdoor education and interpretation should be included;
- Multi-use center for public gathering, wildlife rehabilitation (i.e. wildlife hospital facility), learning and education, and Indigenous cultural representation ;
- Minimize light pollution;
- Include trail connections to Maxwell and Pineridge; and
- City will consult with land use experts, planners, architects, and designers for the optimal location of site features.

During the first reading of the Ordinance during the August 19 Council meeting, wildlife conservation and wildlife rescue were added to the language. The Ordinance will direct City staff to create development and management plans for the site in accordance with the following principles:

- Development and management of the Hughes Site will align with its zoning as Public Open Lands;
- The City will endeavor to engage in on-going consultations with Native American tribes and the Indigenous community throughout the development of the Hughes Site;
- The City will cultivate predominantly native and xeric vegetation and the Hughes Site will feature a naturalistic architectural palette;
- The City's Natural Areas Department will acquire, maintain and restore a portion of the Hughes Site as a Natural Area, not to exceed 60 acres;
- On a portion of the Hughes Site not to exceed 30 acres, the City will provide environmental education

and wildlife conservation partnership opportunities, to include but not be limited to wildlife rescue and rehabilitation, and zoning-appropriate structures;

- The City will develop and manage the remaining acreage as a park, to include but not be limited to the following amenities:
    - Connective trail system throughout the Hughes Site;
    - Bike park features, not to exceed 35 acres;
    - A community gathering space, available for reservation by permit; and
    - Any necessary supporting facilities, including restrooms, shade structures, trash collection, and parking.
- Existing uses such as the disc golf course and sledding hill may continue in appropriate locations according to the plans for the site;
- The City will manage features of the developed Hughes Site appropriately considering their respective lifecycles;
- Development and redevelopment of the Hughes Site will proceed over time as planning, design, and funding allow;
- City projects to develop the Hughes Site will proceed through the applicable components of the City's development review process to ensure compliance with all current standards (e.g. stormwater, lighting, etc.); and
- The City will manage the Natural Area in accordance with City laws and policies regarding Natural Areas. The City will manage the park in accordance with City laws and policies governing parks.

Also based on Council feedback, Council will consider referring the Ordinance as a ballot measure at the September 2 Council meeting.

CITY FINANCIAL IMPACTS

Development and redevelopment of the Hughes Site will proceed over time once a site plan has been approved and as planning, design, and funding allow. Funding will be identified over time.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

A representative each from the Land Conservation and Stewardship (LCSB), Natural Resources, Parks and Recreation, and Youth Advisory Boards all participated in the Information Committee which was a critical element of the Civic Assembly process to curate information and initial presenters for their first weekend.

A Super Issues meeting was held on June 23, 2025, which was open to the public. Substantive questions centered around the site's planning details, civic assembly process, and community representation.

During their regular meeting on July 23, 2025, LCSB recommended that Council not adopt the Civic Assembly Resolution and Council not refer the Civic Assembly's recommendations to the ballot. Board minutes were included in the Council packet on August 14.

PUBLIC OUTREACH

The project webpage (ourcity.fcgov.com/future-of-hughes) remains the central hub for updates, news and engagement. The site also serves as an information portal regarding the associated Civic Assembly process and recommendations and subsequent Council deliberations.

If Council refers this topic to the ballot, public engagement and communications efforts will conform with election-related policies, particularly regarding neutrality in public information and restrictions on advocacy during active ballot periods.

As this project marks the City's first use of a Civic Assembly as a community decision-making tool, we will also be conducting follow-up public engagement to gauge the community's feelings about (and knowledge of) the process and its effectiveness. This work is anticipated to start in fall 2025 following the election and after the final result of any ballot measures is known.

ATTACHMENTS

First Reading attachments available in August 19, 2025, agenda materials at the following link: https://fortcollins-co.municodemeetings.com/.

1. Ordinance No. 141, 2025

ORDINANCE NO. 141, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXPRESSING SUPPORT FOR THE RECOMMENDATIONS OF
THE CIVIC ASSEMBLY AND ADOPTING A CONCEPTUAL
FRAMEWORK FOR THE USE AND MANAGEMENT OF THE
HUGHES STADIUM SITE

A. In 2021, a citizen-initiated ordinance was passed by the voters requiring the City to purchase the Hughes Stadium Site (the "Hughes Site"), rezone the approximately 165-acre Hughes Site to Public Open Lands District ("POL"), and use the Hughes Site for "parks, recreation and open lands, natural areas, and wildlife rescue and education."

B. The City and the Board of Governors of the CSU System signed a contract on March 2, 2023, for the City to purchase the Hughes Site. The transaction closed and the City acquired the Hughes Site on June 30, 2023. The total cost of the purchase, including closing costs, was $12,700,000.

C. In 2024, the City commenced a Civic Assembly process to engage the public about the development and management of the Hughes Site. After extensive preparations, in April and May of this year a group of twenty lottery-selected Fort Collins residents, representing a balanced cross-section of the community, met to create recommendations for the development and management of the Hughes Site. At a series of open meetings, the Civic Assembly heard from an array of presenters about potential uses of the Hughes Site consistent with its zoning as Public Open Lands.

D. Members of the Civic Assembly and City staff presented the Assembly's recommendations for the development and management of the Hughes Site to City Council on May 27, 2025. These recommendations included that the City should:

a) Develop and manage the Hughes Site for multiple uses to include a combination of bike park, open spaces, natural area, trails, and conservation/education features;
b) Include Indigenous/Native American consultation, and provide support and opportunities for Indigenous communities;
c) Restore natural habitats throughout the development of the Hughes Site, as possible;
d) Include outdoor education and interpretation;
e) Include a multi-use center for public gatherings, wildlife rehabilitation (i.e. wildlife hospital facility), learning and education, and Indigenous cultural representation;
f) Minimize light pollution;
g) Include trail connections to Maxwell and Pineridge Natural Areas; and
h) Consult with land use experts, planners, architects, and designers for the optimal location of site features.

E. The City Council identified adoption of a general plan for use of the Hughes Site as one of its priorities for the 2024-2026 term.

F. Through this Ordinance, City Council expresses its support for the Civic Assembly's recommendations to be included in the plan for development of the Hughes Site. The City Council further, through this Ordinance, elaborates upon those recommendations by setting acreage limitations for certain uses, discussing best practices for design, use and management, and acknowledges that flexibility in the development and management of City-owned land is necessary to meet the changing needs of Fort Collins over time. City Council also notes that it will be the work of future City Councils to implement the vision for the Hughes Site established in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council directs City staff to create development and management plans for the Hughes Site in accordance with the following principles:

1) Development and management of the Hughes Site will align with its zoning as Public Open Lands;
2) The City will endeavor to engage in on-going consultations with Native American tribes and the Indigenous community throughout the development of the Hughes Site;
3) The City will cultivate predominantly native and xeric vegetation and the Hughes Site will feature a naturalistic architectural palette;
4) The City's Natural Areas Department will acquire, maintain and restore a portion of the Hughes Site as a Natural Area, not to exceed 60 acres;
5) On a portion of the Hughes Site not to exceed 30 acres, the City will provide environmental education and wildlife conservation partnership opportunities, to include but not be limited to, wildlife rescue and rehabilitation and zoning-appropriate structures;
6) The City will develop and manage the remaining acreage as a park, to include but not be limited to the following amenities:
    a. Connective trail system throughout the Hughes Site;
    b. Bike park features, not to exceed 35 acres;
    c. A community gathering space, available for reservation by permit; and
    d. Any necessary supporting facilities, including restrooms, shade structures, trash collection, and parking;
7) Existing uses such as the disc golf course and sledding hill may continue in appropriate locations according to the plans for the site;
8) The City will manage features of the developed Hughes Site appropriately in light of their respective lifecycles;
9) Development and redevelopment of the Hughes Site will proceed over time as planning, design and funding allow;
10) City projects to develop the Hughes Site will proceed through the applicable components of the City's development review process to

ensure compliance with all current standards (e.g. stormwater, lighting, etc.); and

11) The City will manage the Natural Area in accordance with City laws and policies regarding Natural Areas. The City will manage the park in accordance with City laws and policies governing parks.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective date: September 12, 2025
Approving Attorney: Ted Hewitt

Exhibits: None

File Attachments for Item:

21. Resolution 2025-082 Referring Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025.

This item has been amended to include 6 protests received on September 1, 2025, before the noon deadline.

The purpose of this item is to refer Ordinance No. 141, 2025, relating to the recommendations of the Civic Assembly for the use and management of the Hughes Stadium Site, to the November 2025 ballot.

Pursuant to Section 7-156 of the City Code, any registered elector desiring to protest the proposed ballot title or submission clause for this item, must file such protest with the City Clerk no later than noon on Monday, September 1, 2025. The form and additional information on how to file a protest is located at this link: fcgov.com/elections/ballot-title-protest.

Because this date falls on a holiday:

By Email: Protests may be emailed to cityclerk@fcgov.com by the noon deadline on September 1.

In Person: Protests intended for in-person delivery may be submitted by 5:00 p.m. on Friday, August 29 or an appointment may be scheduled for the September 1 holiday by contacting 970-221-6515 before 5:00 p.m. on August 29.

If a protest is filed, a hearing on the protest will be added to the agenda item and will take place before City Council adopts the Resolution setting the ballot title and submission clause.

September 2, 2025

AGENDA ITEM SUMMARY
City Council

STAFF

Rupa Venkatesh, Assistant City Manager
Ginny Sawyer, Policy and Project Manager

SUBJECT

Resolution 2025-082 Referring Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025.

EXECUTIVE SUMMARY

This item has been amended to include 6 protests received on September 1, 2025, before the noon deadline.

The purpose of this item is to refer Ordinance No. 141, 2025, relating to the recommendations of the Civic Assembly for the use and management of the Hughes Stadium Site, to the November 2025 ballot.

Pursuant to Section 7-156 of the City Code, any registered elector desiring to protest the proposed ballot title or submission clause for this item, must file such protest with the City Clerk no later than noon on Monday, September 1, 2025. The form and additional information on how to file a protest is located at this link: fcgov.com/elections/ballot-title-protest.

Because this date falls on a holiday:

By Email: Protests may be emailed to cityclerk@fcgov.com by the noon deadline on September 1.

In Person: Protests intended for in-person delivery may be submitted by 5:00 p.m. on Friday, August 29 or an appointment may be scheduled for the September 1 holiday by contacting 970-221-6515 before 5:00 p.m. on August 29.

If a protest is filed, a hearing on the protest will be added to the agenda item and will take place before City Council adopts the Resolution setting the ballot title and submission clause.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

One of the identified 2024-2026 Council priorities is to develop a Hughes Site Master Plan for the approximately 165-acre site by engaging in an inclusive process to determine desired future uses on the site. Implementation of this priority resulted in a Civic Assembly process. Twenty delegates were randomly

selected from across Fort Collins to reflect the city's demographic diversity in terms of age, Council district, housing status, household income, and educational attainment.

The Assembly convened for two full weekends: April 12-13 and May 3-4 to answer the following question:

"Informed by the diverse needs of our community, what use of the Hughes site will contribute most

effectively to Fort Collins' long-term vitality and meet the requirements outlined in the 2021 ballot measure?"

In 2021, voters approved a ballot measure related to the Hughes Stadium Site. As a reminder, the voter-approved 2021 ballot measure is as follows:

"Shall the City enact an ordinance requiring the City Council of the City of Fort Collins to immediately rezone upon passage of the ordinance a 164.56-acre parcel of real property formerly home to the Hughes Stadium from the Transition District to the Public Open Lands District, and requiring the City to acquire the property at fair market value to use said property for parks, recreation, and open lands, natural areas, and wildlife rescue and restoration, and further prohibiting the City from de- annexing, ceasing acquisition efforts or subsequently rezoning the property without voter approval of a separate initiative referred to the voters by City Council, and granting legal standing to any registered elector in the City to seek injunctive and/or declaratory relief in the courts related to City noncompliance with said ordinance?"

Based on Council feedback from the May 27 and July 8, 2025, Work Sessions and the August 19, 2025, Council regular meeting, staff is proposing the following ballot language for consideration.

Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site (the "Council-Adopted Ordinance"), was adopted by the City Council on September 2, 2025, and differs from the Citizen-Initiated Ordinance on the November 2025 ballot (which would require 100% of the Hughes Site to be designated as a City Natural Area) by:

- requiring multi-use development and management for the approximately 165-acre Hughes Site;
- requiring the City to consult with Native American tribes and the Indigenous community throughout the process;
- requiring site plans to feature native and xeric vegetation and a naturalistic architectural palette, and include the following new amenities for the Hughes Site:
    - a City natural area, up to 60 acres;
    - dedicated space and facilities for environmental education and wildlife conservation, to include wildlife rescue and rehabilitation, up to 30 acres;
    - a trail system throughout the site connected to nearby City natural areas and parks;
    - a City park with a community bike park up to 35 acres, a community gathering area and appropriate related facilities;
- including continuing existing uses, such as disc golf and winter sledding; and
- requiring the City to manage these uses over time as planning, design and funding allow, in accordance with regular City planning and review processes, and consistent with the Public Open Lands zoning.

Shall the Council-Adopted Ordinance for multi-use of the Hughes Site be approved?

CITY FINANCIAL IMPACTS

Development and redevelopment of the Hughes Site will proceed over time once a site plan has been approved and as planning, design, and funding allow. Funding will be identified over time.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

During their regular meeting on July 23, 2025, the Land Conservation and Stewardship Board recommended that Council not adopt the Civic Assembly recommendations and Council not refer the Resolution to the ballot. The Board minutes were included in the August 14, 2025, Council packet.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Protest – Babbit
2. Protest – Dubiel 1 et al
3. Protest – Dubiel 2 et al
4. Protest – Farnsworth et al
5. Protest – Patterson
6. Protest - Rosas
7. Presentation
8. Resolution 2025-082

For City Clerk's Use Only: Date Filed: Initials:

REC'D BY CITY CLERK
SEP 1'25 AM 10:04

Return this completed form to:
City Clerk's Office, 300 LaPorte Avenue, Fort Collins, CO 80521, or email to cityclerk@fcgov.com

NOTICE OF BALLOT TITLE AND/OR SUBMISSION CLAUSE PROTEST

Protestor Information*: Name, address, telephone number(s), and email address of the protestor (who must be a registered elector)

Name: Patricia K. Babbitt	**Phone #:** 970-581-1827
Address: 309 Scott Ave, Fort Collins 80521	**Email:** chaang61@gmail.com
Protestor's Signature: Patricia K. Babbitt	**Date of Proposed City Council Action:** 09/02/2025

GROUNDS FOR PROTEST

Protest of **Proposed Ballot Title and/or Submission Clause** (as permitted under Municipal Code Section 7-156).

Title of Ordinance or Resolution being protested:

RESOLUTION NO 2025-082 **REFERRING ORDINANCE NO 141, 2025** OF THE COUNCIL OF THE CITY OF FORT COLLINS EXPRESSING SUPPORT FOR THE RECOMMENDATIONS OF THE CIVIC ASSEMBLY AND ADOPTING A CONCEPTUAL FRAMEWORK FOR THE USE AND MANAGEMENT OF THE HUGHES STADIUM SITE TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY AT THE NEXT REGULAR GENERAL ELECTION ON NOVEMBER 4, 2025.

The Grounds of the Protest (with particularity):

The intent of the original Hughes initiative was to keep Hughes as a protected OPEN SPACE. The Citizen Assembly recommendations to divide the OPEN SPACE into parcels "not to exceed" 60 acres (Natural Area), 30 acres (environmental education/wildlife conservation), 35 acres (bike park) and an unspecified amount of acreage for "supporting facilities, including restrooms, shade structures, trash collection, and parking have been presented in such a way as to allow the City free reign of the Hughes parcel and should not be approved.

(Attach additional sheets as necessary)

A protest of proposed ballot title and/or submission clause, in accordance with Section 7-156, must be filed with the City Clerk no later than noon on the Monday immediately preceding the date upon which the City Council will consider the ordinance on First reading, or resolution, setting the ballot title and submission clause.

***If more than one protestor, please provide the name, address, telephone number(s), email address, and signature of each protestor on the back of this form or on additional sheets.**

For City Clerk's Use Only: Date Filed: _____ Initials: _____

Return this completed form to:

City Clerk's Office, 300 LaPorte Avenue, Fort Collins, CO 80521, or email to cityclerk@fcgov.com

NOTICE OF BALLOT TITLE AND/OR SUBMISSION CLAUSE PROTEST

Protestor Information*: Name, address, telephone number(s), and email address of the protestor (who must be a registered elector)

Name: Kathryn Dubiel	**Phone #:** 970 658 7233
Address: 2936 Eindborough Drive Fort Collins CO 80525	**Email:** tm.k.i.dubiel@gmail.com
Protestor's Signature: Kathryn Dubiel Digitally signed by Kathryn Dubiel Date: 2025.08.31 23:21:05 -06'00'	**Date of Proposed City Council Action:** September 2, 2025

GROUNDS FOR PROTEST

Protest of **Proposed Ballot Title and/or Submission Clause** (as permitted under Municipal Code Section 7-156).

Title of Ordinance or Resolution being protested:

Resolution No. 2025-082 Referring Ordinance No.141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025

The Grounds of the Protest (with particularity):

Fifteen Fort Collins electors file this protest to object to the Submission Clause included in Resolution No. 2025-082 on the basis of the facts presented in the attachment to this document. This attachment explains the grounds of the protest.

Note: Additional protestors' information and signatures as required are provided in the attachment "Additional Protestors."

(Attach additional sheets as necessary)

A protest of proposed ballot title and/or submission clause, in accordance with Section 7-156, must be filed with the City Clerk no later than noon on the Monday immediately preceding the date upon which the City Council will consider the ordinance on First reading, or resolution, setting the ballot title and submission clause.

***If more than one protestor, please provide the name, address, telephone number(s), email address, and signature of each protestor on the back of this form or on additional sheets.**

Protest of Ballot Title and Submission Clause included in Resolution 2025-082

Submitted by Kathryn Dubiel, registered elector of Fort Collins

The basis of this protest is the inconsistency in words used to describe the role and use of the Hughes site by the Indigenous members of our community.

The changing use of words makes the reader question what the Indigenous community can assert as their role and use of the land without having to make a legal challenge. Tracing the changing word usage suggests that the City Council is not making a commitment to the Indigenous community commensurate with the Recommendations of the Civic Assembly. .

The Final Report of the Civic Assembly delivered to the City Council at the May 27, 2025 work session references Indigenous roles and uses multiple times and shows the Civic Assembly's intention to have the Indigenous community play a key role in the site's development and use. The Concept of Indigenous use received 100% support as well as the Minor Element of consultation with indigenous leaders to plan for the twin Cottonwoods. The delegates regarded no other group's use or involvement in planning as highly.

Part 1. Supermajority Recommendations – Concepts

Bullet #1 Indigenous use (**100%** support)

Bullet #3 Indigenous groups should be consulted in each step of the development of the entire property (**95%** support)

Bullet #10 Designate a portion of the site for cultural/educational opportunities with emphasis on indigenous voices (**79%** support)

Part 1. Supermajority Recommendations – Major Uses

Bullet #3 A portion of the site **set aside** to educate and inform about the historical and cultural practices of indigenous people (**89%** support)

Explanatory text added by Healthy Democracy consultants and included with post-Civic Assembly revised report 5/9/2025: ***Outreach*** *to indigenous groups* ***would better inform*** *site development.*

Bullet #4 **Multi-use center for** public gatherings, wildlife rehabilitation (i.e. wildlife hospital facility), learning and education, and **Indigenous cultural representation** (**79%** support)

Part 1. Supermajority Recommendations – Minor Elements

Bullet #2 Local indigenous leaders should be **consulted regarding the use and preservation** of the twin Cottonwood trees on the site (**100%** support)

Civic Assembly rated the Indigenous community's interests 

The Council's Ordinance No. 141, 2025 paints a different picture. The Recitals reflect the tone of the Civic Assembly with strong, supportive, inclusive and wording:

Recital D (b) **Include** Indigenous/Native American consultation, and **provide** support and opportunities for Indigenous communities

Recital D (e) **Include** a multi-use center for public gatherings, wildlife rehabilitation . . . and Indigenous cultural representation

Recitals rated the Indigenous community's interests 

Compare how the Enacting Clause weakens the language:

Enacting Clause #2 The City will **endeavor** to engage in on-going consultations with Native American tribes and the Indigenous community throughout the development of the Hughes site;

Enacting Clauses rated the Indigenous community's interests 

Note that it's the Enacting Clauses (BE IT ORDAINED) that are key to the adopted law and its enforcement. As in the case of the 2021 Citizen-Initiated Ordinance for Keeping Hughes Open Space, the Recitals did not carry the weight that the Enacting Clauses did unless brought to adjudication in the Courts. The Indigenous community would not have grounds to enforce the Civic Assembly's Recommendations nor the commitments mentioned in the Recitals without engaging the City in a legal challenge on legislative intent.

Finally, compare the wording used in the Submission Clause.

The voter will read stronger words in the Submission Clause than are used in the Enacting Clause (BE IT ORDAINED). The Submission Clause should not mislead the voter nor misrepresent the fact that a weaker word, ENDEAVOR, is used in the Enacting Clause.

Submission Clause

Bullet #2 "requiring the City **to consult** with Native American tribes and the Indigenous community throughout the process"

100% support of the Concept for indigenous use

95% support for consulting at each step of development on the entire property

79% designate a portion of the site for use with an emphasis on indigenous voices

89% a portion of the site **set aside**

79% support for a **Multi-use center that includes Indigenous cultural representation**

100% support for **being consulted regarding the use and preservation** of twin cottonwood trees that have significance to the Native People

Recitals: **include** and **provide**

Enacting Clause: **ENDEAVOR**

Voter-facing Submission Clause: r**equiring** the City **to consult** with Native American tribes and the Indigenous community **throughout the process**

The remedy sought is to present the voter with a word similar to ENDEAVOR so that they will not be misled. The Submission Clause should not differ so significantly from the Ordinance.

Additionally while three major uses have been named and have been designated with "up to" acreage sizes, the set aside for indigenous people's use of the site is not one of those three. See the Concepts and Major Use Supermajority Recommendations of the Civic Assembly. If Council members want to use the Civic Assembly as the basis for this multi-use plan, then the Council should include a major use "set aside" for the Indigenous community's use.

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Robert F LaSala

Address 7109 Housmer Park. Dr Fort Collins, Co 80525

Phone number (303) 249-2817

Email address bob.lasala@icloud.com

Signature RFL
Robert LaSala (Sep 1, 2025 07:15:58 GMT+3)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Carlos Bonilla

Address 3013 Eindborough Drive, Fort Collins, CO 80525

Phone number 970-443-4247

Email address debussyscat@gmail.com

Signature Carlos Bonilla
Carlos Bonilla (Aug 31, 2025 19:40:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Charles Kopp

Address 501 Hanna St., Fort Collins, CO 80521

Phone number 970-672-8597

Email address charleskopp01@gmail.com

Signature Charles Kopp
Charles Kopp (Aug 31, 2025 19:31:24 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Dianna Murphy

Address 2500 Leghorn Dr Fort Collins Co 80526

Phone number 970 846 6933

Email address seaofcortez16@gmail.com

Signature dianna murphy
dianna murphy (Aug 31, 2025 18:16:53 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Guadalupe Sandoval

Address 3220 W. Prospect Rd

Phone number 970-988-6417

Email address nurseloop@gotmail.com

Signature
Guadalupe Sandoval (Aug 31, 2025 19:31:36 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Holly J Young

Address 2207 Kiowa Ct

Phone number 970-691-0895

Email address holly080459@gmail.com

Signature Holly Young
Holly Young (Aug 31, 2025 21:29:02 MDT)

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Janine Gentile

Address 2901 Garrett Dr., Fort Collins, CO 80526

Phone number 9703913961

Email address j9gentile@gmail.com

Signature _____
Janine Gentile (Aug 31, 2025 21:35:50 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Kathryn Dubiel

Address 2936 Eindborough Drive Fort Collins CO 80525

Phone number 970 658 7233

Email address tm.k.i.dubiel@gmail.com

Signature Kathryn Dubiel
Kathryn Dubiel (Sep 1, 2025 00:26:05 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Mary Rundquist

Address 2211 west mulberry lot 219

Phone number 9704207738

Email address maryrundquist@gmail.com

Signature Mary Rundquist (Aug 31, 2025 20:19:55 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Nancy Eckardt

Address 2836 Skimmerhorn St., Fort Collins, CO 80526

Phone number 9708173472

Email address nan.eckardt@gmail.com

Signature Nancy Eckardt
Nancy Eckardt (Aug 31, 2025 18:27:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Paul Patterson

Address 2936 Eindborough

Phone number 970-420-5611

Email address plpatterson3@outlook.com

Signature Paul L Patterson III
Paul L. Patterson III (Aug 31, 2025 20:39:18 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Renee Walkup

Address 3514 Pratolina court

Phone number 404 2717438

Email address walkup@salespeak.com

Signature 
Renee Walkup (Aug 31, 2025 21:53:28 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name TAMRA MEURER

Address 4021 spruce dr

Phone number 970-388-5588

Email address Tamra.meurer@outlook.com

Signature
Tamra Meurer (Aug 31, 2025 19:27:03 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Thomas Farnsworth

Address 2707 Dixon Creek Lane

Phone number 970 213 1822

Email address farns2707@msn.com

Signature Thomas Farnsworth
Thomas Farnsworth (Sep 1, 2025 00:14:40 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Victoria M. McLane

Address 1607 Ticonderoga Drive

Phone number 970-226-1006

Email address vmhmclane@gmail.com

Signature Victoria M. McLane
Victoria M. McLane (Aug 31, 2025 20:03:54 MDT)

08/31/2025

For City Clerk's Use Only: Date Filed: _____ Initials: _____

Return this completed form to:

City Clerk's Office, 300 LaPorte Avenue, Fort Collins, CO 80521, or email to cityclerk@fcgov.com

NOTICE OF BALLOT TITLE AND/OR SUBMISSION CLAUSE PROTEST

Protestor Information*: Name, address, telephone number(s), and email address of the protestor (who must be a registered elector)

Name: Kathryn Dubiel	**Phone #:** 970 658 7233
Address: 2936 Eindborough Drive Fort Collins CO 80525	**Email:** tm.k.i.dubiel@gmail.com
Protestor's Signature: Kathryn Dubiel Digitally signed by Kathryn Dubiel Date: 2025.08.31 23:21:05 -06'00'	**Date of Proposed City Council Action:** September 2, 2025

GROUNDS FOR PROTEST

Protest of **Proposed Ballot Title and/or Submission Clause** (as permitted under Municipal Code Section 7-156).

Title of Ordinance or Resolution being protested:

Resolution No. 2025-082 Referring Ordinance No.141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025

The Grounds of the Protest (with particularity):

Fifteen Fort Collins electors file this protest to object to the Submission Clause included in Resolution No. 2025-082 on the basis of the facts presented in the attachment to this document. This attachment explains the grounds of the protest.

Note: Additional protestors' information and signatures as required are provided in the attachment "Additional Protestors."

(Attach additional sheets as necessary)

A protest of proposed ballot title and/or submission clause, in accordance with Section 7-156, must be filed with the City Clerk no later than noon on the Monday immediately preceding the date upon which the City Council will consider the ordinance on First reading, or resolution, setting the ballot title and submission clause.

***If more than one protestor, please provide the name, address, telephone number(s), email address, and signature of each protestor on the back of this form or on additional sheets.**

The grounds of this protest of Resolution 2025-082 Submission Clause are that elements of the presentation of information for the voters is not clear and is misleading.

First Instance

Before the Council-Referred Ordinance is presented in detail by the Submission Clause, the voter reads a confusingly worded comparison of the Council-Referred Ordinance to the "Citizen-Initiated Ordinance on the November 2025 ballot." The Citizen-Initiated Ordinance is then described parenthetically. The Citizen-Initiated Ordinance is not identified with a number even though there are two Ordinances put on the ballot by Citizen Initiative.

What is the purpose for the Submission Clause to create this comparison before the voter reads anything further?

The Submission Clause is required to be a clear statement of the Enacting Clause of the Council's Ordinance for the voter's consideration. Yes, the two Ballot Measures are competing but to create this as a starting point for the Submission Clause is misleading. It might lead a voter to misunderstand that if they vote in favor of the first on the ballot, they can't vote in favor of the other.

Remedy sought: If the intention of the Council is to point out that the two ordinances can't both take effect, then state it that way. And put it below the Submission Clause as a disclaimer like it appears in the Resolution.

Second Instance

The third bullet point provides a brief presentation of the site plan concepts and identifies four "new amenities." The first one listed is a City natural area, up to 60 acres, followed by space and facilities for environmental and wildlife purposes, up to 30 acres, a trail system, and a City park with community bike park up to 35 acres . . . and appropriate related facilities.

The order of these "new amenities" does not give the voter a vision of what will be significant changes. The property is currently without any structures or any type of development impact. Listing the City natural area first may mislead the voter from considering that the multi-use plan has uses that are far different from what exists at the Hughes site now. Listing these development-oriented new amenities first makes sense because of the way the character of the site will change. Listing the City natural area first and with an "up to 60 acres" size potentially makes the voter view the multi-use new amenities with a feeling that the plan "balances" out. The development-dependent uses such as the bike skills park and the facilities for the

environmental and wildlife campus as well as the parking lots, shelters, restrooms and paving and concrete surfaces have a significant impact on the overall site even with a portion for use as a Natural Area. These new amenities listed now as #2 and #4 should be listed as #1 and #2 with the Natural Area being listed as #4.

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Robert F LaSala

Address 7109 Housmer Park. Dr Fort Collins, Co 80525

Phone number (303) 249-2817

Email address bob.lasala@icloud.com

Signature RFL
Robert LaSala (Sep 1, 2025 07:15:58 GMT+3)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Carlos Bonilla

Address 3013 Eindborough Drive, Fort Collins, CO 80525

Phone number 970-443-4247

Email address debussyscat@gmail.com

Signature Carlos Bonilla
Carlos Bonilla (Aug 31, 2025 19:40:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Charles Kopp

Address 501 Hanna St., Fort Collins, CO 80521

Phone number 970-672-8597

Email address charleskopp01@gmail.com

Signature Charles Kopp
Charles Kopp (Aug 31, 2025 19:31:24 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Dianna Murphy

Address 2500 Leghorn Dr Fort Collins Co 80526

Phone number 970 846 6933

Email address seaofcortez16@gmail.com

Signature dianna murphy
dianna murphy (Aug 31, 2025 18:16:53 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Guadalupe Sandoval

Address 3220 W. Prospect Rd

Phone number 970-988-6417

Email address nurseloop@gotmail.com

Signature _____
Guadalupe Sandoval (Aug 31, 2025 19:31:36 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Holly J Young

Address 2207 Kiowa Ct

Phone number 970-691-0895

Email address holly080459@gmail.com

Signature Holly Young
Holly Young (Aug 31, 2025 21:29:02 MDT)

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Janine Gentile

Address 2901 Garrett Dr., Fort Collins, CO 80526

Phone number 9703913961

Email address j9gentile@gmail.com

Signature _____
Janine Gentile (Aug 31, 2025 21:35:50 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Kathryn Dubiel

Address 2936 Eindborough Drive Fort Collins CO 80525

Phone number 970 658 7233

Email address tm.k.i.dubiel@gmail.com

Signature Kathryn Dubiel
Kathryn Dubiel (Sep 1, 2025 00:26:05 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Mary Rundquist

Address 2211 west mulberry lot 219

Phone number 9704207738

Email address maryrundquist@gmail.com

Signature Mary Rundquist
Mary Rundquist (Aug 31, 2025 20:19:55 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Nancy Eckardt

Address 2836 Skimmerhorn St., Fort Collins, CO 80526

Phone number 9708173472

Email address nan.eckardt@gmail.com

Signature Nancy Eckardt
Nancy Eckardt (Aug 31, 2025 18:27:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Paul Patterson

Address 2936 Eindborough

Phone number 970-420-5611

Email address plpatterson3@outlook.com

Signature Paul L Patterson III
Paul L. Patterson III (Aug 31, 2025 20:39:18 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Renee Walkup

Address 3514 Pratolina court

Phone number 404 2717438

Email address walkup@salespeak.com

Signature 
Renee Walkup (Aug 31, 2025 21:53:28 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name TAMRA MEURER

Address 4021 spruce dr

Phone number 970-388-5588

Email address Tamra.meurer@outlook.com

Signature
Tamra Meurer (Aug 31, 2025 19:27:03 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Thomas Farnsworth

Address 2707 Dixon Creek Lane

Phone number 970 213 1822

Email address farns2707@msn.com

Signature Thomas Farnsworth
Thomas Farnsworth (Sep 1, 2025 00:14:40 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Victoria M. McLane

Address 1607 Ticonderoga Drive

Phone number 970-226-1006

Email address vmhmclane@gmail.com

Signature Victoria M. McLane
Victoria M. McLane (Aug 31, 2025 20:03:54 MDT)

08/31/2025

For City Clerk's Use Only: Date Filed: _____ Initials: _____

REC'D BY CITY CLERK
SEP 1 '25 AM 10:05

Return this completed form to:

City Clerk's Office, 300 LaPorte Avenue, Fort Collins, CO 80521, or email to cityclerk@fcgov.com

NOTICE OF BALLOT TITLE AND/OR SUBMISSION CLAUSE PROTEST

Protestor Information*: Name, address, telephone number(s), and email address of the protestor (who must be a registered elector)

Name: Thomas Farnsworth	**Phone #:** 970-213-1822
Address: 2707 Dixon Creek Lane Fort Collins CO 80526	**Email:** farns2707@msn.com
Protestor's Signature: Thom Farnsworth	**Date of Proposed City Council Action:** September 2, 2025

GROUNDS FOR PROTEST

Protest of **Proposed Ballot Title and/or Submission Clause** (as permitted under Municipal Code Section 7-156).

Title of Ordinance or Resolution being protested:

Ordinance #141, 2025 Expressing Support for the Recomendations of the Civic Assembly And Adopting a Conceptual Framework for the use and Management of the Hughes Stadiun Site.

The Grounds of the Protest (with particularity):

Protest is centered on Council failing to apply clear and consistent terminology in documenting their application of Civic Assembly recomendations, resulting in faulty and misleading statements and treatment of electors and of recomendations of the Civic Assembly.

(Attach additional sheets as necessary)

A protest of proposed ballot title and/or submission clause, in accordance with Section 7-156, must be filed with the City Clerk no later than noon on the Monday immediately preceding the date upon which the City Council will consider the ordinance on First reading, or resolution, setting the ballot title and submission clause.

***If more than one protestor, please provide the name, address, telephone number(s), email address, and signature of each protestor on the back of this form or on additional sheets.**

Protest of Ordinance #141, 2025 Expressing Support for the Recommendations of the Civic Assembly And Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site.

Tom Farnsworth

2707 Dixon Creek Lane

Fort Collins CO 80526

9/1/25

To: City Clerk

City of Fort Collins

300 La Porte Ave

Fort Collins CO 80521

RE: Ballot Protest – Ordinance #141, 2025 Expressing Support for the Recomendations of the Civic Assembly and Adopting a Conceptual Framework for the use and Management of the Hughes Stadium Site.

I Thomas Farnsworth, a registered elector of the City of Fort Collins, hereby file this written protest pursuant to Colorado Law and the Fort Collins City Charter.

Identification of the Ballot Measure/Petition: Ordinance #141, 2025 Expressing Support for the Recomendations of the Civic Assembly and Adopting a Conceptual Framework for the use and Management of the Hughes Stadium Site.

Filing Date - 9/1/2025

Grounds for protest. I respectfully protest the sufficiency of this ballot issue on the following grounds.

1. June 11, 2024 – Fort Collins City Council Work Meeting. Council went to great lengths to clearly define recreation, wildlife rescue and restoration, natural areas, parks - terms on the 2021 Hughes ballot – explained to me by Councilmember Potyandy as a fair way to clearly understand what the writers of the ballot really intended as the purpose for the Hughes property. Exact terminology was essential in this dissecting of that ballot terminology - explained to me as a fair process for citizens, in order to determine the precise intent and provisions of the ballot words.

2. July 8, 2025 Fort Collins City Council Working Meeting. In discussion of how to deal with highly rated (supermajority) recommendations from the Civic Assembly, Councilmember Ohlson introduced a discussion on a supermajority rated area – 'Wildlife Rescue and Rehabilitation'. He introduced the term "Environmental Education Partnership, saying that these two terms were closely associated and that 'Environmental Education and Partnership' could be conveniently included (optionally) on the Supermajority list, along with Wildlife Rescue and Rehabilitation, and included in the ballot to be voted on this November.

3. July 8, 2025 Fort Collins City Council Working Meeting. In a continued discussion about Supermajority Items for the ballot, Mayor Pro Tem Francis informed attendees that, while the activity called 'Bike Park' was rated less than 50% by the Civic Assembly, since it had been mentioned along with other activities in discussions of the multiuse 'recreation" alternative in discussion that "Bike Park" should be included on the list of Ballot items for November, i.e. should be elevated from under 50% approval to supermajority status (from 'may' to a more certain status, as she framed it).

4. In discussions w/ Ms Potyandy subsequent to that 2024 work session, I tried to explain the intent of the petition for the purchase of the Hughes property – that it be preserved as a unique, one-of-a-kind property, as part of a range of Natural Areas. I was told repeatedly (as were many others) that writers should clearly define the intent of their initiative, and if, for example, the group really wanted a Natural area, that was what the ballot should have clearly stated. At this point it only made sense for Council to explore in their work sessions what was allowed by those precise ballot words.

   Relief requested: Considering the disparate and inconsistent terminology employed by some Council Members (reflected above) and its inclusion on the 2025 ballot and in related public discussions, the clear and concise recommendations of the Citizen Assembly (and Council's own considerations) are being skirted. Any ballot developed by City Council must exhibit the same precision as they applied to the last Hughes election results - City Council should be compelled to include only the exact terminology, categories and activities employed by the Civic Assembly Supermajority recomendations. Claims that other items were associated with or otherwise considered by Council members as linked to Supermajority items should be identified and discarded. Council suggestions and claims to those associations

and their inclusion on a ballot for citizen voting cannot override the precise recommendations of the Civic Assembly as originally endorsed by Council. These specific findings and recommendations clearly announce to the electorate in the title of this Ordinance that supermajority recommendations cannot be compromised, especially by their elected representatives. Any ballot statement or other public information that does otherwise must be publicly invalidated, removed, and not certified for the election. Thank You.

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Robert F LaSala

Address 7109 Housmer Park. Dr Fort Collins, Co 80525

Phone number (303) 249-2817

Email address bob.lasala@icloud.com

Signature RFL
Robert LaSala (Sep 1, 2025 07:15:58 GMT+3)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Carlos Bonilla

Address 3013 Eindborough Drive, Fort Collins, CO 80525

Phone number 970-443-4247

Email address debussyscat@gmail.com

Signature Carlos Bonilla
Carlos Bonilla (Aug 31, 2025 19:40:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Charles Kopp

Address 501 Hanna St., Fort Collins, CO 80521

Phone number 970-672-8597

Email address charleskopp01@gmail.com

Signature Charles Kopp
Charles Kopp (Aug 31, 2025 19:31:24 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Dianna Murphy

Address 2500 Leghorn Dr Fort Collins Co 80526

Phone number 970 846 6933

Email address seaofcortez16@gmail.com

Signature dianna murphy
dianna murphy (Aug 31, 2025 18:16:53 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Guadalupe Sandoval

Address 3220 W. Prospect Rd

Phone number 970-988-6417

Email address nurseloop@gotmail.com

Signature _____
Guadalupe Sandoval (Aug 31, 2025 19:31:36 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Holly J Young

Address 2207 Kiowa Ct

Phone number 970-691-0895

Email address holly080459@gmail.com

Signature Holly Young
Holly Young (Aug 31, 2025 21:29:02 MDT)

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Janine Gentile

Address 2901 Garrett Dr., Fort Collins, CO 80526

Phone number 9703913961

Email address j9gentile@gmail.com

Signature _____
Janine Gentile (Aug 31, 2025 21:35:50 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Kathryn Dubiel

Address 2936 Eindborough Drive Fort Collins CO 80525

Phone number 970 658 7233

Email address tm.k.i.dubiel@gmail.com

Signature Kathryn Dubiel
Kathryn Dubiel (Sep 1, 2025 00:26:05 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Mary Rundquist

Address 2211 west mulberry lot 219

Phone number 9704207738

Email address maryrundquist@gmail.com

Signature Mary Rundquist
Mary Rundquist (Aug 31, 2025 20:19:55 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Nancy Eckardt

Address 2836 Skimmerhorn St., Fort Collins, CO 80526

Phone number 9708173472

Email address nan.eckardt@gmail.com

Signature Nancy Eckardt
Nancy Eckardt (Aug 31, 2025 18:27:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Paul Patterson

Address 2936 Eindborough

Phone number 970-420-5611

Email address plpatterson3@outlook.com

Signature Paul L Patterson III
Paul L Patterson III (Aug 31, 2025 20:39:18 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Renee Walkup

Address 3514 Pratolina court

Phone number 404 2717438

Email address walkup@salespeak.com

Signature
Renee Walkup (Aug 31, 2025 21:53:28 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name TAMRA MEURER

Address 4021 spruce dr

Phone number 970-388-5588

Email address Tamra.meurer@outlook.com

Signature
Tamra Meurer (Aug 31, 2025 19:27:03 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Thomas Farnsworth

Address 2707 Dixon Creek Lane

Phone number 970 213 1822

Email address farns2707@msn.com

Signature Thomas Farnsworth
Thomas Farnsworth (Sep 1, 2025 00:14:40 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Victoria M. McLane

Address 1607 Ticonderoga Drive

Phone number 970-226-1006

Email address vmhmclane@gmail.com

Signature Victoria M. McLane
Victoria M. McLane (Aug 31, 2025 20:03:54 MDT)

08/31/2025

For City Clerk's Use Only: Date Filed: _____ Initials: _____

Return this completed form to:

City Clerk's Office, 300 LaPorte Avenue, Fort Collins, CO 80521, or email to cityclerk@fcgov.com

NOTICE OF BALLOT TITLE AND/OR SUBMISSION CLAUSE PROTEST

Protestor Information*: Name, address, telephone number(s), and email address of the protestor (who must be a registered elector)

Name: Paul Patterson	**Phone #:** 970-420-5611
Address: 2936 Eindborough	**Email:** plpatterson3@outlook.com
Protestor's Signature: Paul J Patterson III	**Date of Proposed City Council Action:** Septemeber 2, 2025

GROUNDS FOR PROTEST

Protest of **Proposed Ballot Title and/or Submission Clause** (as permitted under Municipal Code Section 7-156).

Title of Ordinance or Resolution being protested:

Resolution No. 2025-082 Referring Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site to a Vote of the Registered Electors of the City at the Next Regular General Election on November 4, 2025

The Grounds of the Protest (with particularity):

The submission clause has a listing of the major proposed uses, yet leaves out the permanent easement of approximately 29.63 acres, known as the Rodeo Detention Pond. This is not a new ammenity, but an existing legally established use that the voters need to be aware of. It should be listed in the submission clause as a new bullet, inserted third in the order, stated as a permanent use of size 29.63 acres that contains the existing use of a disc golf course.

Patterson_Council-Referred Ordinance_Attachment.pdf provides support for the above statement

Note: Additional protestors' information and signatures as required are provided in the attachment "Additional Protestors."

(Attach additional sheets as necessary)

A protest of proposed ballot title and/or submission clause, in accordance with Section 7-156, must be filed with the City Clerk no later than noon on the Monday immediately preceding the date upon which the City Council will consider the ordinance on First reading, or resolution, setting the ballot title and submission clause.

***If more than one protestor, please provide the name, address, telephone number(s), email address, and signature of each protestor on the back of this form or on additional sheets.**

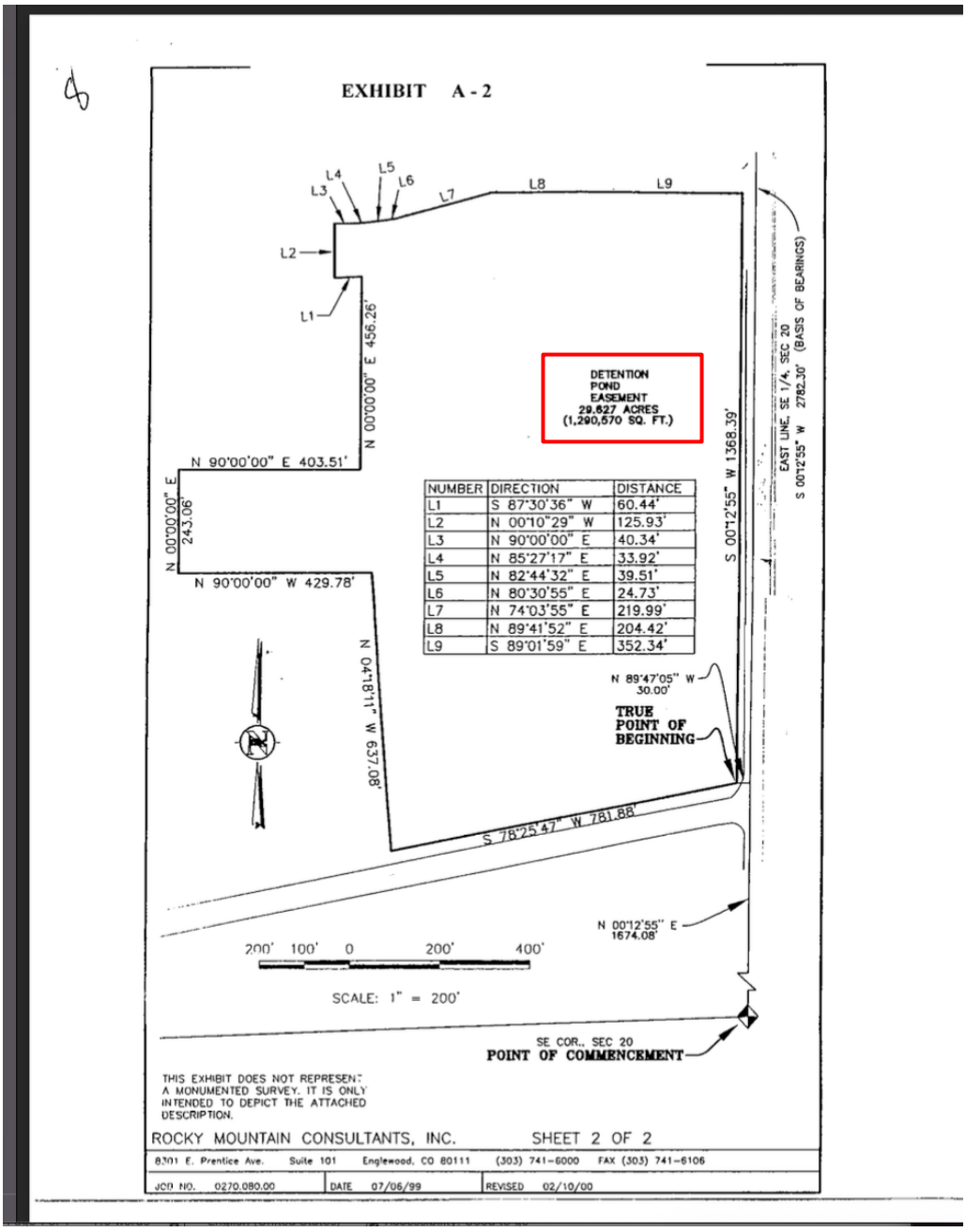
Timeline of Fort Collins Rodeo Detention Pond

06/07/2000: Non-Exclusive Easement Agreement filed. Reception # 2000038106; (now designated Reception # 20000038106 for searches in the Clerk and Recorders database.

6/26/2023: Survey. Reception # 20230026547. No pages 2 and 3, 06/07/2000 Reception # 2000038106 show on map.

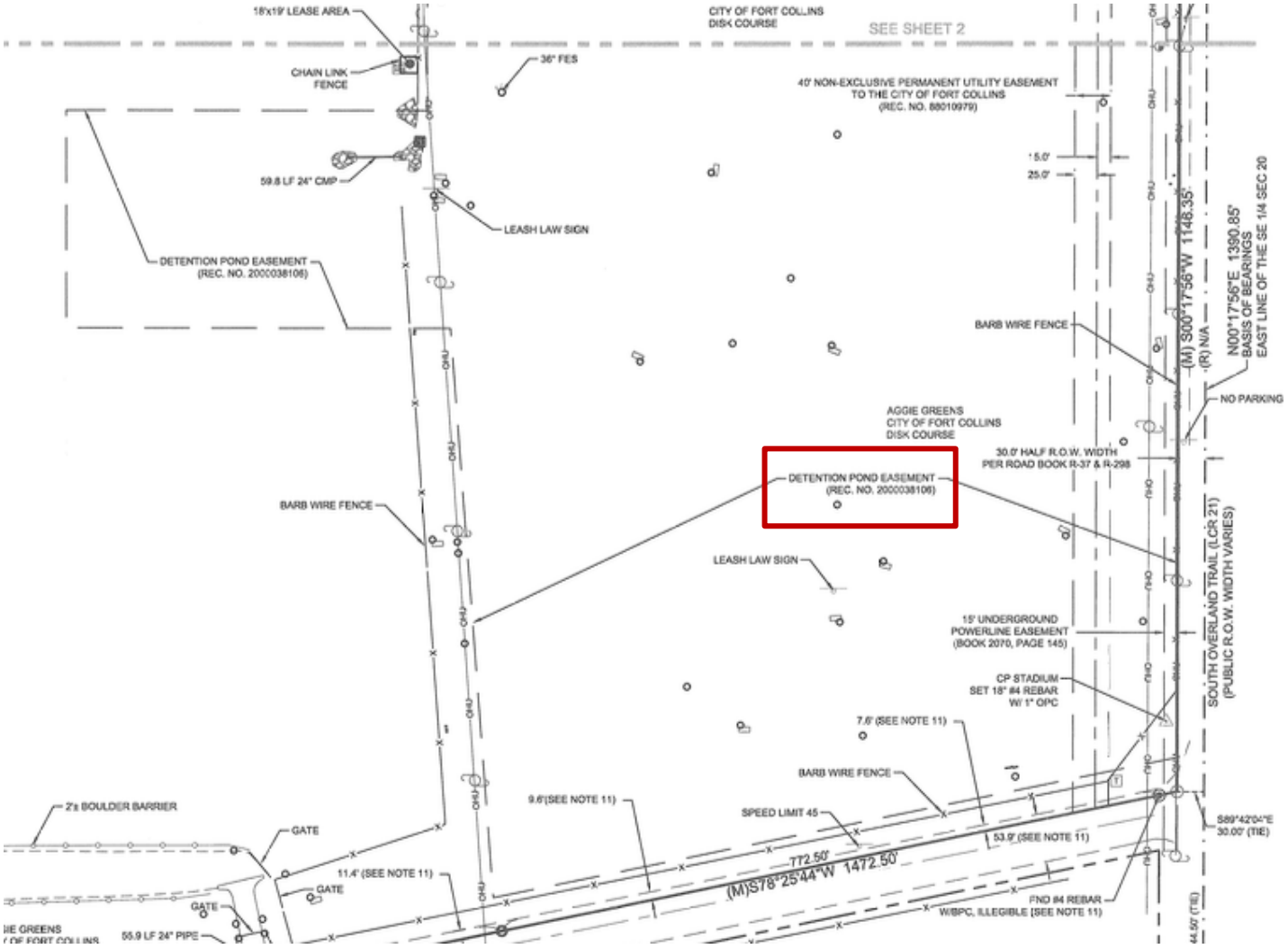
6/30/2023: Special Warranty Deed. Reception # 20230027767. In Exhibit B, Permitted Encumbrances, Item 11 0607, 2000 Easement listed.

Exhibit A – Patterson Protest Council-Referred Ordinance



Snipped from page 8 of Non-Exclusive Easement Agreement, Reception # 2000038106 (labeled 20000038106 in Clerk and Recorder Database).

Exhibit B – Patterson Protest Council-Referred Ordinance



Snipped from page 3 of June 26, 2023 Survey, Reception # 20230026547

Exhibit C – Patterson Protest Council-Referred Ordinance

RECEPTION #202300027767, 6/30/2023 4:13:25 PM, 6 of 7, $43.00 Electronically Recorded
Tina Harris, Clerk & Recorder, Larimer County, CO

EXHIBIT B

Permitted Encumbrances

1. RIGHT OF THE PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM, SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES HEREBY GRANTED, AND A RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, AS RESERVED IN UNITED STATES PATENT RECORDED DECEMBER 08, 1880 IN BOOK T AT PAGE 262 AND 264 AND 266 AND 267.

2. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED OCTOBER 08, 1906 IN BOOK 214 AT PAGE 562.

3. TERMS, CONDITIONS AND PROVISIONS OF RIGHT OF WAY RECORDED MARCH 05, 1910 IN BOOK 276 AT PAGE 376.

4. TERMS, CONDITIONS AND PROVISIONS OF RIGHT OF WAY RECORDED OCTOBER 06, 1910 IN BOOK 277 AT PAGE 542.

5. TERMS, CONDITIONS AND PROVISIONS OF MAP RECORDED MARCH 25, 1939 UNDER RECEPTION NO. 1139.

6. TERMS, CONDITIONS AND PROVISIONS OF MATTERS SET FORTH IN DEED RECORDED SEPTEMBER 17, 1957 IN BOOK 1051 AT PAGE 582.

7. RIGHT OF WAY EASEMENT AS GRANTED TO CITY OF FORT COLLINS IN INSTRUMENT RECORDED SEPTEMBER 15, 1980, IN BOOK 2070 AT PAGE 145.

8. MATTERS SET FORTH ON SURVEY RECORDED APRIL 30, 1976 AT RECEPTION NO. 149391.

9. TERMS, CONDITIONS AND PROVISIONS OF EASEMENT AGREEMENT RECORDED MARCH 09, 1988 UNDER RECEPTION NO. 88010979.

10. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED MARCH 18, 1996 UNDER RECEPTION NO. 96018776 AND ASSIGNMENT RECORDED MARCH 18, 1996 AT RECEPTION NO. 96018777.

11. TERMS, CONDITIONS AND PROVISIONS OF NON-EXCLUSIVE EASEMENT AGREEMENT RECORDED JUNE 07, 2000 UNDER RECEPTION NO. 2000038106.

12. TERMS, CONDITIONS AND PROVISIONS OF NON-EXCLUSIVE PERMANENT EASEMENT RECORDED NOVEMBER 07, 2005 UNDER RECEPTION NO. 20050094698.

Snipped from page 6 of June 30, 2023, Special Warranty Dead, Reception # 2023000027767

Argument that the Disc Golf course is a current guaranteed use of the dedicated easement, Rodeo Detention Pond.

On July 5, 2011, The Council passed Resolution 2011-053 and Ordinance No. 078, 2011 which authorized The City to develop the disc golf at Hughes Stadium in conjunction with CSU. The course was to be in the stormwater detention basin.

In 2012 the Board was the Grantor and City the Grantee for the stormwater detention pond. Based on the statements in the easement agreement, the Disc Golf course, which is the playing field where Disc Golf is played, became a guaranteed use of the easement.

The easement, with the guaranteed use, was transferred to the City in the Special Warranty Deed.

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Robert F LaSala

Address 7109 Housmer Park. Dr Fort Collins, Co 80525

Phone number (303) 249-2817

Email address bob.lasala@icloud.com

Signature RFL
Robert LaSala (Sep 1, 2025 07:15:58 GMT+3)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Carlos Bonilla

Address 3013 Eindborough Drive, Fort Collins, CO 80525

Phone number 970-443-4247

Email address debussyscat@gmail.com

Signature Carlos Bonilla
Carlos Bonilla (Aug 31, 2025 19:40:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Charles Kopp

Address 501 Hanna St., Fort Collins, CO 80521

Phone number 970-672-8597

Email address charleskopp01@gmail.com

Signature Charles Kopp
Charles Kopp (Aug 31, 2025 19:31:24 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Dianna Murphy

Address 2500 Leghorn Dr Fort Collins Co 80526

Phone number 970 846 6933

Email address seaofcortez16@gmail.com

Signature dianna murphy
dianna murphy (Aug 31, 2025 18:16:53 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Guadalupe Sandoval

Address 3220 W. Prospect Rd

Phone number 970-988-6417

Email address nurseloop@gotmail.com

Signature
Guadalupe Sandoval (Aug 31, 2025 19:31:36 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Holly J Young

Address 2207 Kiowa Ct

Phone number 970-691-0895

Email address holly080459@gmail.com

Signature Holly Young
Holly Young (Aug 31, 2025 21:29:02 MDT)

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Janine Gentile

Address 2901 Garrett Dr., Fort Collins, CO 80526

Phone number 9703913961

Email address j9gentile@gmail.com

Signature _____
Janine Gentile (Aug 31, 2025 21:35:50 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Kathryn Dubiel

Address 2936 Eindborough Drive Fort Collins CO 80525

Phone number 970 658 7233

Email address tm.k.i.dubiel@gmail.com

Signature Kathryn Dubiel
Kathryn Dubiel (Sep 1, 2025 00:26:05 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Mary Rundquist

Address 2211 west mulberry lot 219

Phone number 9704207738

Email address maryrundquist@gmail.com

Signature Mary Rundquist
Mary Rundquist (Aug 31, 2025 20:19:55 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Nancy Eckardt

Address 2836 Skimmerhorn St., Fort Collins, CO 80526

Phone number 9708173472

Email address nan.eckardt@gmail.com

Signature Nancy Eckardt
Nancy Eckardt (Aug 31, 2025 18:27:41 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Paul Patterson

Address 2936 Eindborough

Phone number 970-420-5611

Email address plpatterson3@outlook.com

Signature Paul L Patterson III
Paul L. Patterson III (Aug 31, 2025 20:39:18 MDT)

08/31/2025

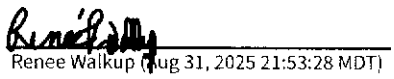
I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Renee Walkup

Address 3514 Pratolina court

Phone number 404 2717438

Email address walkup@salespeak.com

Signature 
Renee Walkup (Aug 31, 2025 21:53:28 MDT)

08/31/2025

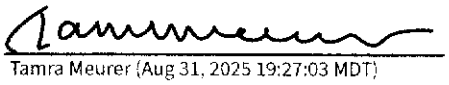
I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name TAMRA MEURER

Address 4021 spruce dr

Phone number 970-388-5588

Email address Tamra.meurer@outlook.com

Signature 
Tamra Meurer (Aug 31, 2025 19:27:03 MDT)

08/31/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Thomas Farnsworth

Address 2707 Dixon Creek Lane

Phone number 970 213 1822

Email address farns2707@msn.com

Signature Thomas Farnsworth
Thomas Farnsworth (Sep 1, 2025 00:14:40 MDT)

09/01/2025

I am a Fort Collins elector adding my name as co-signer to the protests filed by Fort Collins electors on or before the filing deadline on September 1, 2025 that address Resolution 2025-082 specifically the Proposed Ballot Title and Submission Clause. This is Item 21 on the September 2, 2025 City Council meeting agenda.

Name Victoria M. McLane

Address 1607 Ticonderoga Drive

Phone number 970-226-1006

Email address vmhmclane@gmail.com

Signature Victoria M. McLane
Victoria M. McLane (Aug 31, 2025 20:03:54 MDT)

08/31/2025

For City Clerk's Use Only: Date Filed: _____ Initials: _____

Return this completed form to:

City Clerk's Office, 300 LaPorte Avenue, Fort Collins, CO 80521, or email to cityclerk@fcgov.com

NOTICE OF BALLOT TITLE AND/OR SUBMISSION CLAUSE PROTEST

Protestor Information*: Name, address, telephone number(s), and email address of the protestor (who must be a registered elector)

Name: Melissa Rosas	**Phone #:** 562 888-0487
Address: 3520 Pratolina Court	**Email:** mrosas50375@gmail.com
Protestor's Signature: Melissa Rosas	**Date of Proposed City Council Action:** September 2, 2025

GROUNDS FOR PROTEST

Protest of **Proposed Ballot Title and/or Submission Clause** (as permitted under Municipal Code Section 7-156).

Title of Ordinance or Resolution being protested:

Title and submission clause of Ordinance No. 141, 2025

The Grounds of the Protest (with particularity):

I am a registered elector of the City of Fort Collins. I object to the City's title and submission clause of Ordinance No. 141, 2025. Please see the attached document which describes the full protest and grounds for this protest.

(Attach additional sheets as necessary)

A protest of proposed ballot title and/or submission clause, in accordance with Section 7-156, must be filed with the City Clerk no later than noon on the Monday immediately preceding the date upon which the City Council will consider the ordinance on First reading, or resolution, setting the ballot title and submission clause.

***If more than one protestor, please provide the name, address, telephone number(s), email address, and signature of each protestor on the back of this form or on additional sheets.**

Protest regarding City's title and submission clause for its ballot measure related to the Hughes Stadium Site

The City's proposed title and submission clause for its Hughes ballot measure are flawed, misleading, and contrary to Colorado election law in several ways:

(1) **The title does not accurately summarize what is in the underlying Ordinance 141, 025 ("Ordinance")**. The third bullet point of the title indicates the use and management of the Hughes site would "include the following new amenities for the Hughes Site: a City natural area, up to 60 acres; dedicated space and facilities for environmental education and wildlife conservation, to include wildlife rescue and rehabilitation, up to 30 acres; a trail system throughout the site connected to nearby City natural areas and parks; a City park with a community bike park up to 35 acres, a community gathering area and appropriate related facilities." In contrast, subsection (F)(6) of the Ordinance indicates "the City will develop and manage the remaining acreage as a park, to ***include but not be limited to*** the following amenities…" A plain reading of the title would lead the average voter to believe the only amenities allowed under the ballot measure would be a natural area, environmental and wildlife facilities, a trail system, a community bike park, and a community gathering area. The Ordinance states otherwise by indicating specific amenities may "include, ***but not be limited to***" the amenities currently listed in the title. It is misleading to the voters for the title to specifically list amenities and not reflect the flexibility the City's Ordinance builds in for the development of other future amenities. The title should be amended to reflect the fact that the City does not necessarily intend to limit the new amenities it will build on the Hughes property to the amenities specifically listed in the title.

(2) **The City title's reference and contrast to the Hughes citizens' initiative is unlawful advocacy.** The Hughes citizens' initiative is a separate and distinct matter already approved for the 2025 election. The City did not participate in the citizens' initiative in any way, other than placing obstacles in the way of signature gathering and rejecting the adoption of the language once enough signatures were ultimately gathered. The incorporation of a compare-and-contrast

mechanism in the City's title constitutes an inappropriate and biased attempt by the City to advocate against a citizens' initiative. The voters do not need the City's title to contrast itself with the citizens' initiative as the voters can and should figure that out for themselves. Any reference in the City's ballot measure to another ballot measure should be excluded entirely. Additionally, the underlying Ordinance contains no reference to the citizens' initiative so the City's title does not accurately summarize the Ordinance. It is misleading to the voters to include a reference to the citizens' initiative in the title when none exists in the Ordinance.

(3) **The City's title reference to the Hughes citizens' initiative is misleading for several reasons.** Even if the incorporation of the title's compare-and-contrast language was appropriate, the way it compares itself to the citizens' initiative is incorrect. The City's comparisons do not fairly or accurately summarize the impacts of the citizens' initiative, and could mislead voters into supporting the City's ballot measure while opposing the citizens' initiative. For example:

(a) The City's title makes a false comparison by implying existing uses like disc golf and sledding would be prohibited by the passage of the citizens' initiative, when in fact they would not. The City can designate parts of Natural Areas for disc golf and sledding and would not be prohibited from doing so after the passage of the citizens' initiative.

(b) The City's title makes a false comparison by implying the passage of the citizen's initiative would do something other than requiring the City to manage "uses over time as planning, design and funding allow, in accordance with regular City planning and review processes, and consistent with the Public Open Lands zoning." The citizens' initiative does not make any changes in how the city would conduct its regular planning and review processes, nor does it change the existing Public Open Lands zoning.

(c) The City's title makes several references to the "multi-use" development of the Hughes property. The title's compare-and-contrast language implies the citizens' initiative would prohibit multiple uses of the Hughes property. This is also misleading because the classification of the entire Hughes property into a Natural Area, as proposed in the citizens'

initiative, would not prohibit multiple uses. The citizens' initiative would allow multiple types of light uses already authorized by City code in Natural Areas, but not the heavy and impactful uses and development the City proposes in its ballot measure.

(4) **The City's title language and submission clause are materially inconsistent.** The title accurately reflects the Ordinance by indicating the passage of the City's ballot measure would require "multi-use development and management for the approximately 165-acre Hughes Site." However, the submission clause only indicates "shall the Council-Adopted Ordinance for multi-use of the Hughes Site be approved?" The submission clause leaves out essential language, which is whether the multi-use of the Hughes property would be accompanied by development and management of that property, as already admitted to in the title. To be consistent, and not misleading to the voters, the submission clause should read "shall the Council-Adopted Ordinance for multi-use ***development and management*** of the Hughes Site be approved?" It would be arbitrary for the City to accurately include an acknowledgement of necessary development and management of the Hughes Site in the title while excluding it in the submission clause.

(5) **The City's references to "expressing support for the recommendations of the civic assembly" in the title and the Ordinance are misleading.** Subsection D of the Ordinance indicated the civic assembly recommended the development and management of the Hughes Site "for multiple uses to include a combination of bike park, open spaces, natural area, trails, and conservation/education features." In fact, the civic assembly did not specifically recommend the construction of a bike park or a conservation center. Those two recommendations failed to achieve the required vote threshold. To accurately reflect the outcome of the civic assembly process, the City should indicate the civic assembly did recommend multiple uses (multiple uses would also be consistent with a Natural Area designation, as explained above), but the City Council itself decided to include a bike park and a conservation center despite the failure of those two standalone proposals at the civic assembly. It is misleading in the Ordinance, which was then incorporated in the City's title, to

indicate the City's support for the civic assembly's recommendations included recommendations the civic assembly did not actually make.



09-02-2025

Referring Civic Assembly Recommendations for the Hughes site to Nov 2025 ballot

Rupa Venkatesh

Assistant City Manager

Ginny Sawyer

Policy and Project Manager

Overview


2021
1
Ballot Measure Passes
June 2023
2
City acquires site from CSU
Aug 2024
3
Council approves use of Civic assembly
April – May
4
Civic assembly convenes
May 27, 2025
5
Council Work Session: Civic assembly provides recommendation
Jul 8
6
Council Work Session
Aug 19/Sept 2
7
Council considers Ordinance & Ballot Referral
Nov 2025
8
Potential ballot measure

Civic Assembly Question



"Informed by the diverse needs of our community, what use of the Hughes site will contribute most effectively to Fort Collins' long-term vitality and meet the requirements outlined in the 2021 ballot measure?"

2021 Ballot Measure

Shall the City enact an ordinance requiring the City Council of the City of Fort Collins to immediately rezone upon passage of the ordinance a 164.56-acre parcel of real property formerly home to the Hughes Stadium from the Transition District to the **Public Open Lands** District, and requiring the City to acquire the property at fair market value to use said property for **parks, recreation, and open lands, natural areas, and wildlife rescue and restoration**, and further prohibiting the City from de- annexing, ceasing acquisition efforts or subsequently rezoning the property without voter approval of a separate initiative referred to the voters by City Council, and granting legal standing to any registered elector in the City to seek injunctive and/or declaratory relief in the courts related to City noncompliance with said ordinance?

Proposed November 2025 Ballot Question

Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site (the "Council-Adopted Ordinance"), was adopted by the City Council on September 2, 2025, and differs from the Citizen-Initiated Ordinance on the November 2025 ballot (which would require 100% of the Hughes Site to be designated as a City Natural Area) by:

- requiring multi-use development and management for the approximately 165-acre Hughes Site;
- requiring the City to consult with Native American tribes and the Indigenous community throughout the process;
- requiring site plans to feature native and xeric vegetation and a naturalistic architectural palette, and include the following new amenities for the Hughes Site:
  - a City natural area, up to 60 acres;
  - dedicated space and facilities for environmental education and wildlife conservation, to include wildlife rescue and rehabilitation, up to 30 acres;
  - a trail system throughout the site connected to nearby City natural areas and parks;
  - a City park with a community bike park up to 35 acres, a community gathering area and appropriate related facilities;
- including continuing existing uses, such as disc golf and winter sledding; and
- requiring the City to manage these uses over time as planning, design and funding allow, in accordance with regular City planning and review processes, and consistent with the Public Open Lands zoning.

Shall the Council-Adopted Ordinance for multi-use of the Hughes Site be approved?

RESOLUTION 2025-082
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REFERRING ORDINANCE NO. 141, 2025, EXPRESSING SUPPORT FOR THE RECOMMENDATIONS OF THE CIVIC ASSEMBLY AND ADOPTING A CONCEPTUAL FRAMEWORK FOR THE USE AND MANAGEMENT OF THE HUGHES STADIUM SITE TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY AT THE NEXT REGULAR GENERAL ELECTION ON NOVEMBER 4, 2025

A. On September 2, 2025, City Council adopted Ordinance No. 141, 2025, on second reading. Ordinance No. 141, 2025, sets out Council's intent to establish use and management plans for the Hughes Stadium Site based on the recommendations of the City's Civic Assembly.

B. City Council desires to refer Ordinance No. 141, 2025 (the "Council-Adopted Ordinance"), to a vote of the registered electors of the City at the next regular municipal election on November 4, 2025, pursuant to Article X, Section 9 of the City Charter.

C. In 2025, Fort Collins community members circulated an initiative petition and gathered enough signatures to initiate an ordinance about the Hughes Stadium Site. On July 15, 2025, through Resolution 2025-073, the City Council referred that ordinance (the "Citizen-Initiated Ordinance") to a vote of the registered electors at the November 4, 2025, regular municipal election. If approved by a majority of the electorate, the Citizen-Initiated Ordinance would require the designation and use of the Hughes Stadium Site as 100% City Natural Area.

D. The Council-Adopted Ordinance and the Citizen-Initiated Ordinance irreconcilably conflict about how the Hughes Stadium Site would be developed and managed. The Council-Adopted Ordinance requires the City's Natural Areas Department to "acquire, maintain and restore a portion of the Hughes Site as a Natural Area, not to exceed 60 acres" and for other areas of the Hughes Site to be developed and managed for non-Natural Area purposes, including as a City park. In contrast, the Citizen-Initiated Ordinance requires the Hughes Stadium Site to be used entirely as a City Natural Area.

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

Section 1. There is hereby referred to the registered electors of the City at the next regular City election to be held on November 4, 2025, the question of whether Ordinance No. 141, 2025, of the Council of the City of Fort Collins, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site, which Council adopted on September 2, 2025, as set forth below, should be approved:

ORDINANCE NO. 141, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
EXPRESSING SUPPORT FOR THE RECOMMENDATIONS OF
THE CIVIC ASSEMBLY AND ADOPTING A CONCEPTUAL
FRAMEWORK FOR THE USE AND MANAGEMENT OF THE
HUGHES STADIUM SITE

A. In 2021, a citizen-initiated ordinance was passed by the voters requiring the City to purchase the Hughes Stadium Site (the "Hughes Site"), rezone the approximately 165-acre Hughes Site to Public Open Lands District ("POL"), and use the Hughes Site for "parks, recreation and open lands, natural areas, and wildlife rescue and education."

B. The City and the Board of Governors of the CSU System signed a contract on March 2, 2023, for the City to purchase the Hughes Site. The transaction closed and the City acquired the Hughes Site on June 30, 2023. The total cost of the purchase, including closing costs, was $12,700,000.

C. In 2024, the City commenced a Civic Assembly process to engage the public about the development and management of the Hughes Site. After extensive preparations, in April and May of this year a group of twenty lottery-selected Fort Collins residents, representing a balanced cross-section of the community, met to create recommendations for the development and management of the Hughes Site. At a series of open meetings, the Civic Assembly heard from an array of presenters about potential uses of the Hughes Site consistent with its zoning as Public Open Lands.

D. Members of the Civic Assembly and City staff presented the Assembly's recommendations for the development and management of the Hughes Site to City Council on May 27, 2025. These recommendations included that the City should:

a) Develop and manage the Hughes Site for multiple uses to include a combination of bike park, open spaces, natural area, trails, and conservation/education features;
b) Include Indigenous/Native American consultation, and provide support and opportunities for Indigenous communities;
c) Restore natural habitats throughout the development of the Hughes Site, as possible;
d) Include outdoor education and interpretation;
e) Include a multi-use center for public gatherings, wildlife rehabilitation (i.e. wildlife hospital facility), learning and education, and Indigenous cultural representation;
f) Minimize light pollution;
g) Include trail connections to Maxwell and Pineridge Natural Areas; and
h) Consult with land use experts, planners, architects, and designers for the optimal location of site features.

E. The City Council identified adoption of a general plan for use of the Hughes Site as one of its priorities for the 2024-2026 term.

F. Through this Ordinance, City Council expresses its support for the Civic Assembly's recommendations to be included in the plan for development of the Hughes Site. The City Council further, through this Ordinance, elaborates upon those recommendations by setting acreage limitations for certain uses, discussing best practices for design, use and management, and acknowledges that flexibility in the development and management of City-owned land is necessary to meet the changing needs of Fort Collins over time. City Council also notes that it will be the work of future City Councils to implement the vision for the Hughes Site established in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the City Council directs City staff to create development and management plans for the Hughes Site in accordance with the following principles:

1) Development and management of the Hughes Site will align with its zoning as Public Open Lands;
2) The City will endeavor to engage in on-going consultations with Native American tribes and the Indigenous community throughout the development of the Hughes Site;
3) The City will cultivate predominantly native and xeric vegetation and the Hughes Site will feature a naturalistic architectural palette;
4) The City's Natural Areas Department will acquire, maintain and restore a portion of the Hughes Site as a Natural Area, not to exceed 60 acres;
5) On a portion of the Hughes Site not to exceed 30 acres, the City will provide environmental education and wildlife conservation partnership opportunities, to include but not be limited to, wildlife rescue and rehabilitation and zoning-appropriate structures;
6) The City will develop and manage the remaining acreage as a park, to include but not be limited to the following amenities:
    a. Connective trail system throughout the Hughes Site;
    b. Bike park features, not to exceed 35 acres;
    c. A community gathering space, available for reservation by permit; and
    d. Any necessary supporting facilities, including restrooms, shade structures, trash collection, and parking;
7) Existing uses such as the disc golf course and sledding hill may continue in appropriate locations according to the plans for the site;
8) The City will manage features of the developed Hughes Site appropriately in light of their respective lifecycles;
9) Development and redevelopment of the Hughes Site will proceed over time as planning, design and funding allow;
10) City projects to develop the Hughes Site will proceed through the applicable components of the City's development review process to

11) ensure compliance with all current standards (e.g. stormwater, lighting, etc.); and
12) The City will manage the Natural Area in accordance with City laws and policies regarding Natural Areas. The City will manage the park in accordance with City laws and policies governing parks.

Section 2. Ordinance No. 141, 2025, is hereby submitted to the registered electors of the City of Fort Collins at the next regular election to be held on November 4, 2025, with the following title and submission clause:

COUNCIL-REFERRED ORDINANCE

Ordinance No. 141, 2025, Expressing Support for the Recommendations of the Civic Assembly and Adopting a Conceptual Framework for the Use and Management of the Hughes Stadium Site (the "Council-Adopted Ordinance"), was adopted by the City Council on September 2, 2025, and differs from the Citizen-Initiated Ordinance on the November 2025 ballot (which would require 100% of the Hughes Site to be designated as a City Natural Area) by:

- requiring multi-use development and management for the approximately 165-acre Hughes Site;
- requiring the City to consult with Native American tribes and the Indigenous community throughout the process;
- requiring site plans to feature native and xeric vegetation and a naturalistic architectural palette, and include the following new amenities for the Hughes Site:
    - a City natural area, up to 60 acres;
    - dedicated space and facilities for environmental education and wildlife conservation, to include wildlife rescue and rehabilitation, up to 30 acres;
    - a trail system throughout the site connected to nearby City natural areas and parks;
    - a City park with a community bike park up to 35 acres, a community gathering area and appropriate related facilities;
- including continuing existing uses, such as disc golf and winter sledding; and
- requiring the City to manage these uses over time as planning, design and funding allow, in accordance with regular City planning and review processes, and consistent with the Public Open Lands zoning.

Shall the Council-Adopted Ordinance for multi-use of the Hughes Site be approved?

YES/FOR _____
NO/AGAINST _____

Section 3. The Council finds that the Council-Adopted Ordinance (Ordinance No. 141, 2025), and the Citizen-Initiated Ordinance (referred in Resolution 2025-073) irreconcilably conflict. Pursuant to Article X, Section 10(d) of the City Charter, if the ballot questions regarding each of these Ordinances are adopted or approved by the registered electors of the City at the November 4, 2025, regular municipal election, the Ordinance receiving the highest affirmative vote will be effective and the other Ordinance will not be effective.

Passed and adopted on September 2, 2025.

_____
Mayor

ATTEST:

_____
City Clerk

Effective Date: September 2, 2025
Approving Attorney: Ted Hewitt

Exhibit: None