



City Council Regular Meeting Agenda

October 6, 2026 at 6:00 PM

Emily Francis, Mayor
Julie Pignataro, District 2, Mayor Pro Tem
Chris Conway, District 1
Josh Fudge, District 3
Melanie Potyondy, District 4
Amy Hoeven, District 5
Anne Nelsen, District 6

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

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol: [Rules of Procedure](#)

ATTENDANCE OPTIONS

- Meetings are open to the public and can be attended by anyone in person, through the Zoom platform (<https://zoom.us/j/98241416497>) or by phone.
- Meetings are televised live on Channels 14 & 881 on cable television and livestreamed on the City's website, fortcollins.gov/Government/Get-Involved/FCTV
- All speakers are required to sign up to speak prior to 5:30 pm using the online sign-up system available at fortcollins.gov/Government/City-Council/Council-Meetings. The sign-up portal is available once the upcoming Council agenda is posted Thursday at 5pm.

Full instructions for online participation are available at fortcollins.gov/Government/City-Council/Council-Meetings.

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@fortcollins.gov
- 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.

PROCLAMATIONS & PRESENTATIONS
5:00 PM

A) PROCLAMATIONS AND PRESENTATIONS

1. **Declaring the Day of October 15, 2026, as Imagine A Day Without Water Day.**

A community reception will be held at City Hall at 4 p.m.

2. **Declaring the Week of October 4-10, 2026, as Public Power Week.**

3. **Declaring the Week of October 4-10, 2026, as Fire Prevention Week.**

4. **Declaring the Month of October 2026 as Conflict Resolution Month.**

5. **Declaring the Month of October 2026 as Cyber Security Awareness Month.**

REGULAR MEETING
6:00 PM

Durante esta reunión se dispone de interpretación en español.

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 - None.

G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS

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:

<https://www.fortcollins.gov/Government/City-Council/Council-Meetings>

- 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.fortcollins.gov/Business/Building-and-Development/Development-Review>, 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 September 15, 2026, Regular Meeting.

The purpose of this item is to approve the minutes of the September 15, 2026, Regular Meeting.

2. Second Reading of Ordinance No. 124, 2026, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests an appropriation of \$53,200.88 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. 125, 2026, Appropriating Unanticipated Grant Revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, appropriates \$17,638.83 of unanticipated grant revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program. The funding will support Fort Collins Police Services as a partner agency of the Northern Colorado Drug Task Force with supplemental overtime and investigative resources necessary to conduct complex, multi-agency investigations targeting drug trafficking organizations.

Larimer County applied for and was awarded \$55,357 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force (Attachment 1). Fort Collins Police Services, as a subrecipient, will receive \$17,638.83.

4. Items Relating to Appropriating Additional Funds for 2026.

A. Second Reading of Ordinance No. 126, 2026, Making Supplemental Appropriations in Various City Funds.

B. Second Reading of Ordinance No. 127, 2026, Appropriating Prior Year Reserves in Various City Funds.

C. Second Reading of Ordinance No. 128, 2026, Approving a Transfer of an Appropriation in the Conservation Trust Fund.

These Ordinances, unanimously adopted on First Reading on September 15, 2026, combine dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and therefore not included in the 2026 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses.

These were reviewed with the Council Finance Committee favorably in the August 31, 2026, meeting.

5. Second Reading of Ordinance No. 129, 2026, Amending the Landmark Designation of the J.M. Morrison House and Carriage House, 718 West Mountain Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Carriage House and Rename the Landmark as the J.M. Morrison Property.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests amendments to the landmark designation of the J.M. Morrison House and Carriage House at 718 West Mountain Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the "Commission") have determined that amendments are necessary to bring this property's historic designation into conformance with best practices for historic preservation. Such amendments include the removal of references to significance Standard 1 (Events) in the area of community planning and development, the removal of the carriage house as a contributing building on the historic property, and the related change of the historic property name to the J.M. Morrison Property.

6. Second Reading of Ordinance No. 130, 2026, Amending the Landmark Designation of the Marsh/Geist House and Garage, 1006 Laporte Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Garage and Rename the Landmark as the Walker/Geist Property.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests amendments to the landmark designation of the Marsh/Geist House and Garage at 1006 Laporte Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the “Commission”) have determined that amendments are necessary to bring this property’s historic designation into conformance with best practices for historic preservation. Such amendments include the removal of the garage as a contributing building on the historic property and the change of the historic property name to the Walker/Geist Property.

7. Second Reading of Ordinance No. 131, 2026, Amending Portions of Section 1-15 of the Code of the City of Fort Collins Concerning General Penalties to Allow Restitution for Victims of Misdemeanors, Petty Offenses, and Civil Infractions, to Clarify what can be Requested as Restitution, and to Correct Cross References to Section 1-15.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, amends City Code Section 1-15 to align its restitution provision.

City Code currently expressly allows for restitution for victims of misdemeanor offenses. This has been the language in the Code since 2005. Because the recent sentencing Code updates have reclassified many prior misdemeanor offenses as civil infractions or petty offenses, the Code must be amended to provide clarity of the intention to allow for restitution on offenses now classified as infractions and petty offenses, which include commonly charged offenses such as theft under \$300, criminal mischief under \$300, animal at large, and public nuisance.

The proposed amendments ensure that restitution can be made to victims of all non-traffic offenses and clarifies the categories of expenses that can be compensated through restitution.

There is also an error in the lettering of Section 1-15. This proposed amendment would correct that error to re-letter the Restitution section to subsection (f) and the Penalties section to subsection (g).

The Ordinance also directs the codifier of the Code of the City to amend sections of the City Code to remove references to specific subsections of Section 1-15 and replace such references with general references to Section 1-15.

8. First Reading of Ordinance No. 132, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to request a supplemental appropriation for the Pedestrian Intersection Improvements project (the “Project”). The funding will be used to cover construction costs for the five locations included in the Project. If approved, the item will: (1) transfer \$579,934 in Community Capital Improvement Program – Bicycle Infrastructure Improvements funds to the Project; (2) transfer \$50,000 in Community Capital Improvement Program – Pedestrian Sidewalk funds to the Project; (3) transfer \$50,000 in previously appropriated Transportation Services funds to the Project; (4) transfer \$323,536 in Transportation Capital Expansion Fee funds to the Project; (5) appropriate \$74 in Transportation Services Reserve funds to the Project; and 6) transfer \$3,699 (1% of new Project funding) in capital project funds to the Art in Public Places (“APP”) program. This item appropriates and/or transfers \$1,003,544 to the Project, for an anticipated total Project funding of \$2,460,856. The Project will help make progress towards the City’s Vision Zero Goal

and aims to improve vulnerable road user safety with infrastructure improvements on the High Injury Network

9. First Reading of Ordinance No. 133, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the Lemay and Drake Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to request a supplemental appropriation for the Lemay and Drake Intersection Improvements project (the “Project”). The funding will be used to complete acquisition of private property adjacent to the intersection right-of-way that is needed for the Project and install a replacement traffic signal. If approved the item will (1) appropriate \$1,549,760 in Transportation Capital Expansion Fee funds to the Project; (2) appropriate \$307 in Transportation Services Reserve funds to the Project; and (3) transfer \$15,347 (1% of new Project funding) in capital projects funds to the Art in Public Places (“APP”) program. The Project will help make progress towards the City’s Vision Zero Goal and aims to improve safety with infrastructure improvements on the High Injury Network.

10. First Reading of Ordinance No. 134, 2026, Appropriating Prior Year Reserves in Support of the Utility Network for the Wastewater Utilities.

The purpose of this item is to appropriate \$60,000 of supplemental funding within the Wastewater Utilities Fund for One Water’s Wastewater Utility Network technology project.

The Utility Network (UN) is a project to be implemented in support of each Utility – Light & Power, Water, Wastewater and Stormwater. Based on the unique needs of each utility’s migration to the UN, proposed under different phases, the project will span several years for complete implementation. Each Utility’s Fund has incorporated the UN in their respective Capital Improvement Plan. Additions to the project budgets within each Utilities Fund varies based on needs in standing up the UN.

Based on the project timeline in support of the UN being operable for the Wastewater Utilities, there is a current need to obtain professional services for Maximo asset management integration. Absent available funds within Wastewater Utilities UN project budget, this supplemental funding request supports entering into a service agreement before year-end to maintain the project timeline.

11. Items Relating to the Strauss Lakes Annexation.

A. Resolution 2026-114 Setting Forth Findings of Fact and Determinations Regarding the Strauss Lakes Annexation.

B. Public Hearing and First Reading of Ordinance No. 135, 2026, Annexing the Property Known as the Strauss Lakes Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 147.499 acres of land into the City of Fort Collins. The Strauss Lakes Annexation is a 100% voluntary annexation located on the northeast corner of the Ziegler Road and East Horsetooth Road intersection, within the City’s Growth Management Area. The annexation meets all State of Colorado statutory requirements for voluntary annexation, including a contiguous perimeter of 40.5%, well above the one-sixth (16.67%) minimum required by State statute. The annexation is also consistent with the Intergovernmental Agreement for the Fort Collins Growth Management Area between the City of Fort Collins and Larimer County.

There is a related agenda item for zoning on the property.

12. First Reading of Ordinance No. 136, 2026, Authorizing the Mayor to Execute an Annexation Agreement Regarding the Strauss Lakes Annexation.

The purpose of the agreement is to mitigate the Owner's risks associated with the requested Zoning, the Overall Development Plan ("ODP") which is currently in review, their first Project Development Plan ("PDP"), or their anticipated metropolitan district service plan

Cottonwood Land & Farm, LLC, ("Owner") owns the property located at the northeast corner of Ziegler and Horsetooth Roads in the City's Growth Management Area, known as "Strauss Lakes". This 147.499-acre property is the subject of the associated agenda item for the proposed Strauss Lakes Annexation. The Owner has requested an agreement with the City that would grant the right for them to disconnect ("de-annex") from the City in the event that certain approvals are not granted, or they are granted with conditions unacceptable to the Owner.

Staff have reviewed the agreement and are in support of the overall intent and purpose and propose a simplified version of this agreement that achieves these purposes, which is attached as an Exhibit to the Ordinance.

The Owner has proposed a more expansive agreement that includes numerous detailed stipulations described in this item summary.

13. First Reading of Ordinance No. 137, 2026, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Strauss Lakes Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and the Lighting Context Area Map.

The purpose of this item is to establish initial City zoning on approximately 147.499 acres of land included in the Strauss Lakes Annexation. The proposed zoning, as recommended by staff and the Planning and Zoning Commission, places approximately 7.664 acres into the Medium Density Mixed-Use Neighborhood ("MMN") zone district, and approximately 139.835 acres into the Low Density Mixed-Use Neighborhood ("LMN") zone district.

Staff also recommends placement of the full 147.499 acres into the Residential Neighborhood Sign District and the LC1 Lighting Context area, to support low ambient lighting standards, as described in standards in the Fort Collins Land Use Code.

The Annexation of this Strauss Lakes property appears as a separate agenda item on the Council agenda.

14. Resolution 2026-115 Making an Appointment to the Board of Directors of Housing Catalyst.

The purpose of this item is to fill one vacancy on the Board of Directors of Housing Catalyst.

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 - None.

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.

15. Public Hearing #1 on 2027-2028 Recommended Budget.

The purpose of this item is to hold the first public hearing to gather public input on the 2027-28 budget. Both hearings were set by Council adoption of Resolution 2026-113 at its September 15, 2026, meeting. The City Manager's 2027-28 Recommended Budget can be reviewed at the City Clerk's Office by appointment only and online. Spanish interpretation will be available at all 2027-28 budget related meetings.

16. Second Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.

This Ordinance, adopted on First Reading on September 15, 2026, by a split vote of 5-2 (Nays: Hoeven, Potyondy) brings an amendment to the Land Use Code. At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.**

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review ("BDR") in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR

for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

17. Resolution 2026-116 Approving an Agreement Between Avago Technologies Wireless Manufacturing, LLC and the City to Provide Business Investment Assistance.

The purpose of this item is to consider a Business Expansion Economic Incentive Agreement between the City and Avago Technologies Wireless Manufacturing, LLC (dba "Avago"). The Avago project will consist of the remodeling and modernizing of Building 2, expansion of Building 4, and capital investment of approximately \$950 million in machinery, automation, research and development, abatement equipment and construction materials.

P) RESUMED PUBLIC COMMENT (if applicable)

Q) OTHER BUSINESS

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.)

2. Consideration of Motion for Executive Session for Legal Advice related to Capital Expansion Fees:

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

- City Charter Article Roman Numeral Two, Section 11(2)

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

- Colorado Revised Statutes Section 24-6-402(4)(b) for the purpose of discussing with the City's attorneys and appropriate management staff the following:

1. specific legal questions related to potential litigation related to current or proposed capital expansion fees; and

2. the manner in which current or proposed capital expansion fees may be affected by existing or proposed provisions of federal, state or local law."

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:

1. Declaring the Day of October 15, 2026, as Imagine A Day Without Water Day.

A community reception will be held at City Hall at 4 p.m.



PROCLAMATION

WHEREAS, the infrastructure that brings water to and from homes and businesses is essential to the quality of life and economic vitality of the city of Fort Collins; and

WHEREAS, the City of Fort Collins Utilities serves treated water to over 135,000 customers, has over 500 miles of water mains, operates and maintains a large water treatment facility and two wastewater treatment facilities; and

WHEREAS, utilities nationwide are grappling with aging infrastructure and lack reliable revenue and funding to maintain systems let alone upgrade their systems; and

WHEREAS, the City of Fort Collins is investing in our drinking water and wastewater systems to secure a bright and prosperous future for generations to come; and

WHEREAS, innovation in water efficiency and reuse will drive job growth, economic development, and establish a 21st century paradigm of water management; and

WHEREAS, managing water responsibly is critical to our nation's environmental health and to a high quality of life through economic commerce and recreation; and

WHEREAS, the City of Fort Collins Utilities has a Water Shortage Action Plan and a Water Efficiency Plan which helps mitigate potential risk to our shared water supplies, to avoid water service disruptions and protection of this vital resource we all depend on.

NOW, THEREFORE, I, Emily Francis, Mayor of the City of Fort Collins, do hereby proclaim October 15, 2026, as

IMAGINE A DAY WITHOUT WATER DAY

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of October 2026.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

2. Declaring the Week of October 4-10, 2026, as Public Power Week.



PROCLAMATION

WHEREAS, the residents of Fort Collins place a high value on local choice for community services and therefore have chosen to operate a community-owned, not-for-profit electric utility and, as customers and owners of our electric utility, have a direct say in utility operations and policies; and

WHEREAS, Fort Collins Light & Power provides our homes, businesses, schools, and social service and local government agencies with reliable, efficient, and safe electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, Fort Collins Light & Power will continue to work to bring low-cost, safe, reliable electricity to community homes and businesses just as it has since 1888, the year when the utility was created to serve all the residents of Fort Collins; and

WHEREAS, the week of Oct. 4-10 is designated Public Power Week to recognize the people behind public power at Fort Collins Light & Power for their contributions to the community and to educate customer-owners, policy makers, and employees on the benefits of public power.

NOW, THEREFORE, I, Emily Francis, Mayor Pro Tem of the City of Fort Collins, do hereby proclaim October 4-10, 2026, as

PUBLIC POWER WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of October, 2026.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

3. Declaring the Week of October 4-10, 2026, as Fire Prevention Week.



PROCLAMATION

WHEREAS, Fire Prevention Week is October 4 through 10, 2026 and the theme is, “Charge into Fire Safety- Safe Charging is a Superpower!” and

WHEREAS, this year’s theme spreads awareness about lithium-ion batteries which are working and charging in most homes and businesses; and

WHEREAS, Poudre Fire Authority (PFA) regularly responds to fires that are ignited by batteries; and

WHEREAS, these fires burn hot and can be extremely difficult to extinguish, making them dangerous for both the community and firefighters. Be sure to:

- **Buy only listed products** – look for a safety certification mark such as UL, ETL, or CSA. This means it meets important safety standards.
- **Charge devices safely** – always use the cords that came with the product to charge. Follow the instructions from the manufacturer. Buy new chargers from the manufacturer or one that the manufacturer has approved. Charge your device on a hard surface. Don’t overcharge your device. Unplug it or remove the battery when it’s fully charged.
- **Recycle batteries responsibly.** Lithium-ion batteries should never be put in the curbside recycling or trash because they can (and have) started fires. Recycle your device or battery at a safe recycling location such as Timberline Recycling Center or the Larimer County Landfill.

NOW, THEREFORE, I, Emily Francis, Mayor of the City of Fort Collins, do hereby proclaim October 4 – 10, 2026, as

FIRE PREVENTION WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of October, 2026.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

4. Declaring the Month of October 2026 as Conflict Resolution Month.



PROCLAMATION

WHEREAS, the month of October is celebrated across the State of Colorado as Conflict Resolution Month; and

WHEREAS, the City of Fort Collins, in conjunction with other local entities, is recognizing this celebration; and

WHEREAS, conflict resolution encompasses community mediation, restorative practices and justice, conflict transformation, facilitation, collaborative decision-making, and other respectful responses to differences; and

WHEREAS, conflict transformation processes empower individuals, families, communities, neighborhoods, organizations, schools, and businesses to foster communication and devise solutions that are acceptable to the needs and interests of all parties involved; and

WHEREAS, the City of Fort Collins provides conflict transformation services to the community through Mediation & Restorative Justice Services, which has changed its name to Conflict Transformation Works; and

WHEREAS, community-based programs fairly and equitably transform neighborhood and community conflicts, thereby repairing, creating, and strengthening relationships; and

WHEREAS, I, along with the entire City Council, encourage Fort Collins residents to seek peaceful and collaborative ways to transform conflicts and hence contribute to creating an exceptional community that everyone can call home.

NOW, THEREFORE, I, Emily Francis, Mayor of the City of Fort Collins, do hereby proclaim October 2024 as

CONFLICT RESOLUTION MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of October, 2026.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

5. Declaring the Month of October 2026 as Cyber Security Awareness Month.



PROCLAMATION

WHEREAS, Cybersecurity Awareness Month, observed each October, brings government and industry together to raise awareness of cybersecurity and our shared responsibility to stay safe and secure online; and

WHEREAS, the City of Fort Collins recognizes the importance of identifying, responding to, and protecting against cyber threats that may significantly impact the security and privacy of individuals and our community; and

WHEREAS, critical infrastructure increasingly relies on information systems to support essential services, including financial services, energy, telecommunications, transportation, utilities, health care, and emergency response systems; and

WHEREAS, this year's theme, "Securing the Next 250," focuses on taking foundational steps to protect against online threats and build a secure digital future for America's next era; and

WHEREAS, cybersecurity is a shared responsibility, and all members of our community—including elected officials, City staff, businesses, and residents—have a critical role to play in strengthening our collective security and resilience; and

WHEREAS, the City of Fort Collins encourages all community members to take proactive steps to protect their personal information, devices, and digital environments and to remain vigilant against evolving cyber threats.

NOW, THEREFORE, I, Emily Francis, Mayor of the City of Fort Collins, do hereby proclaim the month of October 2026 as

CYBERSECURITY AWARENESS MONTH

in the City of Fort Collins and encourage all community members to take an active role in protecting themselves, our community, and the digital infrastructure upon which we depend.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Fort Collins this 6th day of October, 2026.

Mayor

ATTEST:

City Clerk

File Attachments for Item:

1. Consideration and Approval of the Minutes of the September 15, 2026, Regular Meeting.

The purpose of this item is to approve the minutes of the September 15, 2026, Regular Meeting.

October 6, 2026



AGENDA ITEM SUMMARY

City Council

STAFF

Delynn Coldiron, City Clerk

SUBJECT

Consideration and Approval of the Minutes of the September 15, 2026, Regular Meeting.

EXECUTIVE SUMMARY

The purpose of this item is to approve the minutes of the September 15, 2026, Regular Meeting.

STAFF RECOMMENDATION

Staff recommends approval of the minutes.

ATTACHMENTS

1. Draft Minutes, September 15, 2026

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting – 6:00 PM

PROCLAMATIONS AND PRESENTATIONS

A) PROCLAMATIONS AND PRESENTATIONS

1. **Declaring the Day of September 24, 2026, as Bette Sears Bike Lane Appreciation Day.**
2. **Declaring the Week of September 17-23, 2026, as Constitution Week.**
3. **Declaring September 15-October 15, 2026, as Latinx/Hispanic Heritage Month.**

REGULAR MEETING

6:00 PM

B) CALL MEETING TO ORDER

Mayor Emily Francis 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 Emily Francis led the Pledge of Allegiance to the American Flag.

D) ROLL CALL

PRESENT

Mayor Emily Francis
Mayor Pro Tem Julie Pignataro
Councilmember Melanie Potyondy
Councilmember Amy Hoeven
Councilmember Chris Conway
Councilmember Anne Nelsen
Councilmember Josh Fudge

STAFF PRESENT

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

E) CITY MANAGER'S AGENDA REVIEW

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

- No changes to the published agenda.
- Items 1-19 on the Consent Calendar are recommended for adoption.
- One Discussion Agenda item.

F) COMMUNITY REPORTS – None.**G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS**

Peter Erickson spoke in support of adopting Ordinance No. 118, 2026, *Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses*, as written.

Joseph Izen spoke in opposition to the RP3 change to charge for the first vehicle to be parked in front of one's own residence.

Gabe Buckley spoke in opposition to scientific testing on animals.

Chelcie Barnnett spoke in opposition to scientific testing on animals.

Kate Conley spoke in support of adopting Ordinance No. 118, 2026, *Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses*, as written.

Adam Hirschhorn spoke about the Ad Hoc Committee on Affordable and Sustainable Growth and requested the minutes from the last meeting be amended to reflect direct or indirect accusations against the Committee.

Kevin Cross, Fort Collins Sustainability Group, spoke in opposition to the Platte River Power Authority Board's discussion of the rollback of its one hundred percent non-carbon electricity by 2030 goal.

Christina Swope spoke in opposition to the Platte River Power Authority Board's discussion of the rollback of its one hundred percent non-carbon electricity by 2030 goal.

Ben DeNardo spoke in opposition to the Platte River Power Authority Board's discussion of the rollback of its one hundred percent non-carbon electricity by 2030 goal.

George Weston spoke in opposition to the Platte River Power Authority Board's discussion of the rollback of its one hundred percent non-carbon electricity by 2030 goal.

Jacob Offen, Open Stage Theater, spoke in opposition to the upcoming budget's call for increased cost recovery for updated rental rates and user fees at the Lincoln Center and other City facilities.

H) PUBLIC COMMENT FOLLOW-UP

Councilmember Potyondy thanked the speakers for taking the time to comment.

Councilmember Hoeven thanked Mr. Izen for sharing his concerns and noted she requested a pause on the implementation of the new rates, which staff has been able to establish due to a few factors.

Mayor Pro Tem Pignataro thanked the speakers and noted there will be more to come on the issue around scientific testing on animals.

I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

None.

J) CONSENT CALENDAR**1. Consideration and Approval of the Minutes of the September 1, 2026, Regular Meeting.**

The purpose of this item is to approve the minutes of the September 1, 2026, Regular Meeting.

Approved.

2. Second Reading of Ordinance No. 111, 2026, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Support of the Utilities Customer Information Systems Project and Integrated Maximo Asset Management System Project.

This Ordinance, unanimously adopted on First Reading on September 1, 2026, appropriates supplemental funding within the respective Utilities Fund for an extension of the Utilities Customer Information Systems ("CIS") Project and integrated Maximo Asset Management System Project.

Fort Collins Utilities is evaluating extending the software go-live date for the implementation of the new Utilities CIS. While replanning efforts are underway to determine an exact date, the project is recommended to be extended into the spring of 2027 for full system readiness and allow for comprehensive product development and testing. Consequently, this project requires additional budget appropriations to cover the extended project duration through 2026.

Adopted on Second Reading.

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

A. Second Reading of Ordinance No. 112, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the Community Development Block Grant Fund.

B. Second Reading of Ordinance No. 113, 2026, Making Supplemental Appropriations of Department of Housing and Urban Development Grant Funds in the HOME Investment Partnerships Grant Fund.

This Ordinance, unanimously adopted on First Reading on September 1, 2026, appropriates the City's FY2026 Community Development Block Grant ("CDBG") Entitlement Grant and FY2026 Home Investment Partnerships Program ("HOME") Participating Jurisdiction Grant from the Department of Housing and Urban Development ("HUD"), CDBG program income from FY2024 & FY2025 and HOME Program Income from FY2024 & FY2025.

Both Ordinances Adopted on Second Reading.

4. Second Reading of Ordinance No. 114, 2026, Appropriating Art in Public Places Reserves for a Community Arts and Art in Public Places Master Plan.

This Ordinance, unanimously adopted on First Reading on September 1, 2026, appropriates \$103,500 from Art in Public Places ("APP") reserves to fund a Community Arts and Art in Public Places Master Plan (the "Master Plan"). The appropriation includes \$90,000 for consultant services and a 15% contingency of \$13,500. The planning process will build on the FoCo Creates Master Plan and prior APP and community arts work to evaluate programs, governance, funding

and reserve strategies, staffing and operational capacity, community engagement, partnerships, and public art policies. The final plan will provide actionable priorities, implementation strategies, and measures of success to guide the future of Community Arts and APP and will be referred to as the Community Arts and Art in Public Places Master Plan.

Adopted on Second Reading.

5. **Second Reading of Ordinance No. 115, 2026, Appropriating Unanticipated Grant Revenue from the Colorado Department of Natural Resources for the Fishing is Fun Grant Program and Authorizing a Transfer of Appropriations.**

This Ordinance, unanimously adopted on First Reading on September 1, 2026, appropriates \$72,700 of unanticipated grant revenue from the Colorado Department of Natural Resources, Colorado Parks and Wildlife Division, for the Fishing is Fun Grant Program. The funding will support improved angling opportunities, accessibility, and angler satisfaction in Northern Colorado by enhancing infrastructure and aquatic habitat at Arapaho Bend Natural Area. This item also appropriates \$44,700 from within fund 272 to meet the cost-share requirement of the grant.

Adopted on Second Reading.

6. **Second Reading of Ordinance No. 116, 2026 Appropriating Unanticipated Revenue From the Extended Producer Responsibility Program for Recycling Education and Outreach and Curbside Recycling Collection.**

This Ordinance, unanimously adopted on First Reading on September 1, 2026, appropriate \$5,525,525 in funds from the statewide Extended Producer Responsibility Program to conduct recycling and outreach education activities and offset the cost of residential recycling service.

Adopted on Second Reading.

7. **Second Reading of Ordinance No. 117, 2026, Amending Section 12-32 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.**

This Ordinance, unanimously adopted on First Reading on September 1, 2026, updates City Code to modify the Contracted Residential Waste Collection Program to clarify the City Manager's authority to approve necessary and appropriate contract amendments with the intent of streamlining administrative processes.

Adopted on Second Reading.

8. **Second Reading of Ordinance No. 119, 2026, Authorizing the Purchasing Agent to Enter into a Contract with HDR, Inc., for Professional Services for a Period Longer Than Five Years for the Design and Construction Support of the North Mason Stormwater Project.**

This Ordinance, unanimously adopted on First Reading on September 1, 2026, authorizes the Purchasing Agent, pursuant to City Code Section 8-186(a), to enter into a contract with HDR, Inc., for a period longer than five years in length, for professional services for the design and construction support of the proposed North Mason Stormwater Project. Contracts authorized under the Ordinance would be extended up to the completion of the project. Design for the project began in 2019 and is expected to be completed in 2029, with pauses to better formulate the project. Under the current scenario, without the Ordinance, the existing contract would expire before the design could be completed, a situation that would result in logistical and cost ramifications for the project.

Adopted on Second Reading.

9. **Second Reading of Ordinance No. 120, 2026, Approving the Second Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.**

This Ordinance, unanimously adopted on First Reading on September 1, 2026, considers the Second Amendment to Planned Unit Development (“PUD”) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan. The amendment would extend the contingency for closing of the Developer’s purchase from the Anheuser-Busch Foundation for up to two additional years.

Adopted on Second Reading.

10. **Second Reading of Ordinance No. 121, 2026, Authorizing the Conveyance of a Permanent Easement and Temporary Construction Easements on Parks Property.**

This Ordinance, unanimously adopted on First Reading on September 1, 2026, authorizes the conveyance of one Permanent Easement (the “PE”) and two Temporary Construction Easements (the “TCEs”) (the “Easements”), being a portion of City property owned by Parks, for the abandonment of a septic vault and installation of a sewer line.

Adopted on Second Reading.

11. **Second Reading of Ordinance No. 122, 2026, Amending Section 2-76 of the Code of the City of Fort Collins to Update the Board and Commission Member Residency Requirement and Directing Amendments to the Boards and Commissions Manual.**

This Ordinance, unanimously adopted on First Reading on September 1, 2026, amends Section 2-76 of the Code of the City of Fort Collins to allow board and commission members to temporarily relocate outside the Fort Collins Growth Management Area for up to 90 days without losing their board or commission membership. If adopted, the City Clerk will amend the Boards and Commissions Manual to reflect the revised residency requirement and incorporate recent changes to the Code of Conduct.

Adopted on Second Reading.

12. **Second Reading of Ordinance No. 123, 2026, Making a Supplemental Appropriation from the Colorado Department of Local Affairs Energy and Mineral Impact Assistance Fund and Appropriating Wastewater Fund Reserves for the Septage Receiving Facility Project.**

This Ordinance, unanimously adopted on First Reading on September 1, 2026, will appropriate the grant award revenue from DOLA, as well as amounts from the Wastewater Fund reserves, to expend for the Septage Receiving Facility Project.

Adopted on Second Reading.

13. **First Reading of Ordinance No. 124, 2026, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.**

The purpose of this item is to request an appropriation of \$53,200.88 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.

- 14. First Reading of Ordinance No. 125, 2026, Appropriating Unanticipated Grant Revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program.**

The purpose of this item is to appropriate \$17,638.83 of unanticipated grant revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program. The funding will support Fort Collins Police Services as a partner agency of the Northern Colorado Drug Task Force with supplemental overtime and investigative resources necessary to conduct complex, multi-agency investigations targeting drug trafficking organizations.

Larimer County applied for and was awarded \$55,357 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force (Attachment 1). Fort Collins Police Services, as a subrecipient, will receive \$17,638.83.

Adopted on First Reading.

- 15. Items Relating to Appropriating Additional Funds for 2026.**

A. First Reading of Ordinance No. 126, 2026, Making Supplemental Appropriations in Various City Funds.

B. First Reading of Ordinance No. 127, 2026, Appropriating Prior Year Reserves in Various City Funds.

C. First Reading of Ordinance No. 128, 2026, Approving a Transfer of an Appropriation in the Conservation Trust Fund.

The purpose of this item is to combine dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and therefore not included in the 2026 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses.

These were reviewed with the Council Finance Committee favorably in the August 31, 2026, meeting.

All Ordinances Adopted on First Reading.

- 16. First Reading of Ordinance No. 129, 2026, Amending the Landmark Designation of the J.M. Morrison House and Carriage House, 718 West Mountain Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Carriage House and Rename the Landmark as the J.M. Morrison Property.**

The purpose of this item is to request amendments to the landmark designation of the J.M. Morrison House and Carriage House at 718 West Mountain Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the "Commission") have determined that amendments are necessary to bring this property's historic designation into conformance with best practices for historic preservation. Such amendments include the removal of references to significance Standard 1 (Events) in the area of community planning and

development, the removal of the carriage house as a contributing building on the historic property, and the related change of the historic property name to the J.M. Morrison Property.

Adopted on First Reading.

17. **First Reading of Ordinance No. 130, 2026, Amending the Landmark Designation of the Marsh/Geist House and Garage, 1006 Laporte Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Garage and Rename the Landmark as the Walker/Geist Property.**

The purpose of this item is to request amendments to the landmark designation of the Marsh/Geist House and Garage at 1006 Laporte Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the "Commission") have determined that amendments are necessary to bring this property's historic designation into conformance with best practices for historic preservation. Such amendments include the removal of the garage as a contributing building on the historic property and the change of the historic property name to the Walker/Geist Property.

Adopted on First Reading.

18. **First Reading of Ordinance No. 131, 2026, Amending Portions of Section 1-15 of the Code of the City of Fort Collins Concerning General Penalties to Allow Restitution for Victims of Misdemeanors, Petty Offenses, and Civil Infractions, to Clarify what can be Requested as Restitution, and to Correct Cross References to Section 1-15.**

The purpose of this item is to amend City Code Section 1-15 to align its restitution provision.

City Code currently expressly allows for restitution for victims of misdemeanor offenses. This has been the language in the Code since 2005. Because the recent sentencing Code updates have reclassified many prior misdemeanor offenses as civil infractions or petty offenses, the Code must be amended to provide clarity of the intention to allow for restitution on offenses now classified as infractions and petty offenses, which include commonly charged offenses such as theft under \$300, criminal mischief under \$300, animal at large, and public nuisance.

The proposed amendments ensure that restitution can be made to victims of all non-traffic offenses and clarifies the categories of expenses that can be compensated through restitution.

There is also an error in the lettering of Section 1-15. This proposed amendment would correct that error to re-letter the Restitution section to subsection (f) and the Penalties section to subsection (g).

The Ordinance also directs the codifier of the Code of the City to amend sections of the City Code to remove references to specific subsections of Section 1-15 and replace such references with general references to Section 1-15.

Adopted on First Reading.

19. **Resolution 2026-113 Setting the Dates of the Public Hearings on the 2027 and 2028 Proposed City of Fort Collins Budget.**

The purpose of this item is to set two public hearing dates for the proposed 2027-2028 budget that the City Manager has filed with the City Clerk pursuant to Article V, Part I, Section 2 of the City Charter. Further, the Charter requires Council to set a date for a public hearing on the proposed budget and to cause notice of the hearing to be published, per Article V, Par I, Section 3 of the Charter. This Resolution sets two public hearing dates: the first for Council's regular

meeting on October 6, 2026, and the second for its regular meeting on October 20, 2026. The Resolution also directs the City Clerk to publish the notice of these two hearings that is attached as Exhibit "A" to the Resolution.

Adopted.

END OF CONSENT CALENDAR

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

The motion carried 7-0.

K) CONSENT CALENDAR FOLLOW-UP

None.

L) STAFF REPORTS – None

M) COUNCILMEMBER REPORTS

Councilmember Amy Hoeven

- Participated in the 9/11 Memorial Stair Climb on Friday.
- Attending Fight the Stigma fundraiser supporting mental health at Avogadro's Number on Saturday.

Councilmember Melanie Potyondy

- Noted a successful fundraiser was recently held for Neighbor to Neighbor.

Councilmember Josh Fudge

- Attended a fundraiser for the Poudre River Library District.
- Attended the Boards and Commissions staff liaison appreciation event.

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

None.

O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

20. **First Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.**

*The purpose of this item is to bring an amendment to the Land Use Code. At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.***

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review ("BDR") in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

STAFF PRESENTATION

Clay Frickey, Planning Director, stated the purpose of this item is to better align residential project review levels with the desire of the Ad Hoc Committee for housing to move through the process more quickly. He noted the proposed Code changes would move the level of review to Basic Development Review (BDR) for single-unit detached, single-unit attached, two-unit, multi-unit, and mixed-use dwellings in zone districts where those uses are already permitted. He discussed the alignment of the proposed changes with other City policies and noted the staff recommendation would keep the lower-density residential uses at their current review level for commercial zones in order to add a process incentive for denser development where it is contemplated in City Plan.

Frickey noted Basic Development Review has previously been associated with less complex projects and stated there would be revenue impacts associated with this change. Additionally, the changes would eliminate Planning and Zoning Commission review and neighborhood meetings for many projects. Frickey stated the Planning and Zoning Commission recommended that Council consider a threshold between large and small multi-unit and mixed-use projects given the differing impacts of larger projects. He stated staff is recommending adoption of the staff recommended Land Use Code changes.

PUBLIC COMMENT

Jamie Thorpe spoke in support of adopting Ordinance No. 118, 2026, *Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses*, as written.

Joe Rowan congratulated Council on the formation of the Ad Hoc Committee on Affordable and Sustainable Growth and spoke in support of adopting Ordinance No. 118, 2026, *Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses*, as written.

Adam Hirschhorn commented on the appropriate threshold for requiring a higher level of review.

COUNCIL QUESTIONS/COMMENTS

Councilmember Potyondy expressed support for the goals of the housing work and appreciation for the work of the Ad Hoc Committee. She stated she would like to move quickly to make development review more predictable, efficient, and less expensive, and stated she may ultimately feel confident in these proposed changes. She noted she raised a concern at the last meeting about the process that was used to formulate the recommendations that led to this ordinance and commented on the importance of the full Council having ample opportunity to understand alternatives, tradeoffs, and reasoning. She stated an Ad Hoc Committee should inform judgement of Council, not substitute for it, and noted there will be steps taken such as providing Council with minutes of the Committee meetings and discussing Planning and Zoning Commission recommendations.

Councilmember Hoeven echoed Councilmember Potyondy's comments and noted she supports the Council priority of promoting affordability, sustainable growth, and making the development and permitting process more predictable, efficient, and cost effective. She also stated she is interested in better understanding the goals and strategies that lead to these types of discussion items and proposals. She stated she supported the establishment of the Ad Hoc Committee based on her understanding that the full Council would be continuously and constantly updated and would be able to participate in discussions about suggestions. She also stated this Committee is the only Council Committee in which the discussions happen on Teams, but are not recorded, and have no meeting minutes. She acknowledged that the Committee is new and the first steps have been fluid, stating she believes it was a mistake to bring this item forward on the Consent Agenda with two options to consider. She stated it may be too soon for her to vote to decide on this item tonight as she has not yet had enough time to understand the information and have a discussion.

Councilmember Hoeven stated she would like to understand the goals clearly enough to be able to measure success over time. She asked how many new housing units will need to be built to lower rents on a sustained, long-term basis if the goal is to provide affordable and sustainable growth. She commented on doing research on Austin, Texas and its efforts to pursue building units in order to lower rents, noting it built 12.5% of its housing stock in two years and had rents decrease by 7%, though the city is now experiencing a decades-low level of growth, a 75% reduction in housing starts, and stabilizing rents. She went on to discuss Fort Collins statistics related to housing permits and noted 12.5% of its housing stock would be approximately 10,000 units.

Councilmember Hoeven asked if this proposal would increase the number of units built and/or lower rents, and if so, by how much. She commented on The Mark project stating it is not likely its rents would have been reduced due to a \$10,000 reduction in fees, which would have been the fee reduction under this proposal according to staff.

Councilmember Hoeven questioned the reduction of oversight and community involvement that would result from the proposed changes and concurred with the statement provided by the Planning and Zoning Commission about neighborhood meetings and public hearings providing transparency and meaningful engagement. She reiterated her support for promoting affordability and sustainability and for the Ad Hoc Committee's work on the Council priority.

Mayor Francis stated this ordinance is not about a fee reduction, but rather about fulfilling the Committee's charge to help make development more predictable, efficient, and cost effective, and streamlining the process helps meet those goals. She noted the Committee was not tasked with reducing rents and suggested it is difficult to compare the situation in Austin with Fort Collins. She stated her focus is on the supply issue, noting Fort Collins is already behind on supply. She also stated the Committee is getting its footing and is committed to continuously updating Council.

She stated this proposal has been identified in multiple plans as one way to make development more predictable and efficient. She added that not all Committees have meetings that are recorded or have minutes, though the Ad Hoc Committee has committed to providing minutes, a six-month calendar, and regular reporting to Council. Mayor Francis commended staff's thoughtful recommendation and stated she is happy to support it.

Councilmember Fudge thanked Councilmember Hoeven for her comments and research and stated this proposal will help to make the development process easier and more predictable. He noted the City does not have a silver bullet in solving housing affordability. He also stated a series of smaller items such as this will allow for discussion about individual changes. He asked if the Harmony Corridor will eventually be added to the transit-oriented development overlay zone. Frickey replied in the affirmative.

Councilmember Fudge noted he was undecided on this matter at the September 1st meeting and was considering making an amendment with a threshold; however, he is now in agreement with the staff recommendation. He reiterated this does not change what is allowed to be built in various zone districts but will help get already allowed projects done more quickly.

Councilmember Conway stated he was excited to support this proposal, particularly given housing affordability has risen to the top of the list of concerns for Fort Collins residents. Additionally, he stated the issue of community engagement is important at the right point in the process.

Mayor Pro Tem Pignataro expressed support for the ordinance as written and commended her colleagues on their research.

Councilmember Nelsen commended her colleagues and expressed support for the ordinance as written. She noted the time, cost, and complexity of development is all currently higher here than in peer communities. She stated she believes this is a minor change to the Land Use Code and the level of public engagement remains comprehensive and appropriate. She reiterated that this does not change what is allowed to be built in various zone districts.

Mayor Pro Tem Pignataro moved, seconded by Councilmember Nelsen, to adopt Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.

The motion carried 5-2.

Yeas: Mayor Francis, Mayor Pro Tem Pignataro, Councilmembers Conway, Fudge, and Nelsen.

Nays: Councilmembers Hoeven and Potyondy.

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

There being no further business before the Council, the meeting was adjourned at 7:26 p.m.

Mayor

ATTEST:

City Clerk

DRAFT

File Attachments for Item:

2. Second Reading of Ordinance No. 124, 2026, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests an appropriation of \$53,200.88 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.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Emily Land, Director of Philanthropy and Strategic Partnerships

SUBJECT

Second Reading of Ordinance No. 124, 2026, Appropriating Unanticipated Philanthropic Revenue Received Through City Give.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests an appropriation of \$53,200.88 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 recommends the 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 2026 totaling \$53,200.88 to support various departments, and these funds are currently unappropriated. Both Section 2.2 of the City's Financial Management Policy 2 – Revenue, as approved by City 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 \$53,200.88 have been received for various programs. These gifts include: \$3,750.00 to support the Summer Gardens Concert Series to support the Summer Gardens Concert Series, \$3,300.00 from the Audiology Group of Northern Colorado to support Arts & Culture, \$13,000.00 from Kentwood Real Estate to support Arts & Culture, \$2,000.00 from FoCo Snow Charities to benefit the Youth Golf Scholarship Fund, \$4,400.88 from various utility customers to support the Payment Assistance Fund, \$7,500.00 from Verizon Wireless to support the Police Leaders Summit, \$250.00 from the Ottercares Foundation to support Recreation, \$10,000.00 from Connexion in support of Open Streets, \$2,000 in support of Morning Fresh Dairy to support Kids in the Park, \$5,000.00 from Friends of FoCo Fondo in support of Safe Routes to

School, and \$2,000.00 from various individual donors to support various departments including forestry and visual arts.

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 by City Give in the amount of \$53,200.88 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
Arts and Culture Fund	Lincoln Center	\$3,750.00	Lapsing
Arts and Culture Fund	Auracast tech at LC, GOSC, FCMoD & remote	\$3,300.00	Lapsing
Arts and Culture Fund	Lincoln Center Showstopper Series Sponsorship	\$13,000.00	Lapsing
General Fund	Tribute Trees	\$500.00	Non-Lapsing
General Fund	Artist Opportunity Grants	\$1,000.00	Lapsing
General Fund	Tribute Tree	\$500.00	Non-Lapsing
General Fund	Police Leaders Summit	\$7,500.00	Lapsing
Golf Fund	Youth Golf Scholarship Fund	\$2,000.00	Non-Lapsing
Light & Power Fund	Payment Assistance Fund	\$2,180.35	Non-Lapsing
Light & Power Fund	Payment Assistance Fund	\$2,220.53	Non-Lapsing
Recreation Fund	Funtime Preschool	\$250.00	Lapsing
Recreation Fund	Kids in the Park Sponsorship	\$2,000.00	Lapsing
Transportation Fund	Safe Routes To School	\$5,000.00	Lapsing
Transportation Fund	Open Streets	\$10,000.00	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 / LINKS

First Reading attachments available in September 15, 2026, agenda materials at the following link:
<https://fortcollins-co.municodemeetings.com/>

1. Ordinance No. 124, 2026

ORDINANCE NO. 124, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED PHILANTHROPIC REVENUE
RECEIVED THROUGH CITY GIVE

A. The City has received generous donations in 2026 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, public safety, cultural services and programs, forestry, parks and recreation, and utility payment assistance.

C. Article V, Section 9 of the City Charter permits 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 funds to be appropriated are available and previously unappropriated from the respective funds named in Section 1 and that this appropriation will not cause the total amount appropriated in each fund to exceed the current estimate of actual and anticipated revenues and all other funds to be received in those funds during this fiscal year.

E. Article V, Section 11 of the City Charter authorizes 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.

F. City Council wishes to designate the appropriation in the Light & Power Fund, which is for the Payment Assistance Fund; the appropriation in the Golf Fund, which is for the Youth Golf Scholarship Fund; and \$1,000.00 of the appropriations in the General Fund, which is for the Tribute Tree program, 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 unanticipated philanthropic revenue received in this fiscal year in the following funds to be expended as designated by the donors in support of the various City programs and services as described in the Agenda Item Summary for this Ordinance.

Arts and Culture Fund	\$ 20,050.00
General Fund	\$ 9,500.00
Golf Fund	\$ 2,000.00
Light & Power Fund	\$ 4,400.88
Recreation Fund	\$ 2,250.00
Transportation Fund	\$ 15,000.00

Section 2. The \$4,400.88 appropriation in the Light & Power Fund, which is for the Payment Assistance Fund; the \$2,000.00 appropriation in the Golf Fund, which is for the Youth Golf Scholarship Fund; and \$1,000.00 of the appropriations in the General Fund, which is for the Tribute Tree program, are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the earlier of the expiration of the donation or the City's expenditure of all funds received from such or donation.

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

3. Second Reading of Ordinance No. 125, 2026, Appropriating Unanticipated Grant Revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, appropriates \$17,638.83 of unanticipated grant revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program. The funding will support Fort Collins Police Services as a partner agency of the Northern Colorado Drug Task Force with supplemental overtime and investigative resources necessary to conduct complex, multi-agency investigations targeting drug trafficking organizations.

Larimer County applied for and was awarded \$55,357 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force (Attachment 1). Fort Collins Police Services, as a subrecipient, will receive \$17,638.83.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Adam Ruehlen, Police Lieutenant
Carisa Clinton, Manager, Grants Administration

SUBJECT

Second Reading of Ordinance No. 125, 2026, Appropriating Unanticipated Grant Revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on September 15, 2026, appropriates \$17,638.83 of unanticipated grant revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program. The funding will support Fort Collins Police Services as a partner agency of the Northern Colorado Drug Task Force with supplemental overtime and investigative resources necessary to conduct complex, multi-agency investigations targeting drug trafficking organizations.

Larimer County applied for and was awarded \$55,357 through the Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Northern Colorado Drug Task Force (Attachment 1). Fort Collins Police Services, as a subrecipient, will receive \$17,638.83.

STAFF RECOMMENDATION

Staff recommend adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Northern Colorado Drug Task Force is comprised of members from the Larimer County Sheriff Office, Fort Collins Police Services, and Loveland Police Department. Funding will fill critical operational gaps by enabling sustained investigative capacity without diverting personnel from primary calls for service. Expected outcomes include increased disruption of drug trafficking organizations, enhanced interagency coordination, and improved case development for prosecution. The \$17,638.83 in JAG grant funds supports Fort Collins Police Services by covering some of the overtime costs and investigative resources incurred as a member of the Northern Colorado Drug Task Force.

CITY FINANCIAL IMPACTS

This item appropriates \$17,638.83 in unanticipated grant revenue from the Department of Justice Office of Justice Programs for the Edward Byrne Memorial Justice Assistance Grant Program to the General Fund

(100) in Police Services. Grant funds will support supplemental overtime and investigative resources necessary to conduct complex, multi-agency investigations targeting drug trafficking organizations.

There is no match requirement under this grant.

This grant is a reimbursement type grant, meaning expenses will be reimbursed up to \$17,638.83.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

First Reading attachments available in September 15, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 125, 2026

ORDINANCE NO. 125, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED GRANT REVENUE FROM
THE DEPARTMENT OF JUSTICE OFFICE OF JUSTICE
PROGRAMS FOR THE EDWARD BYRNE MEMORIAL JUSTICE
ASSISTANCE GRANT PROGRAM

A. The Northern Colorado Drug Task Force (the “Drug Task Force”) is managed by the Larimer County Sheriff 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.

B. Larimer County applied for and was awarded \$55,357 through the 2026 Edward Byrne Memorial Justice Assistance Grant (JAG) program in support of operating the Drug Task Force.

C. The City of Fort Collins, City of Loveland, and Larimer County have entered into an intergovernmental agreement demonstrating the allocation of the \$55,357 in total awarded under JAG in support of the Drug Task Force. Fort Collins Police Services received \$17,638.83 to reimburse personnel costs directly attributed to the Drug Task Force in 2025.

D. The \$17,638.83 in JAG grant funds supports Fort Collins Police Services covering some of the personnel costs incurred as a member of the Drug Task Force.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purpose of keeping Northern Colorado communities safer through work to prevent and control drug-related crimes.

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

H. Article V, Section 11 of the City Charter authorizes 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.

I. City Council wishes to designate the appropriation herein for Department of Justice Office of Justice Programs (JAG) 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 SEVENTEEN THOUSAND SIX HUNDRED THIRTY-EIGHT DOLLARS AND EIGHTY-THREE CENTS (\$17,638.83) to be expended in the General Fund for the JAG Grant Program to supplement overtime and investigative resources necessary to conduct complex, multi-agency investigations targeting drug trafficking organizations.

Section 2. The appropriation herein for Department of Justice Office of Justice Programs (JAG) 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 or donation.

Section 3. Subject to the appropriation of funds by City Council, City Council hereby authorizes the City Manager to execute any agreements necessary to implement the funding allocations described herein on terms and conditions consistent with this Ordinance, along with such additional terms and conditions as the City Manager, in consultation with the City Attorney, deems necessary or appropriate to protect the interests of the City.

Section 4. This Ordinance shall not be construed as constituting City Council approval, support for approval, or waiver of any City regulatory requirement, including any application process whether in administrative or quasi-judicial review, for any grant referenced herein.

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026
Approving Attorney: Andrew Trevino

Exhibit: None

File Attachments for Item:

4. Items Relating to Appropriating Additional Funds for 2026.

A. Second Reading of Ordinance No. 126, 2026, Making Supplemental Appropriations in Various City Funds.

B. Second Reading of Ordinance No. 127, 2026, Appropriating Prior Year Reserves in Various City Funds.

C. Second Reading of Ordinance No. 128, 2026, Approving a Transfer of an Appropriation in the Conservation Trust Fund.

These Ordinances, unanimously adopted on First Reading on September 15, 2026, combine dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and therefore not included in the 2026 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses.

These were reviewed with the Council Finance Committee favorably in the August 31, 2026, meeting.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Caleb Weitz, Chief Financial Officer
Victoria Shaw, Budget Director

SUBJECT

Items Relating to Appropriating Additional Funds for 2026.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 126, 2026, Making Supplemental Appropriations in Various City Funds.

B. Second Reading of Ordinance No. 127, 2026, Appropriating Prior Year Reserves in Various City Funds.

C. Second Reading of Ordinance No. 128, 2026, Approving a Transfer of an Appropriation in the Conservation Trust Fund.

These Ordinances, unanimously adopted on First Reading on September 15, 2026, combine dedicated and unanticipated revenues or reserves that need to be appropriated before the end of the year to cover the related expenses that were not anticipated and therefore not included in the 2026 annual budget appropriation. The unanticipated revenue is primarily from fees, charges, rents, contributions and grants that have been paid to City departments to offset specific expenses.

These were reviewed with the Council Finance Committee favorably in the August 31, 2026, meeting.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

These Ordinances appropriate unanticipated revenue and prior year reserves in various City funds and authorize the transfer of appropriated amounts between funds and/or projects.

The City Charter permits Council to appropriate unanticipated revenue received as a result of rate or fee increases or new revenue sources, such as grants and reimbursements. The Charter also permits Council to provide, by ordinance, for payment of any expense from prior year reserves.

Additionally, the Charter authorizes Council to transfer any unexpended appropriated amounts from one fund to another upon recommendation of the City Manager, provided: that the purpose for which the transferred funds are to be expended remains unchanged; the purpose for which they were initially

appropriated no longer exists; or the proposed transfer is from a fund or capital project account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

If these appropriations are not approved, the City will have to reduce expenditures even though revenue and reimbursements have been received to cover those expenditures.

The table below is a summary of the expenses in each fund that make up the increase in requested appropriations. Also included are transfers between funds and/or projects which do not increase net appropriations, but per the Charter, require Council approval to make the transfer. A table with the specific use of prior year reserves appears at the end of the AIS.

Funding	Additional Revenue	Prior Year Reserves	Transfers*	TOTAL
General Fund	\$ 2,236,827	\$ 385,280	\$ -	\$ 2,622,107
Transportation CEF Fund	\$ -	\$ 150,982	\$ -	\$ 150,982
Transportation Fund	\$ 4,500	\$ 109,000	\$ -	\$ 113,500
Self-Insurance Fund	\$ -	\$ 1,329,157	\$ -	\$ 1,329,157
Utility CS&A Fund	\$ -	\$ 655,780	\$ -	\$ 655,780
Light & Power Fund	\$ 3,111,499	\$ -	\$ -	\$ 3,111,499
Water Fund	\$ 335,000	\$ 752,148	\$ -	\$ 1,087,148
Wastewater Fund	\$ 30,000	\$ -	\$ -	\$ 30,000
Golf Fund	\$ 450,000	\$ 294,575	\$ -	\$ 744,575
2050 Tax Parks Transit Rec OCF	\$ -	\$ 280,121	\$ -	\$ 280,121
Parking Fund	\$ 45,000	\$ 195,000	\$ -	\$ 240,000
Benefits Fund	\$ -	\$ 2,000,000	\$ -	\$ 2,000,000
Transit Services Fund	\$ 7,677	\$ 3,750	\$ -	\$ 11,427
Conservation Trust Fund	\$ -	\$ -	\$ 50,000	\$ 50,000
GRAND TOTAL	\$ 6,220,503	\$ 6,155,793	\$ 50,000	\$12,426,296

*Conservation Trust Fund transfer request is to transfer appropriated but unspent funds from a non-lapsing project budget to a lapsing project budget.

A. GENERAL FUND

1. **Fort Collins Police Services (FCPS)** has received revenue from various sources. A listing of these items follows:

- a. \$50,000 – Opioid Use Disorder: Police Services is managing a growing population of individuals whose opioid use disorder intersects simultaneously with the criminal justice system, behavioral health crisis services, homelessness, and repeat emergency responses. This program incorporates a Resource Navigator, Hybrid Position, and partnership with UC Health for a comprehensive, solutions forward approach to address the crisis.
- b. \$184,267 – Police Miscellaneous Revenue: Police Services receives revenue from the sale of Police reports along with other miscellaneous revenue, like restitution payments, evidence revenue and SWAT training.
- c. \$646,577 – Police Reimbursable Overtime: Police Services help schedule security and traffic control for large events. Since these events are staffed by officers outside of their normal duties, officers are paid overtime. The organization who requested officer presence is then billed for the costs of the officers' overtime. For example, FCPS partners with Larimer County to staff events at The Ranch. Police receive reimbursement from Larimer County for officers' hours worked at Ranch events.

- d. \$96,178– Police School Resource Officers: Police Services has a contract with Poudre School District (PSD) to provide Officers on location at a majority of schools for safety and support. PSD pays Police Services based on a predetermined contract amount and also by partially reimbursing for overtime incurred. This request is for the previously billed overtime and anticipated overtime for the remaining year.
- e. \$67,057– Police DUI Enforcement: Proceeds that have been received for DUI enforcement.

TOTAL APPROPRIATION

FROM: General Fund Reserves (Opioid Use Disorder)	\$50,000
FROM: Unanticipated Revenue (Police Miscellaneous Revenue)	\$184,267
FROM: Unanticipated Revenue (Police Reimbursable Overtime)	\$646,577
FROM: Unanticipated Revenue (School Resource Officers)	\$96,178
FROM: Unanticipated Revenue (DUI Enforcement)	<u>\$67,057</u>
TOTAL:	<u>\$1,044,079</u>

FOR: Opioid Use Disorder	\$50,000
FOR: Police Miscellaneous Revenue	\$184,267
FOR: Police Reimbursable Overtime for Events	\$646,577
FOR: Overtime for School Resource Officers	\$96,178
FOR: DUI Enforcement	<u>\$67,057</u>
TOTAL:	<u>\$1,044,079</u>

2. Forestry Payment In Lieu

The Forestry Division receives Payment in Lieu (PIL) revenue when a developer cannot plant enough trees on a development site to meet City requirements. These funds are used to support planting trees elsewhere in the City.

FROM: Unanticipated PIL Revenue	\$17,660
FOR: Citywide Tree Planting	\$17,660

3. Forestry- Arborist Licensing and Rooted in Community Unanticipated Revenue

The Forestry Department collected higher than anticipated revenues from their Rooted in Community Tree Sale and from arborist licensing.

FROM: Unanticipated Revenue	\$30,975
FOR: Forestry Expenses	\$30,975

4. Manufacturing Equipment Use Tax

Finance requests the appropriation of \$47,190 to cover the amount due for the 2025 Manufacturing Equipment Use Tax Rebate program as established in Chapter 25, Article II, Division 5, of the Municipal Code. The rebate program was established to encourage investment in new manufacturing equipment by local manufacturing firms. This item appropriates the use tax funds to cover the payment of the rebates.

FROM: General Fund Reserves (Manufacturing Rebate reserve within the General Fund)	\$47,190
FOR: Manufacturing Equipment Use Tax	\$47,190

5. Cap Adjustment for Poudre Fire Authority Services

With Sales tax, use tax, and property tax revenues projected to outperform the 2026 adopted budget, the City is subject to provisions outlined in the Intergovernmental Agreement with Poudre Fire Authority (PFA). The provisions establish the level of tax revenues that are subject to allocation to PFA when actual or projected collections exceed the adopted 2026 Budget.

FROM:	Unanticipated Revenue	\$1,085,837
FOR:	Poudre Fire Authority	\$1,085,837

6. 2026 ERP Project Expenses

This Annual Adjustment request is for 2026 expenses for pre-work and due diligence needed to build the RFP, evaluate vendor responses, and sign a contract, targeted for Q1 2027. That work was primarily comprised of staff time and consulting costs that were not previously budgeted. Those costs weren't included in the 2025-26 Budget because the timing of the ERP Project was not yet known. \$25,000 of the amount appropriated from General Fund Reserves will be transferred to be expended within the Data & Communications Fund.

FROM:	General Fund Reserves	\$263,090
FOR:	2026 ERP Project Expenses (To be expensed in General Fund)	\$263,090
FROM:	General Fund Reserves	\$25,000
FOR:	2026 ERP Project Expenses (To be expensed in Data & Communications Fund)	\$25,000

7. Sales and Use Tax Audit Revenue

This annual adjustment request is for 2026 unanticipated revenue from sales and use tax audit revenue. The additional audit revenue will be used to cover third party audit costs.

FROM:	Unanticipated Revenue	\$64,540
FOR:	Sales and Use Tax 3 rd Party Audit Cost	\$64,540

8. Radon Kits Sales

Environmental Services sells radon test kits at a discounted rate as part of its program to reduce lung-cancer risk from in-home radon exposure. This appropriation recovers kit sales revenue for the purpose of restocking radon test kits annually.

FROM:	Unanticipated Revenue (Radon Kits)	\$1,704
FOR:	Radon Kits	\$1,704

9. Conflict Transformation Works Program – Revenue Recovery

Conflict Transformation Works (CTW), which includes restorative justice and community mediation programs, receives payment for work it does for other City departments through its workplace mediation program and also has program fees for parts of its programming. CTW would like to recover and appropriate these funds to use for expenses related to volunteer training, support and appreciation as well as completing materials related to the re-branding project underway supporting the name change and new program offerings. Also a small portion of the funding will be used to pay victim restitution for victims of restorative justice cases in the CTW programs. Youth in the program do volunteer work to earn the victim restitution. This is provided for families unable to pay the restitution their youth owes and for youth too young or otherwise unable to do paid work for the restitution. This assures the victim receives restitution despite a family's inability to pay. Program staff cannot predict how many youth will request this support and will qualify.

FROM:	Unanticipated Revenue (CTW)	\$8,382
FOR:	Conflict Transformation Works Program	\$8,382

10. Historic Property Surveys

This request is intended to cover the 2026 Historic Survey Expenses. Revenue is collected from the development applicants and then paid to the 3rd party contractors to complete the survey. This request captures revenue captured YTD plus anticipated revenue through year-end.

FROM:	Unanticipated Revenue	\$7,650
FOR:	Historic Property Survey Expenses	\$7,650

11. Land Bank Operating Expenses

This request is intended to cover expenses related to the land bank property operation costs for 2026. Because expenses vary year to year, funding is requested annually through the Clean Up process to cover these costs. Expenses in 2026 include general maintenance of properties, raw water and sewer expenses, electricity, repairs, pest control, and other as applicable.

FROM:	Unanticipated Revenue	\$20,000
FOR:	Land Bank Operational Expenses	\$20,000

12. Landmark Rehab Loan Program – Annual Servicing Fees

This request is intended to cover the 2026 Servicing Fees for managing the Landmark Preservation Loan Portfolio. Annual fees are based on portfolio size and are paid from revolving revenue generated from the program.

FROM:	Unanticipated Revenue	\$6,000
FOR:	Landmark Rehab Loan Program	\$6,000

B. TRANSPORTATION CEF FUND RESERVE FOR TRANSFER TO CAPITAL PROJECTS FUND

1. Payment in lieu for Vine Bridge Replacement Project

The City received a development payment in lieu within a lapsing business unit in the Transportation CEF Fund. The funds have not been appropriated. The department is requesting an appropriation of the Transportation CEF Reserve funds to the Capital Projects Fund to be used for the non-lapsing capital project: Vine Bridge Replacement Project.

FROM:	Transportation CEF Reserves	\$111,860
TO:	Capital Projects Fund (Vine Bridge Replacement)	
FOR:	Vine Bridge Replacement Project	\$111,860

2. Payment in lieu for Drake and College Capital Project

This is a development payment in lieu for the Drake & College capital project. It will be appropriated to complete the landscaping work, which is part of the development agreement.

FROM:	Transportation CEF Reserves	\$39,122
TO:	Capital Projects Fund (Drake & College)	
FOR:	Drake & College Capital Project	\$39,122

C. TRANSPORTATION SERVICES FUND

1. Open Streets Vendor Fees

Open Streets is an annual FC Moves event that promotes active modes of transportation and invites folks to experience streets without cars. At Open Streets, participants can expect 1-2 miles of car-free, family-friendly streets. Participants are encouraged to Ride the Route and explore areas called "Activity Hubs"- temporary clusters of activity provided by local businesses and organizations. Vendors for Open Streets are charged \$50 if they are a non-profit, \$100 if they are a private

business. This request includes \$4,500 of unanticipated revenue from vendor fees.

FROM:	Unanticipated Revenue (Vendor Fees)	\$4,500
FOR:	Open Streets Program	\$4,500

2. **FC Moves Personnel Salaries**

This request appropriates \$109,000 from fund reserves for personnel and is in the same amount as a previous appropriation in 2026 of \$109,000 for related purposes. The context of that prior appropriation is that FC Moves received a grant in 2026 for which the City's matching obligation for personnel expenses, over a four-year period from 2026-2029, is \$109,000. To meet this obligation, the City must have sufficient funds appropriated for the entire four-year period, even though the expenses are incurred annually. This second appropriation from fund reserves will ensure that the full amount of \$109,000 will be in place for the 2026-2029 period of the grant for the lapsing personnel budget in 2026. The purpose of this appropriation is to address, on the accounting side, the lapsing and non-lapsing grant funds; this appropriation does not change or increase the City's obligations for this grant. If unused, this amount will lapse and be reflected as fund reserves.

FROM:	Transportation Services Fund Reserves	\$109,000
FOR:	FC Moves Personnel Salaries	\$109,000

D. SELF-INSURANCE FUND

1. **Self-Insurance Fund Revenue**

City insurance premiums and claim settlements are projected to exceed the 2026 budget within the Self Insurance Fund. Prior year reserves in the amount of \$1,329,157 are requested to cover excess insurance expenditures.

FROM:	Self-Insurance Fund Reserves	\$1,329,157
FOR:	City Insurance Premiums and Claim Settlements	\$1,329,157

E. UTILITY CS&A FUND

1. **Banking & Credit Card Fee Appropriation**

Appropriate additional banking and credit card fees based on an increased number of customers utilizing online banking services to pay utility bills via eCheck or credit card. Utilities absorbs transaction fees for online payments (1) \$0.50 per eCheck and (2) Debit/Credit Cards are 1.15% up to \$1,500, increasing to 2.75% for transactions over \$1,500. Additional fee budget is offset by the increase in fund revenues attributed to customer transaction growth and utility rate increases.

FROM:	CS&A Fund Reserves	\$655,780
FOR:	Utilities Banking & Credit Card Fees	\$655,780

F. LIGHT & POWER FUND

1. Light & Power System Additions for Development Revenue

This request will appropriate additional Light & Power development fee revenue to cover the related electric infrastructure costs to serve new and/or upgraded residential and commercial developments.

Expenses for electric system additions are development-dependent and are anticipated to end the year over the original budgeted amounts. Through July 2026, revenues generated from development are over budget by \$2,446,499.

FROM:	L&P Development Fee Revenue	\$2,446,499
FOR:	Electric Infrastructure Costs	\$2,446,499

2. Utilities Payment in Lieu of Taxes (PILOT) - Part 1 of 3

This request will appropriate additional PILOT revenue to cover associated PILOT expenses for Utilities funds. PILOT revenues (6% of electric, water, and wastewater charges) collected by Utilities are a direct pass-through expense to the City's General Fund. Fund PILOT revenues and expenses are exceeding budgeted 2026 amounts.

FROM:	Unanticipated Revenue PILOT	\$665,000
FOR:	PILOT Expenses	\$665,000

G. WATER FUND

1. Utilities Payment in Lieu of Taxes (PILOT) - Part 2 of 3

This request will appropriate additional PILOT revenue to cover associated PILOT expenses for Utilities funds. PILOT revenues (6% of electric, water, and wastewater charges) collected by Utilities are a direct pass-through expense to the City's General Fund. Fund PILOT revenues and expenses are exceeding budgeted 2026 amounts.

FROM:	Unanticipated Revenue PILOT	\$335,000
FOR:	PILOT Expenses	\$335,000

2. Utilities Water Distribution

This revision will appropriate additional funding to cover increased water main break repair costs across affected accounts. One Water's Water Distribution department has seen substantial increase in number of water main breaks year-over year. Combine increased quantity with increased unit cost, which is associated with both internal City service charges and external vendor costs, Water Distribution has historic overspend.

FROM:	Water Fund Reserves	\$752,148
FOR:	Water main break repair costs	\$752,148

H. WASTEWATER FUND

1. Utilities Payment in Lieu of Taxes (PILOT) - Part 3 of 3

This request will appropriate additional PILOT revenue to cover associated PILOT expenses for Utilities funds. PILOT revenues (6% of electric, water, and wastewater charges) collected by Utilities are a direct pass-through expense to the City's General Fund. Fund PILOT revenues and expenses are exceeding budgeted 2026 amounts.

FROM:	Unanticipated Revenue PILOT	\$30,000
FOR:	PILOT Expenses	\$30,000

I. GOLF FUND**1. Banking & Contract Labor Expenses**

Golf has seen record revenue and rounds over the past couple of years which has resulted in higher banking fees and contract labor expenses. The requested annual adjustment is to account for this increased revenue (\$450,000) and related increased expenses (\$35,000 for banking fees and \$415,000 for contract labor).

FROM:	Unanticipated Revenue	\$450,000
FOR:	Contract Labor and Banking Fees	\$450,000

2. Capital Projects and City Park 9 Fairway Damages

Golf experienced unforeseen expenses related to minor capital repairs, payments, and improvements. This request seeks adjustments to cover additional costs totaling \$199,575, including \$11,000 for repair refrigeration units, \$8,000 for floor repairs in the Southridge Equipment Storage Building, \$18,075 for lease repayments, \$12,500 for the Cottonwood Glen Pipeline Watter Carriage project, and \$150,000 for Southridge Hole 12 course improvements.

FROM:	Golf Fund Reserves	\$199,575
FOR:	Minor capital projects, lease repayment, and Southridge	\$199,575

3. Golf Water Adjustment

The City of Fort Collins experienced a notably dry first half of 2026 along with the warmest spring on record and historically low snowpack at 30% of average. Because of the warm, dry winter and spring and low snowpack, along with significantly rising costs, the Golf Department has incurred significantly higher than budgeted water costs. Total 2026 water costs over budget are estimated to be \$95k. These costs are comprised of increases in domestic water usage, purchases of CBT (Colorado Big Thompson) rentals and higher than budgeted assessment costs.

FROM:	Golf Fund Reserves	\$95,000
FOR:	Golf water usage during drought	\$95,000

J. 2050 TAX PARKS REC TRANSIT OCF**1. Clean Fleet Grant Match**

This request appropriates the \$280,121 from 2050 Tax Parks Rec Transit OCF for transfer as grant match to the 2026 Clean Fleet Grant. \$144,871 will be used for Parks, \$74,250 for Forestry, and \$61,000 for Operation Services.

FROM:	2050 Tax Parks Rec Transit OCF Reserves	\$280,121
FOR:	Clean Fleet Grant Match	\$280,121

K. PARKING FUND**1. Parking Services Additional Enforcement Officer Compensation**

This annual adjustment appropriation request is needed to account for the additional salary expense associated with an additional Parking Enforcement Officer Position in 2026. The expense is expected to be offset by increased citation revenue, helping to ensure the department does not exceed its appropriation while maintaining the staffing necessary to support downtown parking management.

FROM:	Parking Services Increased Citation Revenue	\$45,000
FOR:	Parking Services Enforcement Officer Compensation	\$45,000

2. **Parking Services HVAC Replacement Project**

This request will replace the existing HVAC system serving the Parking Services office area, which is currently nonfunctional and unable to provide adequate temperature control. The lack of a functioning system results in excessively hot conditions for staff and an uncomfortable environment for customers. Replacement is needed to restore reliable climate control and provide a safe, functional, and comfortable space for employees and customers.

FROM:	Parking Fund Reserves	\$195,000
FOR:	Parking Services HVAC Replacement	\$195,000

L. **BENEFITS FUND**

1. **Medical Claims Adjustment**

The purpose of this Adjustment request is to appropriate \$2,000,000 from the Benefits Fund reserves to cover unanticipated Medical claims expenses that could potentially exceed 2026 budgeted appropriations.

FROM:	Benefits Fund Reserves	\$2,000,000
FOR:	Medical Claims Adjustment	\$2,000,000

M. **TRANSIT SERVICES FUND**

1. **FY21 ARPA Project 5307**

This award was originally appropriated via 2021 ORD 73. This is an ARPA grant that is 100% reimbursed with Federal dollars. The expense appropriation should match the award amount. This trues up the expense appropriations.

FROM:	Transit Services Fund ARPA	\$7,617
FOR:	FY21 ARPA Project 5307	\$7,617

2. **FY20 Award 5310**

This award was slightly under-appropriated initially. This request trues up the award amount with the expense appropriations.

FROM:	Transit Services Fund	\$60
FOR:	FY20 Award 5310	\$60

3. **FY23 CPF LM Adjustment**

The budget was loaded incorrectly when this was appropriated. The local match requirement on this grant is \$375,000.00. APP was assessed against this, as opposed to on top of it. The local match BU should contain \$375,000.00 of local match expense appropriations, and then \$3,750.00 of APP transfers, for a total of \$378,750.00.

FROM:	Transit Services Fund Reserves	\$3,750
FOR:	FY23 CPF LM Adjustment	\$3,750

N. **CONSERVATION TRUST FUND**

1. **Transfer of Appropriations for Poudre River Trail Culvert Replacement Project**

Park Planning budgets most of their capital spend in non-lapsing Parent accounts as they are not certain of allocations to individual projects at the time the biannual budgets are created. The Poudre River Trail Culvert Replacement Project does not meet the accounting criteria for a capital project. Park Planning is requesting permission to move \$50,000 from the non-lapsing parent business unit into the lapsing project business unit. The requested move does not change the intent of the use of funds but is a mechanical adjustment to ensure adherence to accounting guidelines.

FROM:	Conservation Trust Fund non-lapsing project budget	\$50,000
TO:	Conservation Trust Fund lapsing project budget	\$50,000

CITY FINANCIAL IMPACTS

These Ordinances increase the total City 2026 appropriations by \$12,376,296. Of that amount, these Ordinances increase General Fund 2026 appropriations by \$2,622,107, including the use of \$385,280 of prior year reserves. Funding for the total increase to City appropriations in these Ordinances is \$6,220,503 from unanticipated revenue, \$6,155,793 from prior year reserves, including \$25,000 of General Fund Reserves for transfer to the Data & Communications Fund. Ordinance No. 128, 2026, transfers \$50,000 of previously appropriated funds.

The following is a summary of the prior-year reserves items in Ordinance No. 127, 2026:

Item #	Fund	Use	Amount
A1a	General Fund	Police- Opioid Use Disorder	\$50,000
A4	General Fund	Manufacturing Equipment Use Tax	\$47,190
A6	General Fund	ERP Project Expenses	\$288,090
B1	Transportation CEF Fund	PIL- Vine Bridge Replacement Project	\$111,860
B2	Transportation CEF Fund	PIL- Drake & College	\$39,122
C2	Transportation Fund	FC Moves Personnel Salaries	\$109,000
D1	Self-Insurance Fund	Self-Insurance Operations	\$1,329,157
E1	Utility CS&A Fund	Banking and Credit Card Fee	\$655,780
G2	Water Fund	Utilities Water Distribution	\$752,148
I2	Golf Fund	Golf repairs, lease repayment, water carriage, and Southridge improvements	\$199,575
I3	Golf Fund	Golf water usage	\$95,000
J1	2050 Tax Parks Transit OCF	Clean Fleet Grant Match Appropriation	\$280,121
K2	Parking Fund	Parking Services HVAC Replacement Project	\$195,000
L1	Benefits Fund	Medical Claims Adjustment	\$2,000,000
M3	Transit Services Fund	FY23 CPF LM Adjustment	\$3,750
Total Use of Prior Year Reserves:			\$6,155,793

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

First Reading attachments available in September 15, 2026, agenda materials at the following link:
<https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 126, 2026
2. Ordinance No. 127, 2026
3. Ordinance No. 128, 2026

ORDINANCE NO. 126, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS IN VARIOUS
CITY FUNDS

A. The City has received additional revenue and other funds this fiscal year that were not anticipated.

B. The City has also received revenue and other funds that have been anticipated but which were not appropriated in the 2026 annual appropriation or previous supplemental appropriations.

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

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

E. Article V, Section 11 of the City Charter authorizes City Council to designate in the ordinance when appropriating funds for a capital project or 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 completion of the capital project or 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.

F. City Council wishes to designate the appropriations described herein within Section 1 of this Ordinance, \$17,660 of Citywide Tree Planting, for the capital projects and the federal, state or private grants as appropriations that shall not lapse until completion of the capital project and the earlier of the expiration of the grant or the City's expenditure of all funds received from such grant.

G. The City Council finds and determines that the adoption of this Ordinance is necessary for the public's health, safety, and welfare, and therefore, wishes to authorize the expenditures described in this Ordinance and that such expenditures will serve the public purposes for which they are designated.

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 the amounts of additional revenue and other funds existing appropriations as described below, to be expended for the public purposes stated below.

GENERAL FUND

FROM: Unanticipated Revenue (Police Miscellaneous Revenue)	\$184,267
FOR: Police Miscellaneous Revenue	\$184,267
FROM: Unanticipated Revenue (Police Reimbursable Overtime)	\$646,577
FOR: Police Reimbursable Overtime for events	\$646,577
FROM: Unanticipated Revenue (School Resource Officers)	\$96,178
FOR: Overtime for School Resource Officers	\$96,178
FROM: Unanticipated Revenue (DUI Enforcement)	\$67,057
FOR: DUI enforcement	\$67,057
FROM: Unanticipated PIL Revenue	\$17,660
FOR: Citywide Tree Planting (non-lapsing)	\$17,660
FROM: Unanticipated Revenue (Arborist Licensing & Rooted in Community)	\$30,975
FOR: Forestry Expenses	\$30,975
FROM: Unanticipated Revenue (Sales, Use, & Property Tax)	\$1,085,837
FOR: Poudre Fire Authority Cap Adjustment	\$1,085,837
FROM: Unanticipated Revenue (Sales & Use Tax Audit)	\$64,540
FOR: Sales & Use Tax 3 rd Party Audit Cost	\$64,540
FROM: Unanticipated Revenue (Radon Kits)	\$1,704
FOR: Radon Kits	\$1,704
FROM: Unanticipated Revenue (CTW)	\$8,382
FOR: Conflict Transformation Works Program	\$8,382
FROM: Unanticipated Revenue	\$7,650
FOR: Historic Property Survey Expenses	\$7,650
FROM: Unanticipated Revenue	\$20,000
FOR: Land Bank Operational Expenses	\$20,000
FROM: Unanticipated Revenue	\$6,000

FOR:	Landmark Rehab Loan Program	\$6,000
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TRANSPORTATION SERVICES FUND

FROM:	Unanticipated Revenue (Vendor Fees)	\$4,500
FOR:	Open Streets Program	\$4,500

LIGHT & POWER FUND

FROM:	L&P Development Fee Revenue	\$2,446,499
FOR:	Electric Infrastructure Costs	\$2,446,499
FROM:	Unanticipated Revenue PILOT	\$665,000
FOR:	PILOT Expenses	\$665,000

WATER FUND

FROM:	Unanticipated Revenue PILOT	\$335,000
FOR:	PILOT Expenses	\$335,000

WASTEWATER FUND

FROM:	Unanticipated Revenue PILOT	\$30,000
FOR:	PILOT Expenses	\$30,000

GOLF FUND

FROM:	Unanticipated Revenue Banking Fees	\$450,000
FOR:	Contract Labor and Banking Fees	\$450,000

PARKING FUND

FROM:	Parking Services Increased Citation Revenue	\$45,000
FOR:	Parking Services Enforcement Officer Compensation	\$45,000

TRANSIT SERVICES FUND

FROM:	Transit Services Fund ARPA	\$7,617
FOR:	FY21 ARPA Project 5307 (non-lapsing)	\$7,617
FROM:	Transit Services Fund	\$60
FOR:	FY20 Award 5310 (non-lapsing)	\$60

Section 2. The appropriations identified above as non-lapsing in Section 1 of this Ordinance, the \$17,660 of Citywide Tree Planting, for the capital projects and the federal, state or private grants, as authorized in Article V, Section 11 of the City Charter,

as appropriations that shall not lapse until completion of the capital projects and the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026

Approving Attorney: Dianne Criswell

Exhibit: None

ORDINANCE NO. 127, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES
IN VARIOUS CITY FUNDS

A. The City has prior year-reserves available for appropriation for current City projects and programs, as described below.

B. City Council finds and determines that the adoption of this Ordinance is necessary for the public's health, safety, and welfare, and therefore, wishes to authorize the expenditures described in this Ordinance and that such expenditures will serve the public purposes for which they are designated in Section 1 below.

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

D. The City Manager has recommended the appropriations described herein and has determined that these appropriations are available and previously unappropriated from the funds named within Sections 1 and 2 of this Ordinance and will not cause the total amount appropriated in each fund named within Sections 1 and 2 of this Ordinance to exceed the current estimate of actual and anticipated revenues and all other funds to be received in each such fund during this fiscal year.

E. Article V, Section 10 of the City Charter authorizes 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.

F. Article V, Section 11 of the City Charter authorizes City Council to designate in the ordinance when appropriating funds for a capital project, for a federal, state, or for a 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 completion of the capital project or 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. Article V, Section 4 of the City Charter authorizes City Council to appropriate, but not itemize, further than by fund with the exception of capital projects and federal or state grants which must be summarized by individual project or grant; such

itemized summary of capital project appropriations are set forth in Section 2 of this Ordinance.

H. City Council wishes to designate the appropriations identified herein Section 1 as appropriations that shall not lapse until the completion of the project or 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 the following funds the amounts of prior year reserves set forth below to be expended for the public purposes stated below.

GENERAL FUND

FROM:	General Fund Reserves	\$50,000
FOR:	Opioid Use Disorder	\$50,000
FROM:	General Fund Reserves	\$47,190
FOR:	Manufacturing Equipment Use Tax	\$47,190
FROM:	General Fund Reserves	\$263,090
FOR:	2026 ERP Project Expenses	\$263,090

TRANSPORTATION SERVICES FUND

FROM:	Transportation Services Fund Reserves	\$109,000
FOR:	FC Moves Personnel Salaries	\$109,000

SELF-INSURANCE FUND

FROM:	Self-Insurance Fund Reserves	\$1,329,157
FOR:	City Insurance Premiums and Claim Settlements	\$1,329,157

UTILITY CS&A FUND

FROM:	CS&A Fund Reserves	\$655,780
FOR:	Utilities Banking & Credit Card Fees	\$655,780

WATER FUND

FROM:	Water Fund Reserves	\$752,148
FOR:	Water Main Break Repair Costs	\$752,148

GOLF FUND

FROM:	Golf Fund Reserves	\$199,575
FOR:	Minor Capital Projects, including:	
	Refrigeration unit repair	\$11,000
	Southridge Equipment Storage Building floor repair	\$8,000

	Lease repayments	\$18,075
	Cottonwood Glen Pipeline Water Carriage project	\$12,500
	Southridge Hole 12 Course improvements	\$150,000
FROM:	Golf Fund Reserves	\$95,000
FOR:	Golf water usage during drought	\$95,000

2050 TAX PARKS REC TRANSIT OCF

FROM:	2050 Tax Parks Rec Transit OCF Reserves	\$280,121
FOR:	Clean Fleet Grant Match	\$280,121

PARKING FUND

FROM:	Parking Fund Reserves	\$195,000
FOR:	Parking Services HVAC Replacement	\$195,000

BENEFITS FUND

FROM:	Benefits Fund Reserves	\$2,000,000
FOR:	Medical Claims Adjustment	\$2,000,000

TRANSIT SERVICES FUND

FROM:	Transit Services Fund Reserves	\$3,750
FOR:	FY23 CPF LM Adjustment (non-lapsing)	\$3,750

Section 2. There is hereby authorized for transfer from prior years reserves in the following funds to the following funds and appropriated therein as detailed below to be expended for the public purposes stated below.

DATA & COMMUNICATIONS FUND

FROM:	Transfer from General Fund Reserves	\$25,000
FOR:	2026 ERP Project Expenses	\$25,000

CAPITAL PROJECTS FUND

FROM:	Transfer from Transportation CEF Reserves	\$111,860
FOR:	Vine Bridge Replacement Project	\$111,860

CAPITAL PROJECTS FUND

FROM:	Transfer from Transportation CEF Reserves	\$39,122
FOR:	Drake & College Capital Project	\$39,122

Section 3. The appropriations identified above as non-lapsing in Section 1 of this Ordinance, for the capital projects, and the federal, state or private grants, are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse until completion of the capital projects and the earlier of the expiration of the grants or the City's expenditure of all funds received from such grants.

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026
Approving Attorney: Dianne Criswell

Exhibit: None

ORDINANCE NO. 128, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING A TRANSFER OF AN APPROPRIATION IN THE
CONSERVATION TRUST FUND

A. Staff has recommended the transfer of funds from the non-lapsing project budget in the Conservation Trust Fund to the lapsing project budget in the Conservation Trust Fund for the Poudre River Trail Culvert Replacement Project in order to better align with appropriate accounting practices.

B. City Council finds and determines that the adoption of this Ordinance is necessary for the public's health, safety, and welfare, and therefore, wishes to authorize the expenditures described in this Ordinance and that such expenditures will serve the public purposes described herein.

C. Article V, Section 10 of the City Charter authorizes 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.

D. The City Manager has recommended the transfer of \$50,000, in Section 1 of this Ordinance, from the non-lapsing project budget in the Conservation Trust Fund to the lapsing project budget in the Conservation Trust Fund for the Poudre River Trail Culvert Replacement Project and determined that the purpose for which the transferred funds are to be expended remains unchanged.

E. City Council wishes to authorize the transfer of funds for the Poudre River Trail Culvert Replacement Project from the non-lapsing project budget to the lapsing project budget, as provided herein, and finds that the purpose for which the transferred funds are to be expended remains unchanged.

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 unexpended and unencumbered appropriated amount of FIFTY THOUSAND DOLLARS (\$50,000) is authorized for transfer from the non-lapsing project budget in the Conservation Trust Fund to the lapsing project budget in the Conservation Trust Fund and appropriated therein to be expended for the Poudre River Trail Culvert Replacement project.

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026
Approving Attorney: Dianne Criswell

Exhibit: None

File Attachments for Item:

5. Second Reading of Ordinance No. 129, 2026, Amending the Landmark Designation of the J.M. Morrison House and Carriage House, 718 West Mountain Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Carriage House and Rename the Landmark as the J.M. Morrison Property.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests amendments to the landmark designation of the J.M. Morrison House and Carriage House at 718 West Mountain Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the "Commission") have determined that amendments are necessary to bring this property's historic designation into conformance with best practices for historic preservation. Such amendments include the removal of references to significance Standard 1 (Events) in the area of community planning and development, the removal of the carriage house as a contributing building on the historic property, and the related change of the historic property name to the J.M. Morrison Property.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Yani Jones, Historic Preservation Planner

SUBJECT

Second Reading of Ordinance No. 129, 2026, Amending the Landmark Designation of the J.M. Morrison House and Carriage House, 718 West Mountain Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Carriage House and Rename the Landmark as the J.M. Morrison Property.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests amendments to the landmark designation of the J.M. Morrison House and Carriage House at 718 West Mountain Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the "Commission") have determined that amendments are necessary to bring this property's historic designation into conformance with best practices for historic preservation. Such amendments include the removal of references to significance Standard 1 (Events) in the area of community planning and development, the removal of the carriage house as a contributing building on the historic property, and the related change of the historic property name to the J.M. Morrison Property.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Staff has undertaken a project to review existing landmark nominations to improve their accuracy. In some cases, that might mean adding new areas of significance based on supplementary research, removing an area of significance that is not well supported, adjusting landmark boundary descriptions, or determining and clarifying if different structures on the property are "contributing" or "not contributing" to the historic property's significance.

The J.M. Morrison House and Carriage House located at 718 West Mountain Avenue was designated as a Fort Collins landmark on February 21, 2006, via Ordinance No. 019, 2006, under City Code Section 14-22(a) Standard (1) Events in the area of community planning and development and under Standard (3) (Design/Construction) for the house's Edwardian architecture, with both the house and carriage house listed as contributing resources on the historic property.

This property's original landmark nomination argues that because the house is over 100 years old and has changed over time, it is a significant reflection of Fort Collins's growth and development patterns and the ways buildings change over time. The National Park Service *Best Practices Review* feature "Area of

Significance: Community Planning and Development” states: “Acts of planning and development are not sufficient to demonstrate the *significance* required” for designation, the “property’s specific associations must be considered important as well.” For this reason, it is rare for an individual property to be significant under the area of community planning and development. The J.M. Morrison House and Carriage House located at 718 West Mountain Avenue lacks those specific associations, and so is not considered significant under City Code Section 14-22(a) Standard (1) in this way.

For an outbuilding to be considered a historic resource eligible for designation, it must meet either or both of the following criteria outlined by the National Park Service in the guidance document “Evaluating Garages and Outbuildings in Historic Districts”: (1) It was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period; and/or (2) It independently meets the criteria for designation. The carriage house at 718 West Mountain Avenue does not meet either of these criteria, because it does not reflect the Edwardian architecture for which the property is significant and it also is not individually eligible for landmark designation because it has the same historical associations and information potential as the house, which disqualifies it for designation under City Code Section 14-22(a) Standards (1), (2), and (4), and because it is not considered a significant example of a carriage house from this time period after comparative analysis.

CITY FINANCIAL IMPACTS

Designation as a Fort Collins landmark qualifies property owners for certain financial incentives for repairs and modifications that meet national preservation standards. These include the Colorado State Historic Tax Credits and any additional support programs that may be available from the City when funding is available.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its August 19, 2026, regular meeting, the Commission passed a resolution on a vote of 7-0 to recommend that City Council adopt an ordinance amending the landmark designation of the J.M. Morrison House and Carriage House at 718 West Mountain Avenue to remove references to significance related to community planning or development, to remove references to the carriage house as a contributing building on the property, and to change the historic property name to the J.M. Morrison Property.

PUBLIC OUTREACH

Because this designation amendment was supported by the property owners, public notice described under City Code Section 14-34 was not required. However, to inform members of the public of this proposal, a sign was posted at the property, and the agenda item was also shared through the monthly Historic Preservation Matters e-newsletter.

ATTACHMENTS / LINKS

First Reading attachments available in September 15, 2026, agenda materials at the following link:
<https://fortcollins-co.municodemeetings.com/>

1. Ordinance No. 129, 2026

ORDINANCE NO. 129, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LANDMARK DESIGNATION OF THE J.M. MORRISON HOUSE AND
CARRIAGE HOUSE, 718 WEST MOUNTAIN AVENUE, FORT COLLINS, COLORADO,
A FORT COLLINS LANDMARK PURSUANT TO CITY CODE CHAPTER 14, TO
REMOVE THE CARRIAGE HOUSE AND RENAME THE LANDMARK AS THE J.M.
MORRISON PROPERTY

A. It is a matter of public policy that the protection, enhancement, and perpetuation of sites, structures, objects, and districts of historic, architectural, archeological, or geographic significance, located within the City, are a public necessity and are required in the interest of the prosperity, civic pride, and general welfare of the people.

B. It is the policy of City Council that the economic, cultural, and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historical, architectural, archeological, and geographical heritage of the City and by ignoring the destruction or defacement of such cultural assets.

C. The J.M. Morrison House and Carriage House, located at 718 West Mountain Avenue in Fort Collins (the "Property"), was designated as a Fort Collins Landmark by Ordinance No. 019, 2006, adopted on February 21, 2006, under City Code Section 14-22(a) Standard (1) Events, for the Property's reflection of growth and development patterns in Fort Collins, and Section 14-22(a) Standard (3) Design/Construction, for its Edwardian architecture, with the carriage house noted for its integrity and significance but not particularly defined.

D. Staff of the City Historic Preservation Division have found it necessary to amend some landmark designations to better reflect historic preservation best practices in the evaluation of historic properties, particularly the evaluation of outbuildings, the reassessment of applicable significance standards, or other amendments based on supplemental historical or architectural research. Based on these best practices, it has been determined that amendments to the Property's landmark designation are necessary.

E. The Property owners have agreed to amendments to the landmark designation, specifically to remove the carriage house from the structures named in the landmark designation, remove the carriage house from the Property's landmark name, and remove references to significance, under City Code Section 14-22(a) Standard (1) Events, in the area of community planning and development.

F. The Historic Preservation Commission has determined that amending the Property's landmark designation is consistent with the City's Declaration of Policy in City Code Section 14-1 and Purpose in City Code Section 14-2 and would not result in adverse effects to the Property and, therefore, recommends adoption of this Ordinance amending the Property's landmark designation.

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. References to the carriage house are stricken from the Property's landmark designation under Ordinance No. 019, 2006.

Section 2. The name of the historic Property is amended to be the "J.M. Morrison Property."

Section 3. References to significance Standard (1) and community planning or development are stricken from the description of significance in the Property's landmark designation under Ordinance No. 019, 2006.

Section 4. The criteria contained in City Code Chapter 14, Article IV, will continue to serve as the standards by which alterations, additions, and other changes to buildings and structures located upon the Property will be reviewed.

Section 5. In compliance with City Code Section 14-36, the City shall, within fifteen days of the effective date of this Ordinance, record among the real estate records of the Larimer County Clerk and Recorder a certified copy of this Ordinance amending the landmark designation of the Property.

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026

Approving Attorneys: Heather N. Jarvis
Rebecca Bayetti

Exhibit: None

File Attachments for Item:

6. Second Reading of Ordinance No. 130, 2026, Amending the Landmark Designation of the Marsh/Geist House and Garage, 1006 Laporte Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Garage and Rename the Landmark as the Walker/Geist Property.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests amendments to the landmark designation of the Marsh/Geist House and Garage at 1006 Laporte Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the "Commission") have determined that amendments are necessary to bring this property's historic designation into conformance with best practices for historic preservation. Such amendments include the removal of the garage as a contributing building on the historic property and the change of the historic property name to the Walker/Geist Property.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Yani Jones, Historic Preservation Planner

SUBJECT

Second Reading of Ordinance No. 130, 2026, Amending the Landmark Designation of the Marsh/Geist House and Garage, 1006 Laporte Avenue, Fort Collins, Colorado, a Fort Collins Landmark Pursuant to City Code Chapter 14, to Remove the Garage and Rename the Landmark as the Walker/Geist Property.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on September 15, 2026, requests amendments to the landmark designation of the Marsh/Geist House and Garage at 1006 Laporte Avenue. In cooperation with the property owners, City staff and the Historic Preservation Commission (the "Commission") have determined that amendments are necessary to bring this property's historic designation into conformance with best practices for historic preservation. Such amendments include the removal of the garage as a contributing building on the historic property and the change of the historic property name to the Walker/Geist Property.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Staff has undertaken a project to review existing landmark nominations to improve their accuracy. In some cases, that might mean adding new areas of significance based on supplementary research, removing an area of significance that is not well supported, adjusting landmark boundary descriptions, or determining and clarifying if different structures on the property are "contributing" or "not contributing" to the historic property's significance.

The Marsh/Geist House and Garage located at 1006 Laporte Avenue was designated as a Fort Collins landmark on August 15, 2000, via Ordinance 85, 2000, under City Code Section 14-22(a) Standard (3) Design/Construction, for the house's Craftsman architecture, with both the house and garage listed as contributing resources on the historic property.

For an outbuilding to be considered a historic resource eligible for designation, it must meet either or both of the following criteria outlined by the National Park Service in the guidance document "Evaluating Garages and Outbuildings in Historic Districts": (1) It was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period; and/or (2) It independently meets the criteria for designation. The

garage at 1006 Laporte Avenue does not meet either of these criteria because it does not reflect the Craftsman architecture for which the property is significant. The original nomination for this property does not assert that the garage is individually eligible for designation, and staff concur with that finding.

Historic homes are typically named for their first resident, the person who lived there the longest, or the important person associated with the property. Researchers made an understandable error during this property's landmark nomination process by misidentifying the first residents of 1006 Laporte Avenue. For many years, what is now the 1000 block of Laporte Avenue was part of the 1100 block of Laporte Avenue, which crossed over North Shields Street. The houses in this block were readdressed in about 1950. Originally, this property was known as 1106 Laporte Avenue, and the first residents were James and Mary Walker, who took out a building permit to construct the Craftsman bungalow on April 3, 1924. William and Bessie Geist were the longest residents of this house, from the 1940s until 1970. It is therefore appropriate to change the historic name of this property to the Walker/Geist Property.

CITY FINANCIAL IMPACTS

Designation as a Fort Collins landmark qualifies property owners for certain financial incentives for repairs and modifications that meet national preservation standards. These include the Colorado State Historic Tax Credits and any additional support programs that may be available from the City when funding is available.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its August 19, 2026, regular meeting, the Commission passed a resolution on a vote of 7-0 to recommend that City Council adopt an ordinance amending the landmark designation of the Marsh/Geist House and Garage at 1006 Laporte Avenue to remove references to the garage as a contributing building on the property and to change the historic property name to the Walker/Geist Property.

PUBLIC OUTREACH

Because this designation amendment was supported by the property owners, public notice described under City Code Section 14-34 was not required. However, to inform members of the public of this proposal, a sign was posted at the property, and the agenda item was also shared through the monthly Historic Preservation Matters e-newsletter.

ATTACHMENTS / LINKS

First Reading attachments available in September 15, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 130, 2026

ORDINANCE NO. 130, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LANDMARK DESIGNATION OF THE MARSH/GEIST HOUSE AND
GARAGE, 1006 LAPORTE AVENUE, FORT COLLINS, COLORADO, A FORT
COLLINS LANDMARK PURSUANT TO CITY CODE CHAPTER 14, TO REMOVE THE
GARAGE AND RENAME THE LANDMARK AS THE WALKER/GEIST PROPERTY

A. It is a matter of public policy that the protection, enhancement, and perpetuation of sites, structures, objects, and districts of historic, architectural, archeological, or geographic significance, located within the City, are a public necessity and are required in the interest of the prosperity, civic pride, and general welfare of the people.

B. It is the policy of City Council that the economic, cultural, and aesthetic standing of this City cannot be maintained or enhanced by disregarding the historical, architectural, archeological, and geographical heritage of the City and by ignoring the destruction or defacement of such cultural assets.

C. The Marsh/Geist House and Garage, located at 1006 Laporte Avenue in Fort Collins (the "Property"), was designated as a Fort Collins Landmark by Ordinance No. 85, 2000, adopted on August 15, 2000, for the Property's architectural significance to Fort Collins, under City Code Section 14-22(a) Standard (3) Design/Construction, for the house's Craftsman architecture, with the garage noted as dating to the Property's period of significance and contributing to its architectural importance.

D. Staff of the City Historic Preservation Division have found it necessary to amend some landmark designations to better reflect historic preservation best practices in the evaluation of historic properties, particularly the evaluation of outbuildings, the reassessment of applicable significance standards, or other amendments based on supplemental historical or architectural research. Based on these best practices, it has been determined that amendments to the Property's landmark designation are necessary.

E. The Property owners have agreed to amendments to the landmark designation, specifically to remove the garage from the structures named in the landmark designation and correct the Property's landmark name to the Walker/Geist Property.

F. The Historic Preservation Commission has determined that amending the Property's landmark designation is consistent with the City's Declaration of Policy in City Code Section 14-1 and Purpose in City Code Section 14-2 and would not result in adverse effects to the Property and, therefore, recommends adoption of this Ordinance amending the Property's landmark designation.

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. References to the garage are stricken from the Property's landmark designation under Ordinance No. 85, 2000.

Section 2. The name of the historic property is amended to be the "Walker/Geist Property."

Section 3. The criteria contained in City Code Chapter 14, Article IV, will continue to serve as the standards by which alterations, additions, and other changes to buildings and structures located upon the Property will be reviewed.

Section 4. In compliance with City Code Section 14-36, the City shall, within fifteen days of the effective date of this Ordinance, record among the real estate records of the Larimer County Clerk and Recorder a certified copy of this Ordinance amending the landmark designation of the Property.

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026

Approving Attorneys: Heather N. Jarvis
Rebecca Bayetti

Exhibit: None

File Attachments for Item:

7. Second Reading of Ordinance No. 131, 2026, Amending Portions of Section 1-15 of the Code of the City of Fort Collins Concerning General Penalties to Allow Restitution for Victims of Misdemeanors, Petty Offenses, and Civil Infractions, to Clarify what can be Requested as Restitution, and to Correct Cross References to Section 1-15.

This Ordinance, unanimously adopted on First Reading on September 15, 2026, amends City Code Section 1-15 to align its restitution provision.

City Code currently expressly allows for restitution for victims of misdemeanor offenses. This has been the language in the Code since 2005. Because the recent sentencing Code updates have reclassified many prior misdemeanor offenses as civil infractions or petty offenses, the Code must be amended to provide clarity of the intention to allow for restitution on offenses now classified as infractions and petty offenses, which include commonly charged offenses such as theft under \$300, criminal mischief under \$300, animal at large, and public nuisance.

The proposed amendments ensure that restitution can be made to victims of all non-traffic offenses and clarifies the categories of expenses that can be compensated through restitution.

There is also an error in the lettering of Section 1-15. This proposed amendment would correct that error to re-letter the Restitution section to subsection (f) and the Penalties section to subsection (g).

The Ordinance also directs the codifier of the Code of the City to amend sections of the City Code to remove references to specific subsections of Section 1-15 and replace such references with general references to Section 1-15.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Alyssa Bamonti, Assistant City Attorney

SUBJECT

Second Reading of Ordinance No. 131, 2026, Amending Portions of Section 1-15 of the Code of the City of Fort Collins Concerning General Penalties to Allow Restitution for Victims of Misdemeanors, Petty Offenses, and Civil Infractions, to Clarify what can be Requested as Restitution, and to Correct Cross References to Section 1-15.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on September 15, 2026, amends City Code Section 1-15 to align its restitution provision.

City Code currently expressly allows for restitution for victims of misdemeanor offenses. This has been the language in the Code since 2005. Because the recent sentencing Code updates have reclassified many prior misdemeanor offenses as civil infractions or petty offenses, the Code must be amended to provide clarity of the intention to allow for restitution on offenses now classified as infractions and petty offenses, which include commonly charged offenses such as theft under \$300, criminal mischief under \$300, animal at large, and public nuisance.

The proposed amendments ensure that restitution can be made to victims of all non-traffic offenses and clarifies the categories of expenses that can be compensated through restitution.

There is also an error in the lettering of Section 1-15. This proposed amendment would correct that error to re-letter the Restitution section to subsection (f) and the Penalties section to subsection (g).

The Ordinance also directs the codifier of the Code of the City to amend sections of the City Code to remove references to specific subsections of Section 1-15 and replace such references with general references to Section 1-15.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

On June 2, 2026, amendments to Section 1-15 (General Penalties) were enacted. These amendments included reclassification of all municipal offenses to align with state law. The reclassifications meant that many offenses were reduced from misdemeanors to petty offenses or civil infractions. Phase 2 of the

Municipal Court sentencing updates specified the penalties for specific offenses. This went into effect on August 18, 2026.

Upon closer review of Section 1-15 after the updates, staff noticed that as currently written, Code Section 1-15 only allows for restitution on misdemeanor offenses. This was inadvertently missed by staff during the previous Code changes that reclassified many offenses, such as theft under \$300, criminal mischief under \$300, and public nuisance, to petty offenses or civil infractions. As currently written, the Code does not allow for restitution for victims of those offenses.

Historically the City has never requested restitution on traffic matters as it has been prohibited by the City Code. Traffic matters are usually covered by insurance.

Defining restitution on what can and cannot be considered in a restitution request provides clarity for all involved and allows victims to be made whole for any damages or bills they incurred when the crime was committed.

Staff also realized the lettering of Code Section 1-15 is incorrect and goes from (e) to (g). This proposed amendment corrects the lettering to include the Restitution section as subsection (f) and the Penalty section as subsection (g) and directs the codifier to amend the Code to general references to Section 1-15.

KEY CONSIDERATIONS

“Victim” includes not only community members and businesses, but also the City itself.

To ensure that the City is doing as much as it can to make victims of non-traffic offenses whole again, staff requests an amendment to Code Section 1-15 to allow for restitution for victims of all non-traffic offenses. Prior to the most recent Code updates, there have been situations where requesting restitution on civil infractions was necessary.

This proposed amendment corrects an inadvertent omission that will allow the City to request restitution in the same ways as has been done in the past.

Defining what the categories that “restitution” can include will help both victims in making requests and defendants in deciding whether to accept or challenge a restitution request.

General references to Section 1-15 serve the purpose of putting the community on notice of penalties.

CITY FINANCIAL IMPACTS

There is no significant direct financial impact associated with these amendments.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

First Reading attachments available in September 15, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 131, 2026

ORDINANCE NO. 131, 2026
 OF THE COUNCIL OF THE CITY OF FORT COLLINS
 AMENDING PORTIONS OF SECTION 1-15 OF THE CODE OF
 THE CITY OF FORT COLLINS CONCERNING GENERAL
 PENALTIES TO ALLOW RESTITUTION FOR VICTIMS OF
 MISDEMEANORS, PETTY OFFENSES, AND CIVIL
 INFRACTIONS, TO CLARIFY WHAT CAN BE REQUESTED AS
 RESTITUTION, AND TO CORRECT CROSS REFERENCES TO
 SECTION 1-15

A. Penalties for violations of several chapters of the City Code were updated on June 2, 2026, and August 18, 2026. Provisions of the Code related to restitution must be amended to align with the City's new penalty framework.

B. The Code currently expressly allows for restitution for victims of misdemeanor offenses. This has been the language in the Code since 2005. Since the recent sentencing Code updates have reclassified many prior misdemeanor offenses as civil infractions or petty offenses, the Code must be amended to provide clarity of the intention to allow for restitution on offenses now classified as infractions and petty offenses.

C. The proposed amendments ensure that restitution can be made to victims of all non-traffic offenses.

D. The amendments also clarify what sort of expenses can be compensated through restitution.

E. There are also errors in the lettering of the subsections of Section 1-15, and incorrect cross references in the Code to subsections of Section 1-15. This amendment corrects the subsection lettering in Section 1-15 and directs the Codifier to correct cross references in the Code to Section 1-15.

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

Sec. 1-15. General penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions.

...

(f) Restitution: A law enforcement officer, code enforcement officer, the City Attorney or their designees may request that the Municipal Judge order restitution of direct out-of-pocket costs incurred by any victim, except for those involved in a traffic infraction or traffic misdemeanor. "Restitution" means any pecuniary loss suffered by a victim and includes, but is not limited to, all out-of-pocket expenses, interest, loss of use of money, anticipated future expenses, rewards paid by victims, money advanced by law enforcement agencies, money advanced by a governmental agency for a service animal, adjustment expenses, and other losses or injuries proximately caused by an offender's conduct and that can be reasonably calculated and recompensed in money. "Restitution" does not include losses for which a victim may be compensated through a private insurance policy, damages for physical or mental pain and suffering, loss of consortium, loss of enjoyment of life, loss of future earnings, or punitive damages. Restitution through Municipal Court shall not be available for victims of traffic infractions or traffic misdemeanors.

...

(g) Penalty: For offenses committed on or after December 22, 2025 misdemeanors are divided into three (3) classes, and petty offenses are divided into two (2) classes that are distinguished from one another. The penalties in this section apply to all open, pending, and active cases, and all suspended sentences or revocations on or after that date. Unless otherwise specified, the following penalty ranges apply:

...

Section 2. The Codifier of the Code of the City of Fort Collins is hereby directed to amend the following sections of the City Code to remove references to specific subsections of Section 1-15 and replace such references with general references to Section 1-15:

Paragraph 16 of Section 5-27;
 Paragraph 17 of Section 5-30;
 Paragraphs 9 and 72 of Section 5-31;
 Paragraph 8 of Section 5-33;
 Paragraph 12 of Section 5-35;
 Paragraphs 12 and 13 of Section 5-47;
 Paragraph 10 of Section 5-107;
 Paragraph 8 of Section 5-112;
 Paragraph 8 of Section 5-126;
 Section 5-306(b);
 Paragraph 19 of Section 5-371; and
 Sections 12-20(c), 12-27, 12-33, 12-67(c), 12-98(c), 12-159, 12-207, 12-308, 12-317, 17-129(e), 18-31, 19-41(a), 20-1(h), 20-34, 20-45, 20-96, 20-100, 20-103, 20-108, 20-137, 22-157(e) and (f), 26-168(d), and 27-62.

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026
Approving Attorney: Alyssa Bamonti

Exhibit: None

File Attachments for Item:

8. First Reading of Ordinance No. 132, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to request a supplemental appropriation for the Pedestrian Intersection Improvements project (the "Project"). The funding will be used to cover construction costs for the five locations included in the Project. If approved, the item will: (1) transfer \$579,934 in Community Capital Improvement Program – Bicycle Infrastructure Improvements funds to the Project; (2) transfer \$50,000 in Community Capital Improvement Program – Pedestrian Sidewalk funds to the Project; (3) transfer \$50,000 in previously appropriated Transportation Services funds to the Project; (4) transfer \$323,536 in Transportation Capital Expansion Fee funds to the Project; (5) appropriate \$74 in Transportation Services Reserve funds to the Project; and 6) transfer \$3,699 (1% of new Project funding) in capital project funds to the Art in Public Places ("APP") program. This item appropriates and/or transfers \$1,003,544 to the Project, for an anticipated total Project funding of \$2,460,856. The Project will help make progress towards the City's Vision Zero Goal and aims to improve vulnerable road user safety with infrastructure improvements on the High Injury Network

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Florian Fiebig, Project Manager
Dana Hornkohl, Capital Projects Manager
Cortney Geary, Active Modes Manager

SUBJECT

First Reading of Ordinance No. 132, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the Pedestrian Intersection Improvements Project and Related Art in Public Places.

EXECUTIVE SUMMARY

The purpose of this item is to request a supplemental appropriation for the Pedestrian Intersection Improvements project (the "Project"). The funding will be used to cover construction costs for the five locations included in the Project. If approved, the item will: (1) transfer \$579,934 in Community Capital Improvement Program – Bicycle Infrastructure Improvements funds to the Project; (2) transfer \$50,000 in Community Capital Improvement Program – Pedestrian Sidewalk funds to the Project; (3) transfer \$50,000 in previously appropriated Transportation Services funds to the Project; (4) transfer \$323,536 in Transportation Capital Expansion Fee funds to the Project; (5) appropriate \$74 in Transportation Services Reserve funds to the Project; and 6) transfer \$3,699 (1% of new Project funding) in capital project funds to the Art in Public Places ("APP") program. This item appropriates and/or transfers \$1,003,544 to the Project, for an anticipated total Project funding of \$2,460,856. The Project will help make progress towards the City's Vision Zero Goal and aims to improve vulnerable road user safety with infrastructure improvements on the High Injury Network

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Project includes improvements at five locations within the City, two on the High Injury Network and three others that help establish safe routes to school. The locations were all identified in the adopted Active Modes Plan and received Highway Safety Improvement Program ("HSIP") funding through the Colorado Department of Transportation ("CDOT"). All five locations include pedestrian and bicycle safety improvements (Project Location Map.) Transportation Planning and Engineering staff determined the locations would likely be good candidates for HSIP funding through CDOT's annual call for projects. The proposed improvements at the five chosen locations are likely to have a significant positive safety impact. The improvements proposed at each location are listed below. All proposed improvements will meet the federal Access Board's Public Right-of-Way Accessibility Guidelines ("PROWAG").

- The Project includes improvements at five locations within the City, two on the High Injury Network and three others that help establish safe routes to school. The locations were all identified in the adopted Active Modes Plan and received Highway Safety Improvement Program (“HSIP”) funding through the Colorado Department of Transportation (“CDOT”). All five locations include pedestrian and bicycle safety improvements (Project Location Map.) Transportation Planning and Engineering staff determined the locations would likely be good candidates for HSIP funding through CDOT’s annual call for projects. The proposed improvements at the five chosen locations are likely to have a significant positive safety impact. The improvements proposed at each location are listed below. All proposed improvements will meet the federal Access Board’s Public Right-of-Way Accessibility Guidelines (“PROWAG”). West Prospect Road & Prospect Lane: Pedestrian Hybrid Beacon (“PHB”)
 - East Mulberry Street & Remington Street: Traffic signal replacement and ramp improvements
 - Sharp Point Drive & March Court: Rectangular Rapid Flashing Beacon (“RRFB”)
 - Lake Street & Aggie Trail: RRFB
 - Kechter Road & Old Mill Road: RRFB

Each location was selected based on documented crash history, pedestrian and bicycle demand, and proximity to schools and other pedestrian generators. West Prospect Road and Prospect Lane is an uncontrolled crossing that will receive a new PHB. East Mulberry Street and Remington Street is an existing signalized intersection that experienced 74 crashes from 2016 through 2020, including 11 approach-turn crashes; the Project will evaluate converting the signal to protected-only left-turn phasing to reduce these conflicts, along with PROWAG ramp improvements. Sharp Point Drive and March Court serves Liberty Common Elementary School; West Lake Street and Aggie Trail is a midblock crossing through the Colorado State University (“CSU”) campus; and Kechter Road and Old Mill Road serves Preston Middle School and other nearby schools. The Project includes improvements designed to protect vulnerable road users and is in alignment with the City’s Strategic Plan, Transportation and Mobility Goal 7.1.3 Reduce Speeds/Safe Infrastructure.

The City applied for and was awarded federal HSIP funding administered by CDOT for these locations in 2022 and 2023. City Council appropriated this funding, the required local match, and the related APP contributions for the Project with Ordinance No. 132, 2024. Council I appropriated two contributions from development (\$20,000 and \$52,485) to the Project with Ordinance No. 021, 2025 and Ordinance No. 192, 2025.

The Project design for the locations began in March 2025. The design has progressed through CDOT Field Inspection Review (30%) and Final Office Review (90%). Once the designs are finalized and all CDOT clearances are approved, the Project will be ready to advertise for construction. Staff are targeting construction bid advertisement later in 2026.

Staff requests a supplemental appropriation of \$1,003,544 to construct the Project. A transfer of \$3,699 is proposed to fulfill the Project’s obligation to the APP program.

CITY FINANCIAL IMPACTS

This item would appropriate \$1,003,544 to support construction for the Pedestrian Intersection Improvements project.

The following is a summary of the current and proposed funding appropriations and transfers for the Project.

Previously Appropriated and/or Transferred Funds	
Highway Safety Improvement Program (HSIP)	\$ 1,250,326
Community Capital Improvement Program - Bicycle Infrastructure Improvements (CCIP-BII)	\$ 88,925
Transportation Services Reserve Fund (TSRF)	\$ 50,500
Development Contribution (DC)	\$ 72,485
Art in Public Places (APP) Program	\$ (1,225)
Total Prior Appropriation	\$ 1,461,011

Funds to be Appropriated and/or Transferred per this Action	
Community Capital Improvement Program - Bicycle Infrastructure Improvements (CCIP-BII)	\$ 579,934
Community Capital Improvement Program - Pedestrian Sidewalk (CCIP-PS)	\$ 50,000
Transportation Services Funds (TSF), previously appropriated	\$ 50,000
Transportation Capital Expansion Fee (TCEF)	\$ 323,536
Transportation Services Reserve Fund (TSRF)	\$ 74
Total Funds to be Appropriated and/or Transferred per this Action	\$ 1,003,544

Transfer to Art in Public Places	\$ 3,699
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Total Project Funds	\$ 2,460,856
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The total fund amount projected for this Project is \$2,460,856 composed of funds appropriated and transferred with prior actions and with this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Project locations were identified as part of the Active Modes Plan adopted by Council in December 2022.

The Project was presented to the Disability Advisory Board (“DAB”) on May 18, 2026. The Board was supportive of the improvements and made recommendations for minor modifications (DAB Meeting Minutes).

The Project was presented to the Active Modes Advisory Board on September 21, 2026. The Board was supportive of the Project.

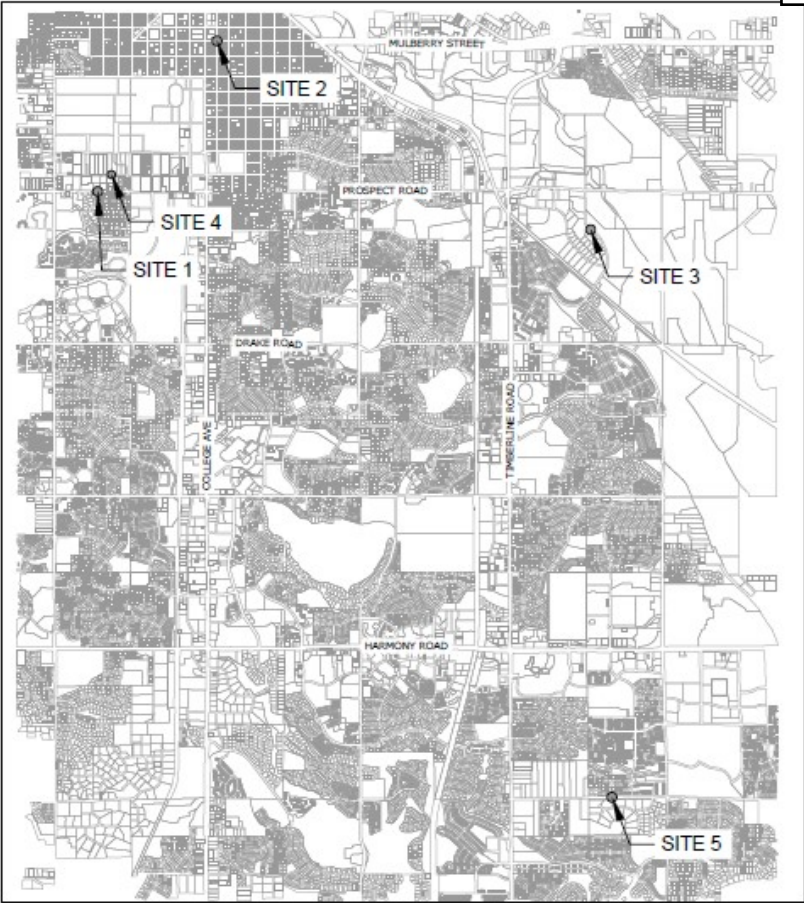
PUBLIC OUTREACH

A public engagement process was conducted as part of the City's Active Modes Plan, which identified these locations as high priorities for pedestrian and bicycle safety improvements based on documented crash history, school proximity, and community input. Door-to-door engagement by staff and a public open house was held for the residents in the Sheely neighborhood, given several residents' questions. Staff have conducted project-specific outreach with CSU, for the West Lake Street and Aggie Trail location, and area schools: Liberty Common Elementary School for the Sharp Point Drive and March Court site, and Preston Middle School near the Kechter Road and Old Mill Road location. Staff will work with Communications and Engagement to notify residents in advance of construction at each location.

ATTACHMENTS / LINKS

1. Project Locations Map
2. Ordinance No. 132, 2024 (Copy)
3. Ordinance No. 021, 2025 (Copy)
4. Ordinance No. 192, 2025 (Copy)
5. Disability Advisory Board Meeting Minutes, May 18, 2026
6. Ordinance No. 132, 2026

SITE # - LOCATION, FACILITY TYPE
SITE 1 - W PROSPECT ROAD AND PROSPECT LANE, TOUCAN SIGNAL
SITE 2 - E MULBERRY STREET AND REMINGTON STREET, SIGNAL REPLACEMENTS AND ADA IMPROVEMENTS
SITE 3 - SHARP POINT DRIVE AND MARCH COURT (LIBERTY COMMON SCHOOL), RECTANGULAR RAPID FLASHING BEACON
SITE 4 - W LAKE STREET AT CSU STADIUM, RECTANGULAR RAPID FLASHING BEACON
SITE 5 - KECHTER ROAD AND OLD MILL ROAD, RECTANGULAR RAPID FLASHING BEACON



PROJECT LOCATION MAP
SCALE: 1"=7000'

**ORDINANCE NO. 132, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING SUPPLEMENTAL APPROPRIATIONS AND AUTHORIZING
TRANSFERS OF APPROPRIATIONS FOR THE PEDESTRIAN INTERSECTION
IMPROVEMENTS PROJECT AND RELATED ART IN PUBLIC PLACES**

A. This Ordinance concerns the evaluation and design and installation of pedestrian improvements at five locations.

B. The Active Modes Plan recommends bicycle and pedestrian improvements at locations where these improvements could reduce vehicular-pedestrian crashes. Vehicle-pedestrian crashes and vehicle-cyclist crashes are more likely to result in severe injuries or fatalities.

C. FC Moves and Engineering staff evaluated five recommendations where improvements were likely to have a significant impact: West Prospect Road and Prospect Lane, East Mulberry Street and Remington Street, Sharp Point Drive and March Court, Lake Street and Aggie Trail, and Kechter Road and Old Mill Road.

D. The Pedestrian Intersection Improvements Project (the "Project") has been developed to install a mix of improvements including a Pedestrian Hybrid Beacon ("PHB"), infrastructure intended to address Americans with Disabilities Act ("ADA") requirements, a full signal, and Rectangular Rapid Flashing Beacons ("RRFBs"), as listed in the following table:

Location	Improvements
West Prospect Road & Prospect Lane	PHB
East Mulberry Street & Remington	ADA Improvements in conjunction with the full signal
Sharp Point Drive and March Court	RRFB
Lake Street and Aggie Trail	RRFB East of Lake Street and Shields Street
Kechter Road and Old Mill Road	RRFB

E. It is anticipated that the Project will improve pedestrian and bicycle safety by reducing crashes.

F. The City applied for federal Highway Safety Improvement Program ("HSIP") grant funds to make improvements at these locations, applying for two locations in 2022 and three locations in 2023.

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

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

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

I. 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.

J. The City Manager has recommended the transfer of \$50,500 from the Transportation Services fund to the Capital Projects fund and \$88,925 from the Community Capital Improvement Program Bicycle Program capital project budget to the Pedestrian Intersection Improvements Project capital project budget determined that the purpose for which the transferred funds are to be expended remains unchanged.

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 ("APP") program.

L. The total project cost of \$50,000 has been used to calculate the contribution to the APP program.

M. The amount to be contributed in this Ordinance will be \$500.

N. A portion of the funds appropriated in this Ordinance for the Project are ineligible for use in the APP program due to restrictions placed on them by Colorado Department of Transportation, the source of these funds.

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 appropriations herein for the Project as appropriations that shall not lapse until the completion of the Project.

Q. The appropriations in this Ordinance benefit public health, safety and welfare of the residents of Fort Collins and serve the public purpose of improving pedestrian infrastructure within the City's transportation infrastructure.

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 Capital Projects fund the sum of ONE MILLION TWO HUNDRED FIFTY THOUSAND THREE HUNDRED TWENTY-SIX DOLLARS (\$1,250,326) to be expended in the Capital Projects fund for the Pedestrian Intersection Improvements Project.

Section 2. The unexpended and unencumbered appropriated amount of EIGHTY-EIGHT THOUSAND NINE HUNDRED TWENTY-FIVE DOLLARS: (\$88,925) is authorized for transfer from the Bicycle Program budget in the Capital Projects fund to the Pedestrian Intersection Improvements budget in the Capital Projects fund and appropriated therein to be expended for Pedestrian Intersection Improvements Project.

Section 3. The unexpended and unencumbered appropriated amount of FIFTY THOUSAND FIVE HUNDRED (\$50,500) is authorized for transfer from the Transportation Services fund to the Capital Projects fund and appropriated therein to be expended for the Pedestrian Intersection Improvements Project.

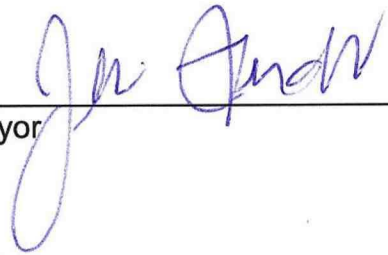
Section 4. The unexpended and unencumbered appropriated amount of THREE HUNDRED NINETY DOLLARS (\$390) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated and expended therein to fund art projects under the APP program.

Section 5. The unexpended and unencumbered appropriated amount of ONE HUNDRED DOLLARS (\$100) 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 6. The unexpended and unencumbered appropriated amount of TEN DOLLARS (\$10) 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 7. The appropriations herein for the Pedestrian Intersection Improvements Project are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on September 3, 2024, and approved on second reading for final passage on September 17, 2024.



Mayor

ATTEST:



City Clerk

Effective Date: September 27, 2024
Approving Attorney: Heather N. Jarvis



ORDINANCE NO. 021, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES OF A
DEVELOPMENT CONTRIBUTION TO CONSTRUCTION AND
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
PEDESTRIAN INTERSECTION IMPROVEMENTS PROJECT AND
RELATED ART IN PUBLIC PLACES

A. The purpose of this item is to appropriate a development contribution to construction from the developer of The Standard at Fort Collins to the Pedestrian Intersection Improvements project (the "Project"). These funds will be used for design and construction of pedestrian crossing improvements at West Prospect Road and Prospect Lane.

B. The Active Modes Plan that the City adopted in 2022 recommends bicycle and pedestrian improvements at locations where these improvements could reduce vehicular-pedestrian and vehicle-cyclist crashes. The Project has been developed to install a mix of improvements including signal beacons and Americans with Disabilities Act infrastructure to improve pedestrian and bicycle safety. The evaluation, design, and installation of the Project is explained in additional detail in Ordinance No. 132, 2024, and Resolution 2024-111.

C. In 2018, The Standard at Fort Collins, LLC, entered into a development agreement with the City, which described the requirements and conditions for the development of The Standard at Fort Collins property on West Prospect Road. The Development Agreement contemplated construction of a pedestrian signal across Prospect Road near the proposed development and obligated the developer to contribute \$20,000 to the City for the design and construction of this improvement. The contribution was a payment-lieu-of not having constructed the adequate public facilities under Transitional Land Use Regulations Sections 3.6.4(B) and 3.7.3(D)(1)(b).

D. 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.

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

F. 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.

G. The City Manager has recommended the transfer of \$20,000 from the Transportation Capital Expansion Fee fund to the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

H. 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.

I. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

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

K. The Project cost of \$20,000 has been used to calculate the contribution to the APP program.

L. The amount to be contributed by this Ordinance will be \$200.

M. The appropriations in this Ordinance benefit public health, safety, and welfare of the residents of Fort Collins and the traveling public and serve the public purpose of improving multimodal transportation infrastructure, safety, and accessibility 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. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee fund the sum of TWENTY THOUSAND DOLLARS: (\$20,000) to be expended in the Transportation Capital Expansion Fee fund for Transfer to the Capital Projects fund for the Pedestrian Intersection Improvements Project.

Section 2. The unexpended and unencumbered appropriated amount of ONE HUNDRED FIFTY-SIX DOLLARS: (\$156) 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 3. The unexpended and unencumbered appropriated amount of FORTY DOLLARS: (\$40) 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 4. The unexpended and unencumbered appropriated amount of FOUR DOLLARS: (\$4) 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 5. The appropriation herein for the Pedestrian Intersection Improvements 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 capital project.

Introduced, considered favorably on first reading on February 18, 2025, and approved on second reading for final passage on March 4, 2025.



Mayor

ATTEST:



City Clerk



Effective Date: March 14, 2025
Approving Attorney: Heather N. Jarvis

ORDINANCE NO. 192, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION FOR A DEVELOPMENT
CONTRIBUTION TO CONSTRUCTION AND AUTHORIZING TRANSFERS OF
APPROPRIATIONS FOR THE SHARP POINT DRIVE AND MARCH COURT
PEDESTRIAN INTERSECTION IMPROVEMENT PROJECT AND RELATED ART IN
PUBLIC PLACES

A. This Ordinance appropriates developer contribution funds to the Sharp Point Drive and March Court Pedestrian Intersection Improvement project (the "Project").

B. The Active Modes Plan recommends bicycle and pedestrian improvements at locations where they could reduce vehicular-pedestrian crashes. Vehicle-pedestrian crashes and vehicle-cyclist crashes are more likely to result in severe injuries or fatalities.

C. FC Moves staff and Engineering staff evaluated five recommendations where improvements were likely to have a significant impact. The City successfully applied in 2022 and 2023 for Highway Safety Improvement Program ("HSIP") grant funds to make improvements at these locations. The Project is one of these identified locations. City Council appropriated the HSIP grant and local funding in September 2024 (Ordinance No. 132, 2024). Design has begun at all five locations, and construction is anticipated in 2026.

D. A private development project, Liberty Common Junior High School, provided a development contribution in 2025 according to the terms of its development agreement for pedestrian improvements at Sharp Point Drive in the amount of \$52,485. These pedestrian improvements will be constructed as part of the Project.

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

F. The City Manager recommended the appropriation described herein and determined that the funds to be appropriated are available and previously unappropriated from the Transportation Improvements fund and that this appropriation will not cause the total amount appropriated in the Transportation Improvements 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 recommended the transfer of \$52,485 from the Liberty Common Junior High School development contribution account in the Transportation Improvements fund to the Project capital account in the Capital Projects fund 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 ("APP") program.

J. The Project cost of \$52,485 has been used to calculate the contribution to the APP program.

K. The amount to be contributed in this Ordinance will be \$525 of the development contribution in the Project.

L. 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.

M. The City Council wishes to designate the appropriation herein for the Project as an appropriation that shall not lapse until the completion of the Project.

N. The appropriations in this Ordinance benefit public health, safety and welfare of the residents and traveling public of Fort Collins and serve the public purpose of improving transportation infrastructure and safety within the City.

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

Section 1. There is hereby appropriated from new revenue or other funds in the Liberty Common Junior High School Development Contribution account in the Transportation Improvements fund the sum of FIFTY-TWO THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS (\$52,485) to be expended in the Transportation Improvements fund for transfer to the Capital Projects fund for the Project.

Section 2. The unexpended and unencumbered appropriated amount of FOUR HUNDRED TEN DOLLARS (\$410) in the Capital Projects fund is hereby authorized for

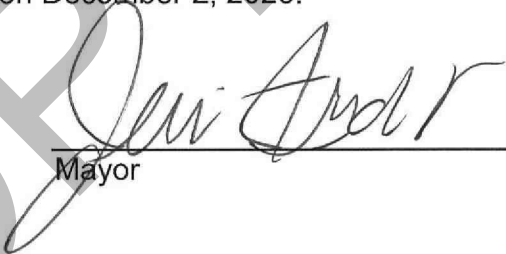
transfer to the Cultural Services and Facilities fund and appropriated therein to fund art projects under the APP program.

Section 3. The unexpended and unencumbered appropriated amount of ONE HUNDRED FIVE DOLLARS (\$105) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated therein for expenditure for the operation costs of the APP program.

Section 4. The unexpended and unencumbered appropriated amount of TEN DOLLARS (\$10) in the Capital Projects fund is hereby authorized for transfer to the Cultural Services and Facilities fund and appropriated therein for expenditure for the maintenance costs of the APP program.

Section 5. The appropriation herein for the 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 November 18, 2025, and approved on second reading for final passage on December 2, 2025.



Mayor

ATTEST:



City Clerk



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

Exhibit: None

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS

Disability Advisory Board REGULAR MEETING

Monday, May 18, 2026 – 5:30 PM

300 Laporte Avenue and Microsoft Teams

1. CALL TO ORDER: 5:30 PM

2. ROLL CALL

- a. Board Members Present – Liri Sananes, Ryan Burns, Patrick Malloy, Steven Prentiss, Kristin Glennie, Linda Drees (arrived late)
- b. Board Members Absent – Cassiday Dellemonache (Chair), Anais Campbell (Co-Chair), Addie Chevalier
- c. Staff Members Present – Claudia Menendez
- d. Guest(s) – Councilmember Melanie Potyondy

3. AGENDA REVIEW

Sananes reviewed the agenda.

4. PUBLIC PARTICIPATION

Councilmember Melanie Potyondy thanked the members for their service and noted the advisory boards are very important to policy making in the City. She stated she would be glad to participate in any meeting the Board would deem to be helpful. She noted she also has historically met quarterly with the Chair and Vice Chair or the Boards to whom she is a liaison.

5. APPROVAL OF MINUTES – April 20, 2026

Malloy made a motion, seconded by Sananes to approve the April 20, 2026 minutes. The motion was adopted unanimously.

6. BUDGET

None.

7. GUEST PRESENTER

a. Dana Hornkohl – Civil Engineering Director

Dana Hornkohl, Civil Engineering Director, showed a map of the 2026 transportation capital projects and noted the plans from which the projects are

chosen include the Active Modes Plan, the Transportation Capital Projects Prioritization Study, and the Strategic Trails Plan. He discussed some of the ongoing and upcoming projects and provided details regarding the Vine and Jerome intersection project.

Glennie asked if there will be sidewalk ramps on the south side. Hornkohl replied in the affirmative and noted the existing sidewalk will be widened from five to ten feet.

Drees asked if the signals will have an audible component. Hornkohl replied that is the intent; however, the specific model has not yet been identified.

Sananes commended the inclusion of the truncated domes and suggested using a vibrating and speaking signal.

Hornkohl went on to detail a series of five improvements that are being made as part of a Highway Safety Improvement Program grant, including Prospect Road crossing improvements and the Lake and Aggie Trail crossing improvements. He also detailed the Remington and Mulberry crossing improvements which will include updates to allow the signals to better identify cyclists. He commented on a Safe Routes to School intersection improvement project at Sharp Point and March Court to make a connection to the Poudre River Trail.

Menendez asked if the projects are being designed around the Vision Zero Council priority. Hornkohl replied all of the projects highlighted in this presentation included identified Vision Zero improvements. He noted that all capital projects have safety components, though some have other aspects such as increased vehicular capacity or streetscape improvements.

Burns asked if there is coordination with Transfort on these projects. Hornkohl replied in the affirmative and noted the Transfort Optimization Plan may have changed some of the routes which may impact future capital projects.

Hornkohl discussed crossing improvements at Kechter and Old Mill which serve several schools in the area.

Malloy asked if audible crosswalks are not a requirement. Hornkohl replied he would need to discuss those requirements with the Traffic Operations group and return with a more definitive response. He stated he believes all new and replacement signals would be audible. Sananes noted requests for audible signals to be installed at specific intersections can be made through Access Fort Collins.

Glennie noted many wheelchair users utilize bike lanes and requested assurance that crossing buttons are at correct heights. Hornkohl showed a rendering of the crossing buttons located at chair height.

8. NEW BUSINESS

Item 8.

Sananes noted Dial-a-Ride in Fort Collins is no longer providing Sunday service beginning August 17th.

Drees noted the proclamation for National Disability Employment Month, which is in October, was included in the meeting packet. She stated planning begins early for the associated events and awards ceremony. She stated she would like the Board to approve the proclamation so the process of getting it through the City process could begin.

Sananes read the proclamation.

Drees outlined the awards ceremony information and noted the Board has a draft schedule.

Malloy noted he is the head of the awards committee and provided a reminder that the Lincoln Center is providing volunteers.

Malloy made a motion, seconded by Prentiss, that the Board approve the proclamation that will be read at the awards banquet in October. The motion was adopted unanimously.

Members discussed the nomination forms and award descriptions.

Malloy made a motion, seconded by Prentiss, to approve the content of the nomination forms upon inclusion of the award descriptions, with dates to be adjusted in the future. The motion was adopted unanimously.

Drees noted there was a previous discussion about combining the Community Recognition and Public Awareness Committees.

Malloy made a motion, seconded by Prentiss, to combine the Community Recognition and Public Awareness Committees.

Burns stated he had a meeting with Jan Reece on Thursday and was told the Government Relations and Accessibility Committees were to be merged and the Public Awareness and Community Recognition Committees were to be merged.

Members discussed the merging of committees that was mentioned at the previous meeting.

Burns stated he was under the impression that he and Glennie would be on the combined Accessibility and Government Relations Committee.

Drees stated she would be willing to shift to the Community Recognition Committee.

Burns made a motion, seconded by Glennie, to merge the Accessibility and Government Relations Committees. The motion was adopted unanimously.

Members discussed calling the new Committee 'Government & Accessibility,'

specifically with an ampersand, with the Community Recognition and Public Awareness Committee being shortened to Community Recognition Committee.

Item 8.

Glennie noted International/Global Accessibility Day is on Thursday and this is Accessibility Awareness Week.

9. OLD BUSINESS

a. Disability Pride Month Flag

Sananes stated the Disability Pride Month flag has been purchased.

b. Disability Pride Proclamation

Sananes stated the Board was originally told the only option for the proclamation was June 16th; however, there is now a July 21st option, and Disability Pride Month is July.

Menendez noted Council meets every Tuesday, either for regular meetings in Chambers or Work Sessions in the CIC room; however, the first July regular meeting has been cancelled, which is why the specific June and July dates were options.

Menendez discussed the flag policy for City Hall and noted the general idea is for flags to be flown during the week of the proclamation.

Burns expressed support for the July 21st date and other members concurred.

Burns made a motion, seconded by Malloy, to have the Disability Pride Proclamation read on July 21st. The motion was adopted unanimously.

Members discussed the reception time and flag raising time.

Sananes suggested an arrival time of 4:15 PM.

Glennie made a motion, seconded by Malloy, to have a reception start time of 4:15 PM with the flag raising to occur as necessary per the City's employee. The motion was adopted unanimously.

Members discussed voting on who would accept the proclamation at the June meeting.

Glennie asked if a sheet describing the Disability Pride flag could be posted during the time of its display. Menendez replied an easel could be used for that purpose.

Members also discussed possibly having a Disability Pride link and description of the flag on the Board's webpage.

Glennie volunteered to write the description of the Disability Pride flag prior to the June meeting.

10. COMMITTEE DISCUSSIONS

Item 8.

a. Executive Committee

None.

b. Education and Outreach

None.

c. Public Awareness

None.

d. Government Committee

None.

e. Community Recognition

Malloy noted the nomination form has already been approved pending award descriptions and date adjustments. He also noted Amanda Morgan who went off the Board in March will be receiving her lifetime achievement award, the cost of which is \$100. He stated the photographer price will be \$300, the dessert bar will be \$325, trophies will be \$375, silverware will be \$30, napkins \$20, decorations \$25, Jimmy John's sandwiches will be \$325, and a vegetable tray will be \$100, for a total of \$1,800. He stated he will be talking with Chair Dellemonache about her business donating some coffee.

Malloy noted the theme of the award ceremony last year was "The Ripple Effect," and suggested this year's theme could be "Waves of Change." He requested input on the theme as well as whether art from disabled artists would be displayed at the event.

Glennie expressed support for the art idea and noted there is an adaptive art program in Fort Collins that could be a good resource.

Burns made a motion, seconded by Malloy, Board voted to approve "Waves of Change" as the theme. The motion was adopted unanimously.

f. Accessibility

Burns noted he will be working on ensuring the City's new website is fully accessible.

11. ADJOURNMENT

The meeting was adjourned at 7:25 P.M.

Minutes approved by the Chair and a vote of the Board on June 15, 2026

Item 8.

Signature: Reece

6/15/26

ORDINANCE NO. 132, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION AND
AUTHORIZING TRANSFERS OF APPROPRIATIONS FOR THE
PEDESTRIAN INTERSECTION IMPROVEMENTS PROJECT AND
RELATED ART IN PUBLIC PLACES

A. The purpose of this Ordinance is to appropriate Community Capital Improvement Program funds, Transportation Services funds, Transportation Capital Expansion Fee funds and Transportation Services Reserve funds for the Pedestrian Intersection Improvements project (the "Project"). The funds will be used to cover construction costs for the five locations included in the Project.

B. The Project helps make progress towards the City's Vision Zero Goal and aims to improve vulnerable road user safety with infrastructure improvements on the High Injury Network. The five locations included in the Project include two on the High Injury Network and three others that help establish safe routes to school. The locations were identified in the City's Active Modes Plan and selected based on documented crash history, pedestrian and bicycle demand, and proximity to schools and other pedestrian generators.

C. All five locations include improvements that are designed to protect vulnerable road users and that are likely to have a significant positive safety impact, and all proposed improvements will meet the federal Access Board's Public Right-of-Way Accessibility Guidelines ("PROWAG").

D. The first intersection is West Prospect Road and Prospect Lane, which is an uncontrolled crossing on the High Injury Network. The Project proposes that this location receive a new Pedestrian Hybrid Beacon.

E. The second intersection is East Mulberry Street and Remington Street, which is an existing signalized intersection that experienced 74 crashes from 2016 through 2020, including 11 approach-turn crashes, and is on the High Injury Network. The Project will evaluate converting the signal to protected-only left-turn phasing to reduce these conflicts, along with implementing PROWAG ramp improvements.

F. The remaining three intersection improvements will help establish safe routes to school: Sharp Point Drive and March Court serves Liberty Common Elementary School; West Lake Street and Aggie Trail is a midblock crossing through the Colorado State University campus; and Kechter Road and Old Mill Road serves Preston Middle School and other nearby schools. The Project proposes that each of these locations receives a Rectangular Rapid Flashing Beacon.

G. The City was awarded Highway Safety Improvement Program ("HSIP") grant funds for the Project for these locations in 2022 and 2023. City Council approved

the Project and appropriated this funding, the required local match, and the related Art in Public Places (“APP”) contributions in Ordinance No. 132, 2024. City Council appropriated two development contributions for the Project with Ordinance No. 021, 2025, and Ordinance No. 192, 2025.

H. The Project design for the locations began in March 2025, and has since progressed to ninety percent completion, with the necessary Colorado Department of Transportation (“CDOT”) reviews. Once the designs are finalized and all CDOT clearances are approved, the Project will be ready to advertise for construction. Construction bid advertisement is targeted to begin in late 2026.

I. Article V, Section 9 of the City Charter permits 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.

J. The City Manager has recommended the appropriations described herein and determined that the funds to be appropriated are available and previously unappropriated from the Transportation Capital Expansion Fee fund and the Transportation Services fund and that these appropriations will not cause the total amount appropriated in the Transportation Capital Expansion Fee fund and the Transportation Services fund 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. Article V, Section 10 of the City Charter authorizes 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.

L. The City Manager has recommended the transfer of \$579,934 from the Community Capital Improvement Program – Bicycle Infrastructure Improvements program budget in the Capital Projects fund, \$50,000 from the Community Capital Improvement Program – Pedestrian Sidewalk budget in the Capital Projects fund, \$50,074 from the Transportation Services fund, and \$323,536 in the Transportation Capital Expansion Fee fund to the Capital Projects fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

M. 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 APP program.

N. The total additional APP-eligible project cost of \$369,911 has been used to calculate the contribution to the APP program.

O. The amount to be contributed in this Ordinance will be \$3,699.

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

Q. City Council wishes to designate the appropriations herein for the Pedestrian Intersection Improvements project as appropriations that shall not lapse until the completion of the Project.

R. The appropriations in this Ordinance benefit the public health, safety, and welfare of the residents and the traveling public of Fort Collins and serve the public purposes of improving pedestrian infrastructure and safety within the City.

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

Section 1. The unexpended and unencumbered appropriated amount of FIVE HUNDRED SEVENTY-NINE THOUSAND NINE HUNDRED THIRTY-FOUR DOLLARS (\$579,934) is authorized for transfer from the Community Capital Improvement Program – Bicycle Infrastructure Improvements program account in the Capital Projects fund to the capital project account in the Capital Projects fund and appropriated therein to be expended for the Pedestrian Intersection Improvements Project.

Section 2. The unexpended and unencumbered appropriated amount of FIFTY THOUSAND DOLLARS (\$50,000) is authorized for transfer from the Community Capital Improvement Program – Pedestrian Sidewalk program account in the Capital Projects fund to the capital project account in the Capital Projects fund and appropriated therein to be expended for the Pedestrian Intersection Improvements Project.

Section 3. The unexpended and unencumbered appropriated amount of FIFTY THOUSAND DOLLARS (\$50,000) is authorized for transfer from the Transportation Services fund to the Capital Projects fund and appropriated therein to be expended for the Pedestrian Intersection Improvements Project.

Section 4. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee fund the sum of THREE HUNDRED TWENTY-THREE THOUSAND FIVE HUNDRED THIRTY-SIX DOLLARS (\$323,536) to be

expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund and appropriated therein to be expended for the Pedestrian Intersection Improvements Project.

Section 5. There is hereby appropriated from prior year reserves in the Transportation Services fund the sum of SEVENTY-FOUR DOLLARS (\$74) to be expended in the Transportation Services fund for transfer to the Capital Projects fund and appropriated therein to be expended for the Pedestrian Intersection Improvements Project.

Section 6. The unexpended and unencumbered appropriated amount of TWO THOUSAND EIGHT HUNDRED EIGHTY-FIVE DOLLARS (\$2,885) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture fund and appropriated and expended therein to fund art projects under the APP program.

Section 7. The unexpended and unencumbered appropriated amount of SEVEN HUNDRED FORTY DOLLARS (\$740) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture fund and appropriated and expended therein for the operation costs of the APP program.

Section 8. The unexpended and unencumbered appropriated amount of SEVENTY-FOUR DOLLARS (\$74) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 9. The appropriations herein for the Pedestrian Intersection Improvements Project are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on October 6, 2026, and approved on second reading for final passage on October 20, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 30, 2026

Approving Attorneys: Rebecca Bayetti and Heather N. Jarvis

Exhibit: None

Ordinance No. 132, 2026

File Attachments for Item:

9. First Reading of Ordinance No. 133, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the Lemay and Drake Intersection Improvements Project and Related Art in Public Places.

The purpose of this item is to request a supplemental appropriation for the Lemay and Drake Intersection Improvements project (the "Project"). The funding will be used to complete acquisition of private property adjacent to the intersection right-of-way that is needed for the Project and install a replacement traffic signal. If approved the item will (1) appropriate \$1,549,760 in Transportation Capital Expansion Fee funds to the Project; (2) appropriate \$307 in Transportation Services Reserve funds to the Project; and (3) transfer \$15,347 (1% of new Project funding) in capital projects funds to the Art in Public Places ("APP") program. The Project will help make progress towards the City's Vision Zero Goal and aims to improve safety with infrastructure improvements on the High Injury Network.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Florian Fiebig, Project Manager
Dana Hornkohl, Capital Projects Manager

SUBJECT

First Reading of Ordinance No. 133, 2026, Making a Supplemental Appropriation and Authorizing Transfers of Appropriations for the Lemay and Drake Intersection Improvements Project and Related Art in Public Places.

EXECUTIVE SUMMARY

The purpose of this item is to request a supplemental appropriation for the Lemay and Drake Intersection Improvements project (the "Project"). The funding will be used to complete acquisition of private property adjacent to the intersection right-of-way that is needed for the Project and install a replacement traffic signal. If approved the item will (1) appropriate \$1,549,760 in Transportation Capital Expansion Fee funds to the Project; (2) appropriate \$307 in Transportation Services Reserve funds to the Project; and (3) transfer \$15,347 (1% of new Project funding) in capital projects funds to the Art in Public Places ("APP") program. The Project will help make progress towards the City's Vision Zero Goal and aims to improve safety with infrastructure improvements on the High Injury Network.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Lemay Avenue and Drake Road intersection (Project Location Map) has an excess crash cost of \$460,000 compared to a typical four-legged intersection where the roadways meet at right angles. This is determined by evaluating statistical safety performance using Colorado Department of Transportation ("CDOT") methodology. The intersection is in the top five with safety concerns in Fort Collins and registers as a Level of Service of Safety ("LOSS") IV using CDOT analysis techniques. This means the intersection has a high potential for crash reduction. It experiences almost three more injury crashes per year than would be expected given volumes and geometry. Of special concern are approach-turn crashes, with statistically far more crashes than anticipated.

The intent of this Project is to eliminate most of the conflicts that result in traffic crashes at the intersection. The proposed improvements (Project Typical Section and Site Plan) will add a southbound right-turn lane and convert the traffic signal from a "doghouse" style protected/permissive signal to flashing yellow arrows that can be operated protected-only on all four approaches. A protected signal is when, on the green arrow, drivers are given the right-of-way to complete their turns, free of other traffic conflicts. A protected/permissive signal is when a green arrow indicates a protected turn, and there is also a permissive phase in which the left-turning vehicles must yield to the opposing traffic during the green indication. This

will require a rebuild of the signal system with new signal poles and mast arms. The southbound approach is the highest volume approach, particularly during the afternoon peak period, and the approach with the highest propensity for rear-end crashes. Adding a southbound right turn lane is expected to reduce total crashes by 14% (Harwood et al. 2002, Crash Modification Factors Clearinghouse). The addition of flashing yellow arrows that can be operated in protected-only mode by time of day, such as during peak hour, will be used to target the unusual number of approach-turn crashes at the intersection. Based on experience at other locations in Fort Collins where this treatment has been used, the City anticipates about an 80% reduction in approach-turn crashes. The Project also includes improvements for active modes users. Existing refuge islands on the northwest and southeast corners are being expanded to better accommodate multiple users or cyclists with trailers. Accessible ramps at all four corners will be replaced to meet current federal Access Board Public Right-of-Way Accessibility Guidelines ("PROWAG"). The proposed channelized southbound right-turn lane will include a raised pedestrian crossing to protect active modes users. The Project is located on the City's High Injury Network and seeks to reduce motor vehicle crashes. The Project includes improvements designed to protect vulnerable road users and is in alignment with the City's Strategic Plan, Transportation & Mobility Goal 7.1.3 Reduce Speeds/Safe Infrastructure.

The City was awarded Highway Safety Improvement Program ("HSIP") grant funding from CDOT that was appropriated by City Council in 2023 (Ordinance No 135, 2023). The Project design effort began in 2024. The City's Real Estate Services Department has assisted with the acquisition of additional right-of-way on the northwest corner needed to construct the channelized right turn. The design effort is nearing completion and the estimated cost for the Project has increased significantly since the grant application cost estimate prepared in 2020, primarily escalation in the acquisition and construction costs.

Staff requests a supplemental appropriation of \$1,550,067 to complete the right-of-way acquisition and construct the Project. A transfer of \$15,347 is proposed to fulfill the Project's obligation to the APP program.

CITY FINANCIAL IMPACTS

This item would appropriate \$1,550,067 to support acquisition and construction for the Lemay and Drake Intersection Improvements project.

The following is a summary of the current and proposed funding appropriations and transfers for the Project.

Previously Appropriated and/or Transferred Funds	
Highway Safety Improvement Program (HSIP)	\$ 900,072
Community Capital Improvement Program - Arterial Intersection Improvements (CCIP-AII)	\$ 200,008
Art in Public Places (APP) Program	\$ (1,000)
Total Prior Appropriation	\$ 1,099,080

Funds to be Appropriated and/or Transferred with this Action	
Transportation Capital Expansion Fee (TCEF)	\$ 1,549,760
Transportation Services Reserve Fund (TSRF)	\$ 307
Net Total Funds to be Appropriated per this Action	\$ 1,550,067

Proposed Transfer to Art in Public Places (APP) Program	\$ 15,347
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Total Proposed Project Funds	\$ 2,633,800
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The total fund amount projected for this Project is \$2,633,800 composed of funds appropriated and transferred with prior actions and this action.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

City Council adopted the Transportation Capital Projects Prioritization Study (“TCPPS”) on September 19, 2023. The study recommended the Project (No. 7 of 15). The study was also brought to the Transportation Board on August 16, 2023, and the Bike Advisory Committee on August 28, 2023, and both bodies supported the results of the study. The Project has been before City Council on one occasion resulting in an appropriation to the Project: Ordinance No. 135, 2023.

Staff presented the Project to the Active Modes Advisory Board on September 21, 2026. The Board was supportive of the Project.

PUBLIC OUTREACH

A public engagement plan was established as part of the development of the TCPPS work plan. This effort included a bilingual webpage on ourcity.fcgov.com, social media platforms, press releases, newsletters published by the City and various organizations, email distribution in coordination with the Larimer County Department of Health and Environment, and an in-person open house table for the West Elizabeth Corridor Design Project in July 2021.

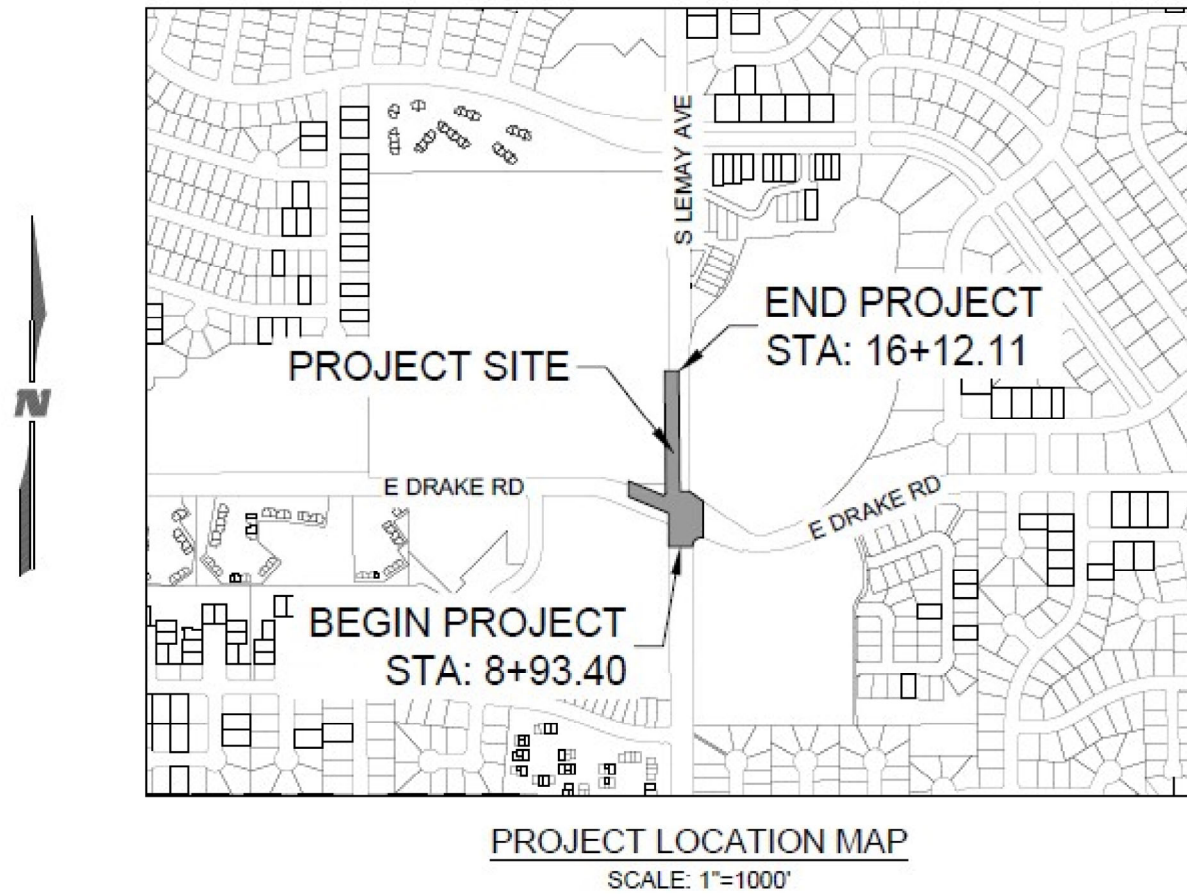
A virtual open house for TCPPS was held from October 14 - 31, 2021, to provide a progress update, display analysis findings, garner feedback, and encourage viewers to take a public survey if they hadn't done so already. The public survey was accessed by 472 visitors, contributed to by 166 unique people, and received 1,020 pins/comments.

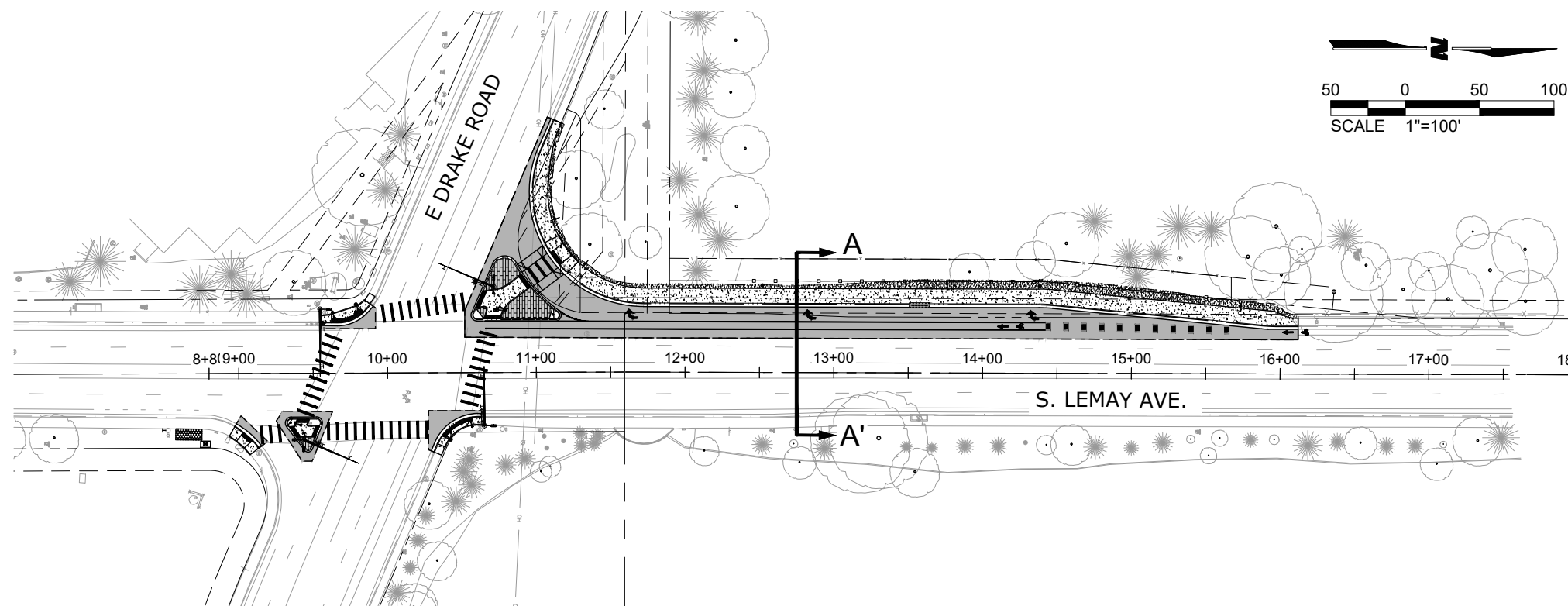
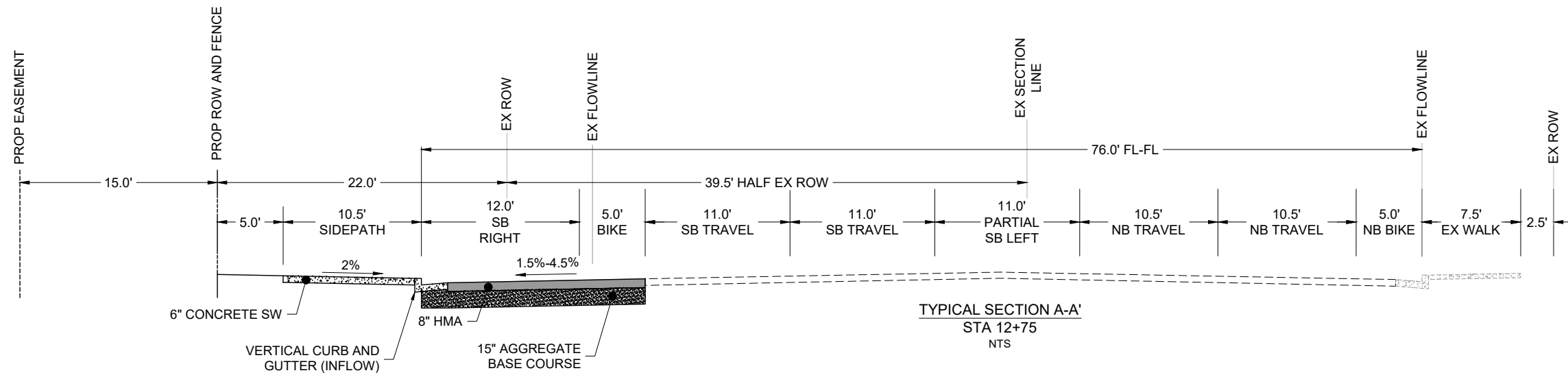
The Project has been featured at City of Fort Collins Transportation Project Fairs held on February 23, 2023, February 22, 2024, March 6, 2025, and February 6, 2026. The Project was discussed at the Active Modes Advisory Board meeting on September 21, 2026.

Staff will work with the Communications and Engagement Department to alert residents to Project construction.

ATTACHMENTS / LINKS

1. Project Location Map
2. Project Typical Section and Site Plan
3. Ordinance No. 135, 2023 (Copy)
4. Ordinance No. 133, 2026





FOR SUBMITTAL
NOT FOR CONSTRUCTION

CALL COLORADO 811
811
CALL 3-BUSINESS DAYS IN ADVANCE
BEFORE YOU DIG, GRADE, OR EXCAVATE
FOR THE MARKING OF UNDERGROUND
MEMBER UTILITIES.

WILSON
& COMPANY

Computer File Information		
Creation Date:	12/18/24	Initials: BKF
Last Modification Date:	06/01/26	Initials: BKF
Full Path:		
Drawing File Name:	2023139_TYP.dwg	
Acad Ver.	2023	Scale: N/A Units: ENGLISH

Index of Revisions		



As Constructed	TYPICAL SECTION		Project No./Code
No Revisions:			SHO M455-135
Revised:	Designer:	M. OBERLANDER	23879
	Detailer:	B. FISCHER	
Void:	Sheet Subset:		SHEET NUMBER 11

ORDINANCE NO. 135, 2023
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING UNANTICIPATED REVENUE AND AUTHORIZING
TRANSFERS FOR THE LEMAY AND DRAKE INTERSECTION IMPROVEMENTS
PROJECT AND RELATED ART IN PUBLIC PLACES

WHEREAS, the intersection of Lemay Avenue and Drake Road is a crossroads that experiences almost three more injury crashes per year than would be expected given volumes and geometry and results in an excess crash cost of \$460,000 per year; and

WHEREAS, the Lemay Avenue and Drake Road intersection is in the top five intersections of safety concerns in Fort Collins and registers under Colorado Department of Transportation (CDOT) Level of Service of Safety (LOSS) analysis techniques as an intersection that has a high potential for crash reduction, labeled a "LOSS IV" rating under the CDOT LOSS rating system; and

WHEREAS, the southbound approach is the highest volume approach and is the approach turn with the highest propensity for rear end crashes, particularly during the afternoon peak period; and

WHEREAS, the Lemay and Drake Intersection Improvements Project (the Project) has been developed to address these safety concerns and eliminate most of the conflicts presented by this intersection that result in crashes; and

WHEREAS, the Project's proposed improvements will add a southbound right turn lane and will convert the signals on all four approaches to flashing yellow arrows that can be operated protected only, by time of day such as during the peak hour, where the protected operation provides a green arrow for drivers to have the right-of-way to complete their turns; and

WHEREAS, the Project's proposed improvements require a rebuild of the signal system with new signal poles and mast arms to replace existing "doghouse" style protected/permissive signals, which signals had a protected phase with a green arrow but also a permissive phase in which the left-turning vehicles must yield to the opposing traffic during the green indication; and

WHEREAS, based on experience at other locations in Fort Collins where treatments such as the proposed Project improvements have been used, the City anticipates about an 80 percent reduction in approach turn crashes; and

WHEREAS, the Project's conceptual design includes improvements for pedestrian and bicyclist safety as well; and

WHEREAS, the Highway Safety Improvement Program (HSIP) grant funds for the Project are to be administered by CDOT with project delivery oversight pursuant to an Intergovernmental Agreement (IGA) with CDOT that requires a ninety percent to ten percent federal to local funding split; and

WHEREAS, the total amount of funds associated with this Project is \$1,000,080, composed of federal HSIP funds of \$900,072 and City funds of \$100,008; and

WHEREAS, the purpose of this Ordinance is to enable the City to receive and expend the available grant funds and to appropriate those funds; and

WHEREAS, this appropriation benefits public health, safety and welfare of the citizens of Fort Collins and serves the public purpose of improving transportation infrastructure within the City; and

WHEREAS, 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"); and

WHEREAS, the project cost of \$100,008 in this Ordinance contributed by the Community Capital Improvement Program Fund Reserves is applicable for contribution to the APP Program; and

WHEREAS, the HSIP funds appropriated in this Ordinance for the Project are ineligible for use in the APP Program due to restrictions placed on them by the HSIP grant administered by CDOT; and

WHEREAS, 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; and

WHEREAS, the City Manager has recommended the appropriation described herein and determined that this appropriation is available and previously unappropriated from the Community Capital Improvements Program Fund and will not cause the total amount appropriated in the Community Capital Improvements Program 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; and

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

WHEREAS, the City Manager has recommended the transfer of \$100,008 from the Community Capital Improvement Program Fund to the Capital Projects Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, the City Manager has recommended the transfer of \$1,000 from the Capital Projects Fund to the Cultural Services & Facilities Fund and determined that the purpose for which the transferred funds are to be expended remains unchanged; and

WHEREAS, 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; and

WHEREAS, the City Council wishes to designate the appropriation herein from the HSIP 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.

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

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

Section 2. That there is hereby appropriated from new revenue or other funds from the Highway Safety Improvement Program (HSIP) grant in the Capital Projects Fund the sum of NINE HUNDRED THOUSAND SEVENTY-TWO DOLLARS (\$900,072) to be expended in the Capital Projects Fund for the Lemay and Drake Intersection Improvements project.

Section 3. That the unexpended and unencumbered appropriated amount of ONE HUNDRED THOUSAND EIGHT DOLLARS (\$100,008) is authorized for transfer from the Community Capital Improvement Program Fund to the Capital Project Fund and appropriated therein to be expended for the Lemay and Drake Intersection Improvements project.

Section 4. That the unexpended and unencumbered appropriated amount of SEVEN HUNDRED EIGHTY DOLLARS (\$780) 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.

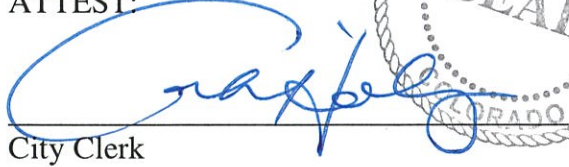
Section 5. That the unexpended and unencumbered appropriated amount of TWO HUNDRED DOLLARS (\$200) in the Capital Projects Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the operation costs of the APP Program.

Section 6. That the unexpended and unencumbered appropriated amount of TWENTY DOLLARS (\$20) in the Capital Projects Fund is authorized for transfer to the Cultural Services and Facilities Fund and appropriated and expended therein for the maintenance costs of the APP Program.

Section 7. That the appropriation herein from the HSIP 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 and ordered published this 3rd day of October, 2023, and to be presented for final passage on the 17th day of October, 2023.

ATTEST:

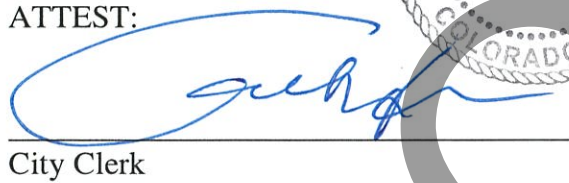

City Clerk

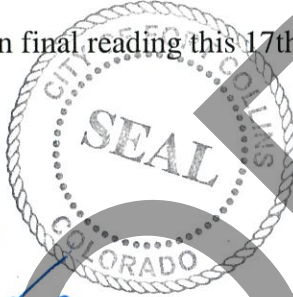


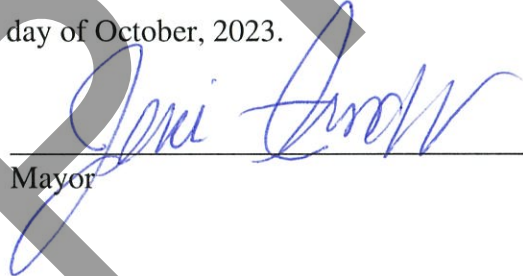

Mayor

Passed and adopted on final reading this 17th day of October, 2023.

ATTEST:


City Clerk




Mayor

ORDINANCE NO. 133, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING A SUPPLEMENTAL APPROPRIATION AND AUTHORIZING TRANSFERS
OF APPROPRIATIONS FOR THE LEMAY AND DRAKE INTERSECTION
IMPROVEMENTS PROJECT AND RELATED ART IN PUBLIC PLACES

A. The purpose of this Ordinance is to appropriate Transportation Capital Expansion Fee funds and Transportation Services Reserve funds for the Lemay Avenue and Drake Road Intersection Improvements project (the "Project"). The funds will be used to acquire private property adjacent to the intersection right-of-way that is needed for the Project and to install a replacement traffic signal at the intersection of Lemay Avenue and Drake Road.

B. The intersection of Lemay Avenue and Drake Road is a crossroads that experiences almost three more injury crashes per year than would be expected given its volumes and geometry and has an excess crash cost of \$460,000 per year compared to a typical four-legged intersection where the roadways meet at right angles. Approach-turn crashes at the intersection occur far more frequently than statistically anticipated and, in particular, the southbound approach is the highest volume approach with the highest propensity for rear-end crashes.

C. The Lemay Avenue and Drake Road intersection is in the top five intersections of safety concerns in the City and registers under Colorado Department of Transportation ("CDOT") Level of Service of Safety ("LOSS") analysis techniques as a LOSS IV—an intersection that has a high potential for crash reduction.

D. The Project has been developed to address the safety concerns presented by this intersection and eliminate most of the conflicts that result in crashes at this location, which is on the City's High Injury Network.

E. The Project's proposed improvements will add a southbound right-turn lane and will convert the signals on all four approaches to flashing yellow arrows that can be operated in protected-only mode by time of day, during which the protected operation provides a green arrow for drivers to have the right-of-way to complete their turns.

F. The proposed improvements require a rebuild of the signal system with new signal poles and mast arms to replace existing "doghouse" style protected/permissive signals, which have both a protected phase with a green arrow and a permissive phase in which the left-turning vehicles must yield to the opposing traffic during the green indication.

G. Based on experience at other locations in Fort Collins where treatments such as the proposed Project improvements have been used, the City anticipates an 80% reduction in approach-turn crashes at the intersection due to the improvements.

H. The Project also involves improvements for active modes users, including expanded refuge islands on the northwest and southeast corners, the replacement of accessible ramps at all four corners to meet current federal guidelines, and a raised pedestrian crossing in the proposed channelized southbound right-turn lane.

I. The City was awarded Highway Safety Improvement Program (“HSIP”) grant funds for the Project, with project delivery oversight pursuant to an Intergovernmental Agreement (the “IGA”) with CDOT that requires a ninety percent to ten percent federal to local funding split. City Council approved and appropriated funds for the Project in Ordinance No. 135, 2023.

J. The Project design effort began in 2024 and is nearing completion, and the City is working to acquire additional right-of-way on the northwest corner of the intersection that is needed to construct the proposed channelized southbound right-turn lane.

K. Since the grant application cost estimate prepared in 2020, the estimated cost for the Project has significantly increased, primarily due to increased acquisition and construction costs. Due to these increased costs, supplemental appropriations for the Project are required.

L. Article V, Section 9 of the City Charter permits 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.

M. The City Manager has recommended the appropriations described in Sections 1 and 2 and determined that the appropriations described in those sections 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 the Transportation Capital Expansion Fee fund or 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.

N. Article V, Section 10 of the City Charter authorizes 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.

O. The City Manager has recommended the transfer of appropriations in Sections 1 through 5 below, including \$1,549,760 from the Transportation Capital Expansion Fee fund to the Capital Projects fund, \$307 from the Transportation Services fund to the Capital Projects fund, and \$15,347 from the Capital Projects fund to the Arts and Culture fund and determined that the purpose for which the transferred funds are to be expended remains unchanged.

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

Q. The total project cost of \$1,534,720 has been used to calculate the contribution to the APP program.

R. The amount to be contributed in this Ordinance will be \$15,347.

S. Article V, Section 11 of the City Charter authorizes City Council to designate in the ordinance when appropriating funds for a capital project, that such appropriations 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.

T. City Council wishes to designate the appropriations herein for the Lemay and Drake Intersection Improvements project as appropriations that shall not lapse until the completion of the Project.

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

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

Section 1. There is hereby appropriated from prior year reserves in the Transportation Capital Expansion Fee fund the sum of ONE MILLION FIVE HUNDRED FORTY-NINE THOUSAND SEVEN HUNDRED SIXTY DOLLARS (\$1,549,760) to be expended in the Transportation Capital Expansion Fee fund for transfer to the Capital Projects fund to be expended therein for the Lemay and Drake Intersection Improvements project.

Section 2. There is hereby appropriated from prior year reserves in the Transportation Services fund the sum of THREE HUNDRED SEVEN DOLLARS (\$307) to be expended in the Transportation Services fund for transfer to the Capital Projects fund to be expended therein for the Lemay and Drake Intersection Improvements project.

Section 3. The unexpended and unencumbered appropriated amount of ELEVEN THOUSAND NINE HUNDRED SEVENTY-ONE DOLLARS (\$11,971) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture 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 SIXTY-NINE DOLLARS (\$3,069) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture 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 SEVEN DOLLARS (\$307) in the Capital Projects fund is hereby authorized for transfer to the Arts and Culture fund and appropriated and expended therein for the maintenance costs of the APP program.

Section 6. The appropriations herein for the Lemay and Drake Intersection Improvements project are hereby designated, as authorized in Article V, Section 11 of the City Charter, as appropriations that shall not lapse at the end of this fiscal year but continue until the completion of the Project.

Introduced, considered favorably on first reading on October 6, 2026, and approved on second reading for final passage on October 20, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 30, 2026

Approving Attorneys: Rebecca Bayetti and Heather N. Jarvis

Exhibit: None

File Attachments for Item:

10. First Reading of Ordinance No. 134, 2026, Appropriating Prior Year Reserves in Support of the Utility Network for the Wastewater Utilities.

The purpose of this item is to appropriate \$60,000 of supplemental funding within the Wastewater Utilities Fund for One Water's Wastewater Utility Network technology project.

The Utility Network (UN) is a project to be implemented in support of each Utility – Light & Power, Water, Wastewater and Stormwater. Based on the unique needs of each utility's migration to the UN, proposed under different phases, the project will span several years for complete implementation. Each Utility's Fund has incorporated the UN in their respective Capital Improvement Plan. Additions to the project budgets within each Utilities Fund varies based on needs in standing up the UN.

Based on the project timeline in support of the UN being operable for the Wastewater Utilities, there is a current need to obtain professional services for Maximo asset management integration. Absent available funds within Wastewater Utilities UN project budget, this supplemental funding request supports entering into a service agreement before year-end to maintain the project timeline.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Maya Coleman, Senior Manager, Utilities GIS Operations
Kerri Ishmael, FP&A Manager, Utilities Finance

SUBJECT

First Reading of Ordinance No. 134, 2026, Appropriating Prior Year Reserves in Support of the Utility Network for the Wastewater Utilities.

EXECUTIVE SUMMARY

The purpose of this item is to appropriate \$60,000 of supplemental funding within the Wastewater Utilities Fund for One Water's Wastewater Utility Network technology project.

The Utility Network (UN) is a project to be implemented in support of each Utility – Light & Power, Water, Wastewater and Stormwater. Based on the unique needs of each utility's migration to the UN, proposed under different phases, the project will span several years for complete implementation. Each Utility's Fund has incorporated the UN in their respective Capital Improvement Plan. Additions to the project budgets within each Utilities Fund varies based on needs in standing up the UN.

Based on the project timeline in support of the UN being operable for the Wastewater Utilities, there is a current need to obtain professional services for Maximo asset management integration. Absent available funds within Wastewater Utilities UN project budget, this supplemental funding request supports entering into a service agreement before year-end to maintain the project timeline.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Through this transformation to Esri's Utility Network, the City gains real-time network awareness, predictive analytics, and automated outage tools to build a more resilient, reliable, and secure infrastructure for our community. This transition replaces aging legacy GIS systems, lowers operational costs, and ensures long-term grid sustainability for both One Water and Light & Power services.

The UN GIS to Maximo integration is critical to Wastewater daily field operations. These professional services will enable a seamless transition of work orders and asset location tracking to the new system. Being able to purchase migration services in 2026 will allow the UN project to perform development and testing while meeting already established and contractually agreed upon project timelines. As these UN projects are being done in sequential order, if this work is not started in 2026, both UN migrations for Water Utilities and Stormwater Utilities will be delayed.

The \$60,000 appropriation request for Wastewater Utilities UN project is primarily driven by maintaining the project timeline to align with the UN deployment. Alternatively, this project phase would have been scheduled for incorporation into the 2027/2028 Wastewater Utilities Capital Improvement Plan.

CITY FINANCIAL IMPACTS

In support of the Utility Network for Wastewater Utilities this item appropriates \$60,000 in Wastewater Fund reserves into the UN project budget.

Fund reserves are available for the above respective appropriation, with the Wastewater Utilities Fund projected to end 2026 above the City's fund reserve target. This appropriation does not impact reserves in an amount that would impact the 2027/2028 Recommended Budget.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Ordinance No. 134, 2026

ORDINANCE NO. 134, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROPRIATING PRIOR YEAR RESERVES IN SUPPORT OF THE UTILITY
NETWORK FOR THE WASTEWATER UTILITIES

A. The purpose of this item is to appropriate supplemental funding within the Wastewater Utilities Fund for One Water's Wastewater Utility Network.

B. The Utility Network ("UN") is a project to be implemented in support of each Utility: Light & Power, Water, Wastewater and Stormwater.

C. Wastewater Utilities will need to obtain the professional services for Maximo asset management integration ("Maximo Integration") to support UN being operable and maintain the project timeline. The UN GIS to Maximo Integration is critical to Wastewater daily field operations. The professional services for Maximo Integration will enable a seamless transition of work orders and asset location tracking to the new system.

D. Purchase of the professional services for Maximo Integration in 2026 will allow the UN project to perform development and testing while meeting already established and contractually agreed upon project timelines.

E. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and serves the public purposes of replacing the aging legacy GIS systems, lowering operational costs, and ensuring long-term grid sustainability for both One Water and Light and Power services.

F. Article V, Section 9 of the City Charter permits 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.

G. 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 (the "Fund") and that this appropriation will not cause the total amount appropriated in the 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 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

I. City Council wishes to designate the appropriation herein for One Water's Wastewater Utility Network 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 Wastewater Fund the sum of SIXTY THOUSAND DOLLARS (\$60,000) to be expended in the Wastewater Fund for One Water's Wastewater Utility Network.

Section 2. The appropriation herein for One Water's Wastewater Utility Network 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 October 6, 2026, and approved on second reading for final passage on October 20, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 30, 2026

Approving Attorney: Yvette Lewis-Molock

Exhibit: None

File Attachments for Item:

11. Items Relating to the Strauss Lakes Annexation.

A. Resolution 2026-114 Setting Forth Findings of Fact and Determinations Regarding the Strauss Lakes Annexation.

B. Public Hearing and First Reading of Ordinance No. 135, 2026, Annexing the Property Known as the Strauss Lakes Annexation to the City of Fort Collins, Colorado.

The purpose of this item is to annex 147.499 acres of land into the City of Fort Collins. The Strauss Lakes Annexation is a 100% voluntary annexation located on the northeast corner of the Ziegler Road and East Horsetooth Road intersection, within the City's Growth Management Area. The annexation meets all State of Colorado statutory requirements for voluntary annexation, including a contiguous perimeter of 40.5%, well above the one-sixth (16.67%) minimum required by State statute. The annexation is also consistent with the Intergovernmental Agreement for the Fort Collins Growth Management Area between the City of Fort Collins and Larimer County.

There is a related agenda item for zoning on the property.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Principal Planner

SUBJECT

Items Relating to the Strauss Lakes Annexation.

EXECUTIVE SUMMARY

A. Resolution 2026-114 Setting Forth Findings of Fact and Determinations Regarding the Strauss Lakes Annexation.

B. Public Hearing and First Reading of Ordinance No. 135, 2026, Annexing the Property Known as the Strauss Lakes Annexation to the City of Fort Collins, Colorado.

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There is a related agenda item for zoning on the property.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution and Ordinance on First Reading.

BACKGROUND / DISCUSSION

The owner, Cottonwood Land & Farm, LLC, submitted a petition and application for a voluntary annexation of 147.499 acres. The site is bordered on three sides by ditches, with an open water pond in the northernmost triangle of the site. Along the north side of the site, a recent expansion of the Poudre River Trail was constructed, and the City of Fort Collins owns the lands to the east – the existing Rigden Reservoir, and a parcel anticipated for a future “East Community Park” – that remain in unincorporated Larimer County.

Staff finds that the proposed annexation area meets all the requirements for voluntary annexation outlined in the Colorado Revised Statutes and the Larimer County and City of Fort Collins Intergovernmental Agreement:

- More than one-sixth (1/6) of the property's perimeter is contiguous with existing City limits. The site has 40.5% contiguity, which substantially exceeds the minimum.
- A community of interest exists between the property and the City.
- The property is urban or will be urbanized in the near future.
- The property is integrated with or capable of being integrated with the City.
- The annexation will not result in the creation of an enclave or detached parcel of unincorporated land.
- The annexation is also consistent with the policies and agreements between the City of Fort Collins and Larimer County contained in the Intergovernmental Agreement for the Fort Collins Growth Management Area, as amended.

The annexation will result in a logical and orderly development pattern, along existing major arterial streets with considerable adjacent infrastructure in place.

Pertinent procedural milestones for the annexation are as follows:

- Preliminary Development Review: May 8, 2024
- Neighborhood Meeting: May 13, 2024
- Annexation Submittal: December 18, 2025
- Initiating Resolution: September 1, 2026
- Planning and Zoning Commission Recommendation: September 17, 2026
- First Reading: October 6, 2026 – anticipated Second Reading: October 20, 2026
- Anticipated Effective Date of the Annexation: October 30, 2026

A related zoning ordinance on this agenda would place the property into the Low Density Mixed-Use Neighborhood ("LMN") and Medium Density Mixed-Use Neighborhood ("MMN") zone districts. The annexing property is also the subject of an associated development application, currently in review, for an Overall Development Plan ("ODP") proposing a future phased development for a residential neighborhood with a future neighborhood commercial center and an affordable housing component. A future metropolitan district service plan application to the City is anticipated for this project.

CITY FINANCIAL IMPACTS

The annexation will not result in direct or significant financial impacts to the City.

COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommended that City Council annex the Strauss Lakes Annexation with a vote of 5-0 at the Commission's September 17, 2026, hearing.

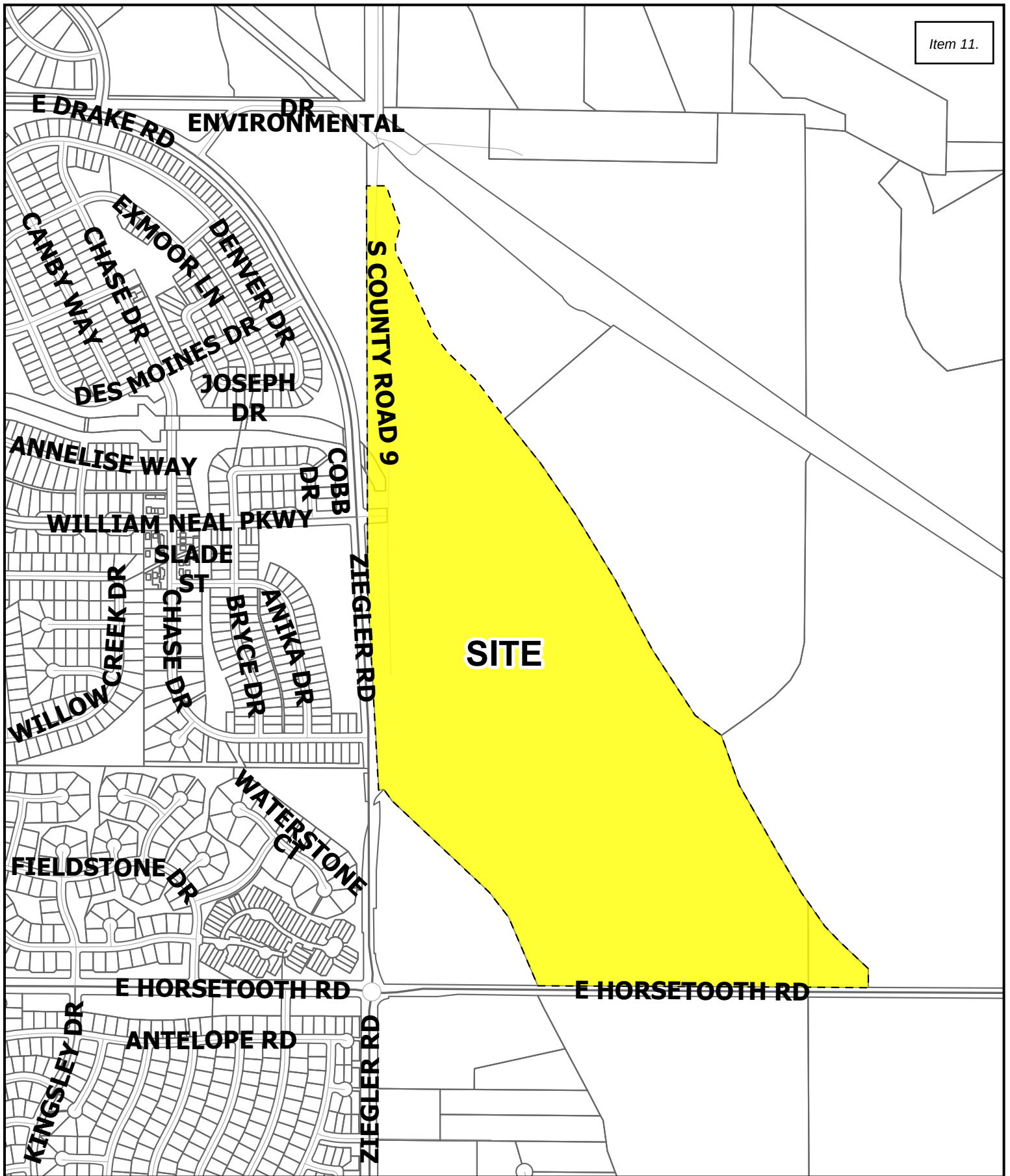
PUBLIC OUTREACH

An open house-style neighborhood meeting for the annexation, zoning, and conceptual plans for future development for the site was held on May 13, 2024. All notification requirements as required by state and local law have been met. A majority of questions and comments at the neighborhood meeting related to the ODP/development application, specifically future traffic impacts and safety concerns associated with that. Because the comments focused on the development of the property and not the annexation, and

because the decision on the development could be appealed to Council, those comments are not attached to this agenda item summary.

ATTACHMENTS

1. Vicinity Map
2. Annexation Petition
3. Annexation Map
4. Applicant Narrative
5. Planning & Zoning Commission Staff Report (Sept. 17, 2026)
6. Larimer County Comments on Annexation Impact Report
7. Staff Presentation
8. Resolution 2026-114
9. Ordinance No. 135, 2026



Strauss Lakes Annexation - ANX240002
LOCATION MAP



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 Strauss Lakes Annexation to the City of Fort Collins. Said area, consisting of approximately One hundred forty seven point four nine nine (147.499) acres, is 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 than 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 and MMN Zone Districts 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:

See Legal Description on Attachment "A"

IN WITNESS WHEREOF, I/we have executed this Petition for Annexation this 10th day of July, 2026.

Theresa D. Zell

Petitioner's/Owner's Signature

Petitioner's/Owner's Signature

P.O. Box 229

Address

Address

Boulder

City

CO

State

80306

Zip

City

State

Zip

ATTACHMENT "A"

PROPERTY DESCRIPTION

A parcel of land being part of Section Twenty-eight (28) and part of the North Half (N1/2) of Section Thirty-three (33), both in Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ¾" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Easterly line of Webster Second Annexation, recorded July 20, 1992 as Reception No. 92041897 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 and along the Easterly line of said Webster Second Annexation and along the Easterly line of Rigden Farm Annexation, recorded August 23, 1988 as Reception No. 88039690 of the records of the Larimer County Clerk and Recorder, a distance of 1492.15 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 and along the Easterly line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 114.66 feet;

THENCE South 15°04'45" East a distance of 229.68 feet;

THENCE South 21°36'28" West a distance of 108.13 feet;

THENCE South 10°32'42" East a distance of 115.89 feet;

THENCE South 24°37'47" East a distance of 522.26 feet;

THENCE South 46°01'34" East a distance of 284.23 feet;

THENCE South 42°28'26" East a distance of 371.08 feet;

THENCE South 38°25'34" East a distance of 345.50 feet;

THENCE South 34°19'19" East a distance of 367.14 feet;

THENCE South 31°19'46" East a distance of 461.85 feet;

THENCE South 27°58'39" East a distance of 474.36 feet;

THENCE South 33°07'21" East a distance of 473.54 feet;

THENCE South 52°30'40" East a distance of 198.11 feet;

THENCE South 19°48'54" East a distance of 318.67 feet;

THENCE South 29°45'20" East a distance of 461.31 feet;

THENCE South 30°25'11" East a distance of 283.52 feet;

THENCE South 35°02'30" East a distance of 249.02 feet;

THENCE South 44°01'29" East a distance of 131.65 feet;

THENCE South 46°36'26" East a distance of 232.41 feet;

THENCE South 00°00'00" East a distance of 170.07 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being Thirty (30) feet, as measured at a right angle, South of and parallel with the South line of the Southeast Quarter (SE1/4) of said Section 28;

THENCE North 89°39'32" West along said South Right-of-way line a distance of 358.46 feet to the East line of the Northwest Quarter (NW1/4) of said Section 33;

THENCE South 00°14'11" East along the East line of the Northwest Quarter (NW1/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Roselle - Shields M.L.D. No. 99-S1466, recorded July 6, 2016 as Reception No. 20160042793 of the records of the Larimer County Clerk and Recorder;

THENCE North 89°38'13" West along said the North line of said Lot 2, which is Thirty-eight (38) feet, as measured at angle, South of and parallel with the North line of the Northwest Quarter (NW1/4) of said Section 33, a distance of 1627.15

feet to the Northeasterly line of Tract "A," 2nd Amended Plat of Morgan's Ridge, P.U.D., recorded November 18, 1980 as Reception No. 388340 of the records of the Larimer County Clerk and Recorder;
THENCE North 25°40'04" West along the Northeasterly line of said Tract "A" a distance of 3.34 feet to the Northeast corner of said Tract "A," said point being a Southerly corner of Strauss Lakes Development Annexation, recorded May 1, 2003 as Reception No. 2003-0052891 of the records of the Larimer County Clerk and Recorder;
The following Seven (7) courses and distances are along the Southerly, Northeasterly and Northwesterly lines of said Strauss Lakes Development Annexation:
THENCE continuing North 25°40'04" West a distance of 5.56 feet;
THENCE South 89°38'13" East a distance of 31.31 feet;
THENCE North 23°15'56" West a distance of 513.99 feet;
THENCE North 37°49'36" West a distance of 188.78 feet;
THENCE North 46°56'06" West a distance of 839.47 feet;
THENCE North 32°02'34" West a distance of 60.00 feet;
THENCE South 57°57'25" West a distance of 93.99 feet to the POINT OF BEGINNING.

Said parcel of land contains 147.499 acres, more or less ($\pm$), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

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

Subscribed and sworn to before me this 10th day of July, 2026,
by William McDowell.

WITNESS my hand and official seal.

9-15-2027
Commission Expiration


Notary Public

ALYSSA FAVEL
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20234035436
MY COMMISSION EXPIRES SEPTEMBER 15, 2027

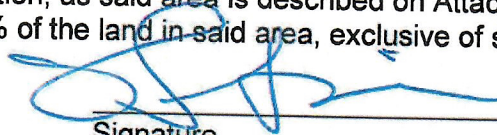
ATTACHMENT "C"**ATTORNEY CERTIFICATION**

I, Kristofer M. Simms, 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 Strauss Lakes 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.

Date

7/7/20

Signature



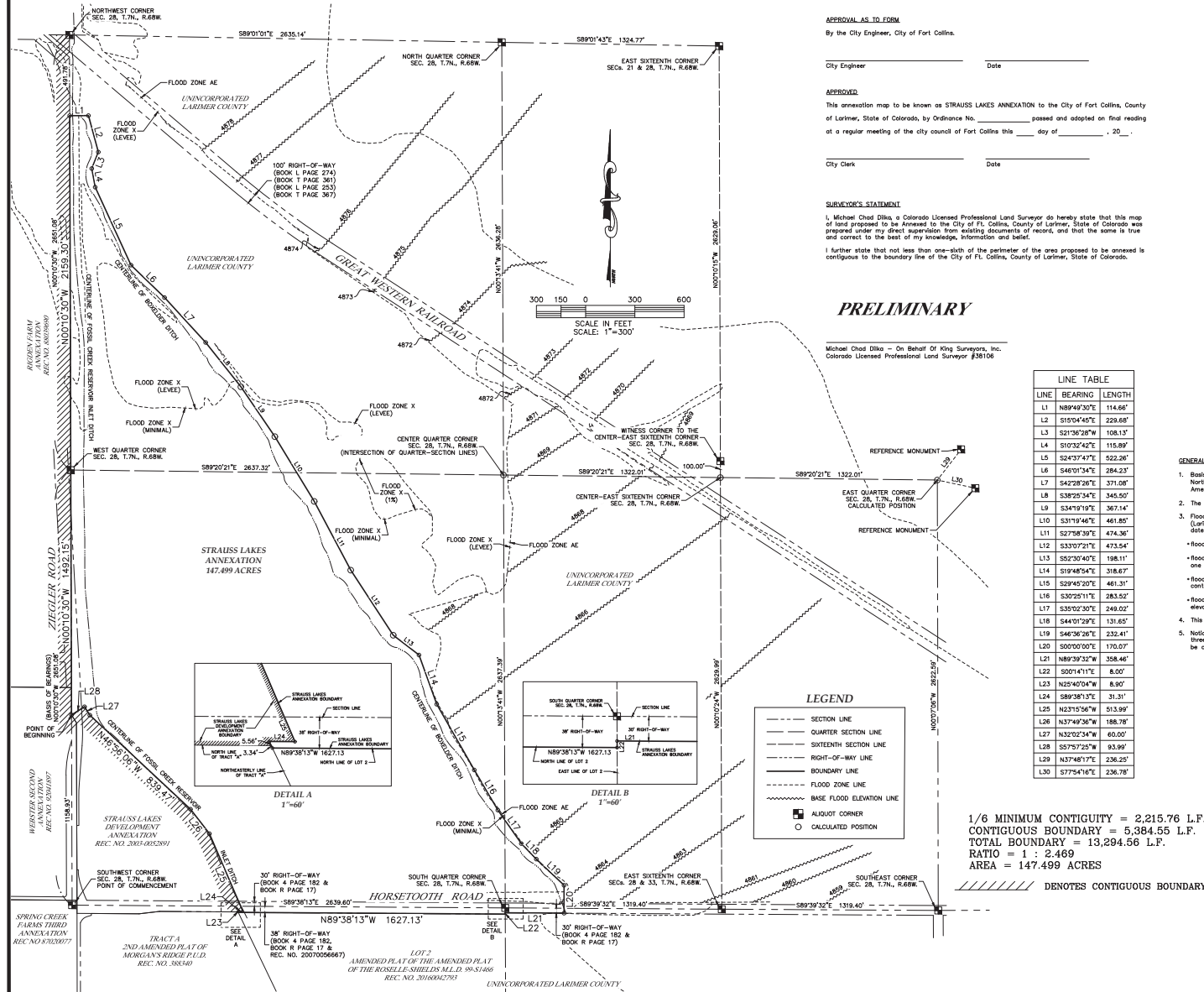
Attorney Reg. No.

33044

STRAUSS LAKES ANNEXATION

TO THE CITY OF FORT COLLINS

Part of Section 28 and Part of The North Half of Section 33, Township 7 North, Range 68 West of the 6th P.M.
County of Larimer, State of Colorado



APPROVAL AS TO FORM

By the City Engineer, City of Fort Collins.

City Engineer _____ Date _____

APPROVED

This annexation map to be known as STRAUSS LAKES 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 this _____ day of _____, 20____.

City Clerk _____ Date _____

SURVEYOR'S STATEMENT

I, Michael Chad Dillo, a Colorado Licensed Professional Land Surveyor do hereby state that this map of land proposed to be Annexed to the City of Ft. Collins, County of Larimer, State of Colorado was prepared under my direct supervision from existing documents of record, and that the same is true and correct to the best of my knowledge, information and belief.

I further state that not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous to the boundary line of the City of Ft. Collins, County of Larimer, State of Colorado.

PRELIMINARY

Michael Chad Dillo - On Behalf Of King Surveys, Inc.
Colorado Licensed Professional Land Surveyor #38106

LINE	BEARING	LENGTH
L1	N89°49'30"E	114.66'
L2	S15°04'45"E	229.68'
L3	S21°35'26"W	108.15'
L4	S10°32'42"E	115.89'
L5	S24°37'47"E	522.26'
L6	S46°01'34"E	284.23'
L7	S42°28'26"E	371.08'
L8	S38°25'34"E	345.50'
L9	S34°19'19"E	367.14'
L10	S31°19'46"E	461.85'
L11	S27°58'39"E	474.36'
L12	S33°02'30"E	473.54'
L13	S52°30'40"E	188.11'
L14	S19°48'54"E	318.67'
L15	S29°40'20"E	461.31'
L16	S30°20'11"E	283.52'
L17	S30°02'30"E	249.02'
L18	S44°01'29"E	131.65'
L19	S46°36'26"E	232.41'
L20	S40°30'50"E	170.07'
L21	N89°39'32"E	308.46'
L22	S20°41'11"E	8.00'
L23	N25°40'04"W	8.90'
L24	S89°38'13"E	31.31'
L25	N23°15'56"W	513.99'
L26	N37°49'36"E	188.78'
L27	N32°02'34"W	60.00'
L28	S57°57'25"W	93.99'
L29	N37°48'17"E	236.25'
L30	S75°41'6"E	236.78'

LEGEND

- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH SECTION LINE
- RIGHT-OF-WAY LINE
- BOUNDARY LINE
- FLOOD ZONE LINE
- BASE FLOOD ELEVATION LINE
- ALLOT CORNER
- CALCULATED POSITION

1/6 MINIMUM CONTIGUITY = 2,215.76 L.F.
CONTIGUOUS BOUNDARY = 5,384.55 L.F.
TOTAL BOUNDARY = 13,294.56 L.F.
RATIO = 1 : 2.469
AREA = 147.499 ACRES

////// DENOTES CONTIGUOUS BOUNDARY

PROPERTY DESCRIPTION

A parcel of land being part of Section Twenty-eight (28) and part of the North Half (N/2) of Section Thirty-three (33), both in Township Seven North (7.N.), Range Sixty-eight West (68.W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW/4) of said Section 28, being monumentized by a #6 rebar with a 2 1/2" diameter cap stamped 1334943, 2008 at the South end and by a 2" pipe with a 3/4" diameter cap stamped 137497, 1987 at the North end, on bearing North 07°07'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2851.08 feet, with all other bearings contained herein relative thereto;

THENCE North 07°07'30" West along the West line of the Southwest Quarter (SW/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Eastern line of the Western Second Annexation, recorded July 20, 1992 on Reception No. 2004-000897 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 07°07'30" West along the West line of the Southwest Quarter (SW/4) of said Section 28 and along the Eastern line of said Western Second Annexation and along the Eastern line of Rigden Farm Annexation, recorded August 23, 1988 as Reception No. 8803960 of the records of the Larimer County Clerk and Recorder, a distance of 1462.15 feet to the West Quarter (W/4) corner of said Section 28;

THENCE continuing North 07°07'30" West along the West line of the Northwest Quarter (NW/4) of said Section 28 and along the Eastern line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW/4) of said Section 28, a distance of 114.66 feet;

THENCE South 15°04'45" East a distance of 229.68 feet;

THENCE South 21°35'26" West a distance of 108.15 feet;

THENCE South 10°32'42" East a distance of 115.89 feet;

THENCE South 24°37'47" East a distance of 522.26 feet;

THENCE South 46°01'34" East a distance of 284.23 feet;

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THENCE South 31°19'46" East a distance of 461.85 feet;

THENCE South 27°58'39" East a distance of 474.36 feet;

THENCE South 33°02'30" East a distance of 473.54 feet;

THENCE South 52°30'40" East a distance of 188.11 feet;

THENCE South 19°48'54" East a distance of 318.67 feet;

THENCE South 29°40'20" East a distance of 461.31 feet;

THENCE South 30°20'11" East a distance of 283.52 feet;

THENCE South 30°02'30" East a distance of 249.02 feet;

THENCE South 44°01'29" East a distance of 131.65 feet;

THENCE South 46°36'26" East a distance of 232.41 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being thirty (30) feet, as measured to the right angle, South of and parallel with the South line of the Southwest Quarter (SW/4) of said Section 28;

THENCE North 07°07'30" West along said South Right-of-way line a distance of 558.46 feet to the East line of the Northwest Quarter (NW/4) of said Section 33;

THENCE North 07°07'30" East along the East line of the Northwest Quarter (NW/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Roselle Shells Allotment, recorded May 1, 2003 on Reception No. 2003-000389 of the records of the Larimer County Clerk and Recorder;

THENCE North 25°40'04" West along the Northeast line of said Lot 2, which is thirty-eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW/4) of said Section 33, a distance of 162.71 feet to the Northeast line of Tract "A", 2nd Amended Plat of Morgan's Ridge, P.L.D., recorded November 18, 1980 as Reception No. 388343 of the records of the Larimer County Clerk and Recorder;

THENCE North 52°30'40" West along the Northeast line of said Lot 2, which is thirty-eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW/4) of said Section 33, a distance of 162.71 feet to the Northeast line of Tract "A", 2nd Amended Plat of Morgan's Ridge, P.L.D., recorded November 18, 1980 as Reception No. 388343 of the records of the Larimer County Clerk and Recorder;

THENCE North 37°49'36" West along the Northeast line of said Lot 2, which is thirty-eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW/4) of said Section 33, a distance of 188.78 feet;

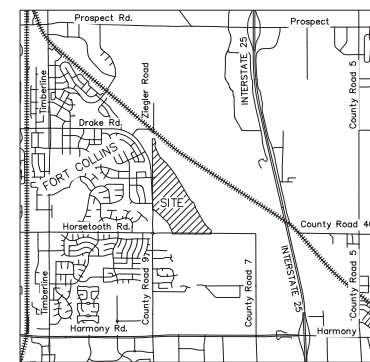
THENCE North 32°02'34" West a distance of 60.00 feet;

THENCE North 57°57'25" West a distance of 93.99 feet to the POINT OF BEGINNING.

Said parcel of land contains 147.499 acres, more or less (L.S.), and may be subject to any right-of-way or other easements of record or as now existing on said described parcel of land.

GENERAL NOTES

1. Basis of Bearings: Assuming the West line of the Southwest Quarter (SW/4) of Section 28, T.7N., R.68W., as bearing North 07°07'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2851.08 feet, with all other bearings contained herein relative thereto.
2. The lineal distances as contained herein are based upon the "U.S. Survey Foot".
3. Flood Zone Designation: The subject property is in flood zone areas as follows, per FEMA flood map 0801010920 (Larimer County) and 0801010920 (Fort Collins, City of) related to reflect LMR Case No. 25-08-0006P, effective date October 16, 2025. Flood zone lines indicated herein are approximate only.
 - Flood zone "X", "Area of Minimal Flood Hazard"
 - Flood zone "X", "0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depths of less than one foot or with drainage areas less than 1 square mile."
 - Flood zone "X", "Area with Reduced Flood Risk due to Levees: Areas where an accredited levee, dike, or other flood control structure has reduced the flood risk from the 1% annual chance flood."
 - Flood zone "AE", "The flood insurance rate zone that corresponds to the 1% annual chance floodplains. Base flood elevations derived from the hydraulic analyses are shown within this zone."
4. This map is for Annexation purposes only. This is not a Land Survey Plat and no monuments were set.
5. 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 herein. (13-80-105 C.R.S.)



VICINITY MAP
SCALE: 1"=300'

DATE: 6/9/2026
FILE NAME: 20240241ANX-R4
SCALE: 1"=300'
DRAWN BY: CSK/MCD/SAF
CHECKED BY: MCD
KING SURVEYS
650 E. Garden Drive Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@Kingsurveys.com



REVISIONS:	DATE:	BY:	REASON:
REV ANEX BROT FOR HORSETOOTH ROW	7-16-24	CSK	FOR HORSETOOTH ROW
REV ANEX BROT FOR COMMENTS	4-22-25	CSK	FOR COMMENTS
REV ANEX BROT FOR COMMENTS	11-6-25	CSK	FOR COMMENTS
REVISED FLOOD ZONE INFORMATION	2-28-26	CSK	FOR FLOOD ZONE INFORMATION

STRAUSS LAKES ANNEXATION
FOR
FLATIRON COMPANIES
P.O. BOX 229
BOULDER, CO 80306

PROJECT #: 12099/240241

1
SHEET 1 OF 1

Brownstein Hyatt Farber Schreck, LLP

303.223.1100 main
675 Fifteenth Street, Suite 2900
Denver, Colorado 80202

October 1, 2025

Carolynne C. White
Attorney at Law
303.223.1197 direct
cwhite@bhfs.com

City of Fort Collins
Planning and Zoning Commission
281 North College Avenue
Fort Collins 80524

RE: Proposed Strauss Lakes Annexation and Overall Development Plan

Dear Planning and Zoning Commission:

We represent and are land use counsel to Cottonwood Land and Farms, LLC ("**Cottonwood**") with respect to the following applications:

- An application for the annexation (the "**Annexation**") of approximately 147.5 acres at the northeast corner of Horsetooth Road and Ziegler Road (the "**County Property**") and zoning of the Property to Low Density Mixed-Use Neighborhood District ("**LMN**") and Medium Density Mixed-Use Neighborhood District ("**MMN**") (the "**Zoning**"), and
- An application for the Strauss Lakes overall development plan (the "**ODP**") on approximately 160.49 acres, composed of approximately 12.99 acres at the northeast corner of Horsetooth Road and Ziegler Road (the "**Annexed Property**") and the County Property (collectively, the "**Property**").

The purpose of this letter is to provide the Planning and Zoning Commission (the "**Commission**") with additional information that may aid the Commission in reviewing the applications for the Annexation and ODP.

I. BACKGROUND

A. Cottonwood's long-standing relationship with the City and Fort Collins community

Cottonwood, the owner of the Property and the applicant for the Annexation, Zoning, and ODP, has had a long and collaborative relationship with the City of Fort Collins (the "**City**") as well as a deep history of investment in the Fort Collins community. For example, prior to the City establishing its Natural Areas Department, Cottonwood donated more than 200 acres north of Prospect Avenue to the Southeast Poudre Greenbelt Association for the preservation of open lands. Notably, the City now owns and manages this property, which is known as the Riverbend Ponds Natural Area. Cottonwood also gifted approximately 200 acres of land south of Prospect Avenue to the City, now known as the Running Deer

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Natural Area. Additionally, Cottonwood donated 15 acres of land to the City in 1993 or 1994, ground which is the current home of the Hageman Earth Cycle business operation. Finally, in 2014, Cottonwood bargain sold approximately 59 acres to the City's Parks Department for the East Community Park. As part of that project, Cottonwood donated clean fill and top soil that had a market value of approximately \$1.86 million.

B. The Strauss Lakes Property

The Property was purchased by Cottonwood in 1977. In 1978, a concrete batch plant was constructed and a total of 515 acres were approved for sand and gravel mining by Larimer County and the State of Colorado. Larimer County approved 100 acres of industrial zoning for the northwest portion of the property, stretching both north and south of the railroad tracks. The County Property is located in unincorporated Larimer County and is zoned industrial and rural residential. The Annexed Property has been annexed to the City and is currently zoned LMN.

C. Proposed Development

Cottonwood intends to seek approval of (i) the annexation to the City of the County Property and the zoning of the County Property as LMN and MMN as described further in the application for the Annexation and (ii) an ODP for the entire Property. Ultimately, Cottonwood intends to develop the Property with a mix of townhomes, carriage homes, single family homes, paired homes, and multifamily homes (the "**Project**"). As part of the Project, Cottonwood also proposes to develop a mix of commercial uses north of William Neal Parkway. This area may include business uses and neighborhood serving commercial uses, including but not limited to retail, restaurant, daycare, and neighborhood support service uses.

Please note that Cottonwood submitted a preliminary design review application for a project for the Property in 2020 (the "**Prior Project**"), and a preliminary design review meeting with the City was held on May 6, 2020 for the Prior Project. Subsequently, the application for the Prior Project was withdrawn.

In 2021, Cottonwood submitted a request for a proposal review of a proposed development on the Property, and a proposal review was held before the Planning Commission on January 20, 2022. An application was never submitted in connection with the 2022 proposal review.

On December 21, 2023, a proposal review for a planned unit development overlay (the "**PUD Overlay**") for the Property was held before the Planning and Zoning Commission (the "**Commission**"). On May 8, 2024, a preliminary design review meeting was held with City staff, and on May 13, 2024, a neighborhood meeting was held for the Project. Feedback from the proposal review, preliminary design review, and neighborhood meeting have been incorporated into the applications.

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A submittal of the application for the Annexation and PUD Overlay for the Property were made on November 21, 2024, and City comments were provided on January 28, 2025. At that time, the Annexation and PUD Overlay included, in addition to the Property, an approximately 22.65-acre parcel located to the north of the Property (the “**Northern Parcel**”). However, at this time the Northern Parcel is no longer included in the application for either the Annexation or the ODP. After several discussions with the City, and in response to feedback from City staff, the application for a PUD Overlay has been converted into the application for the ODP that is the subject of this letter.

II. ANALYSIS – ANNEXATION OF COUNTY PROPERTY

The Fort Collins Land Development Code effective as of May 17, 2024 (the “**Code**”) and the Colorado Municipal Annexation Act of 1965 (the “**Act**”) establish the processes and requirements for annexations. The City’s process is set forth in Section 6.10 of the Code, and the criteria for eligibility of a property for annexation are set forth in Section 31-12-104, C.R.S. What follows is an explanation of how the Annexation application complies with such criteria.

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, Cottonwood, 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

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described above “shall be a basis for a finding of compliance with these requirements,” unless certain facts are demonstrated at a hearing that 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, as demonstrated by the ODP, 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.

III. **ANALYSIS – ZONING OF COUNTY PROPERTY – STATEMENT OF CONSISTENCY**

In connection with an application for Annexation, the City requires a statement of consistency of the requested Zoning—in this case LMN and MMN—with the City’s Structure Plan. The City’s Structure Plan designates the Property as “Mixed Neighborhood,” which is characterized by the types of uses permitted in LMN and MMN, including single-family detached homes, duplexes, townhomes, small scale multifamily buildings, small-scale retail, restaurants/cafes, and similar uses.

According to the Structure Plan, new neighborhoods in the “Mixed Neighborhood” place type should “provide opportunities for a variety of attached and detached housing options and amenities in a compact neighborhood setting” and should “include a mix of housing options (lot size, type, price range, etc.)” LMN and MMN zoning are compatible with this purpose because they emphasize housing variety and resident-serving amenities. According to the Code, LMN is intended to be “a setting for a variety of housing” and to encourage “complementary commercial and institutional land uses and amenities,” and MMN is intended for “a diverse range of higher intensity housing and complementary services and amenities.” Overall, LMN and MMN zoning are overwhelmingly consistent with the Structure Plan.

NOTE: Because the Overall Development Plan application has been submitted to the City and is a quasi-judicial matter that could ultimately be appealed to City Council, some text from this page was redacted and 34 pages of additional information related to the Overall Development Plan was removed from this document.

STAFF REPORT

Annexation and Zoning



Project No.: ANX240002

Project Location: Northeast corner of Ziegler and Horsetooth Roads

Project Zoning: Proposed as LMN and MMN; currently Multi Zone (MZ) in Larimer County

Project Applicant: Cathy Mathis, TB Group, 444 Mountain Ave., Berthoud, CO 80513

Property Owner: Cottonwood Land and Farms, PO Box 229, Boulder, CO 80306

City Staff: Kim Meyer, Principal Planner

1. EXECUTIVE SUMMARY

PROJECT SUBJECT TO REVIEW UNDER PRIOR CODE – JULY 12, 2024

This is a request for a recommendation to City Council for the Annexation and Zoning of a total of 147.499 acres generally located at the northeast corner of Ziegler Road and Horsetooth Road (a portion of parcel #8728000009). The site is currently vacant. 7.581 acres are proposed to be zoned Medium Density Mixed-Use Neighborhood (MMN) while the remaining portion of the annexation has been proposed to be zoned Low Density Mixed-Use Neighborhood (LMN). The property is intended to develop as a mixed density residential neighborhood with a small neighborhood center and include an affordable housing component.

On September 1, 2026, City Council passed a resolution accepting the annexation petition based on compliance with Colorado Revised Statutes initiating annexation proceedings. Prior to City Council consideration of the annexation and zoning ordinances, a public hearing and recommendation from the Planning and Zoning Commission is required.

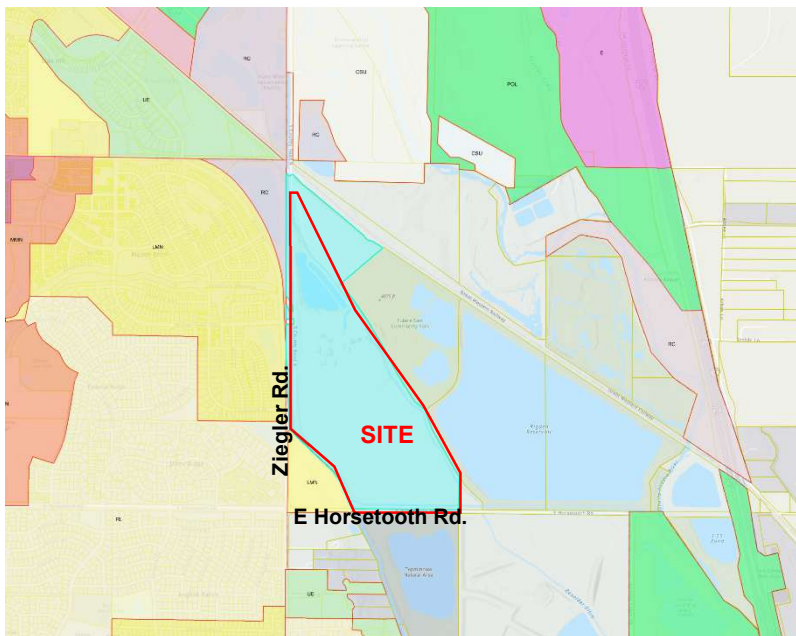


Figure 1: Project Location & Current Zoning

2. STAFF RECOMMENDATION

Staff recommends approval of the proposed Strauss Lakes Annexation and Zoning, and that the property be included in the Residential Sign District and Lighting Context Area LC1.

The Commission's recommendation will be referred to City Council for a final decision.

3. PROJECT DESCRIPTION

The Strauss Lakes Annexation proposes to annex 147.499 acres of land into the City of Fort Collins, requesting annexation and placement into the Low Density Mixed Use Neighborhood (LMN) and Medium Density Mixed Use Neighborhood (MMN) zone districts for the purpose of future development of the site into a residential neighborhood. The property is located within the Fort Collins GMA, and in accordance with the Intergovernmental Agreement with Larimer County, urban-level development should be annexed into and developed under City jurisdiction.

On September 1, 2026, the City Council passed a resolution accepting the annexation petition, finding compliance with State annexation requirements, to set dates and begin annexation proceedings. Prior to City Council consideration of the annexation and zoning ordinances, a public hearing and recommendation from the Planning and Zoning Commission is required.

The Strauss Lakes Annexation gains contiguity with City limits along its western edge, fronting Ziegler Road, with the Rigden Farms Annexation (ORD 93-1988), and along its southeastern edge, fronting Ziegler and East Horsetooth Roads, with the Kennedy's Strauss Lakes Development Annexation (ORD 59-2003). The annexation site has a total perimeter of approximately 13,295 feet and a contiguous perimeter with City limits of 5,384.55 feet. The contiguous perimeter is 40.5% of the overall perimeter, exceeding the one-sixth (16.66%) required by state statute.

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4. SITE BACKGROUND & CONTEXT

The Strauss Lakes Annexation site is 147.499 acres of a larger 208.0 acre parcel. The county lists the parcel as a combination of grazing, irrigated, and waste land under the agricultural category and has been used primarily for sand and gravel mining, the state mining permit is currently in a reclamation status. There are no structures or other development currently located on the site.

The Cache la Poudre River sits about one-half mile to the northeast of the site, on the other side of the nearby railroad tracks that act to limit the impact of the floodplain on this parcel (see map below). A Letter of Map Revision (LOMR) was approved in 2025 that reclassified the northern portion of the property from the '100-year'/1% FEMA floodplain to the '500-year'/0.2% moderate hazard zone, which primarily encompasses an existing open water pond on-site.. The site also has two large ditches that border it on the west, south, and northeast – the Fossil Creek Reservoir Inlet Ditch (FCRID) and the Boxelder Ditch.



Context:	Zoning	Current Land Use
North	<i>Larimer Co. MZ – Multi-Zoned (Industrial & Rural Residential)</i>	CSU Environmental Learning Center, river corridor
East	<i>Larimer Co. MZ – Multi-Zoned (Industrial & Rural Residential)</i>	Anticipated future city park; city reservoir and natural areas
South	<i>Larimer Co. RR2 Rural Residential; City LMN – Low Density Mixed-Use Neighborhood</i>	City natural area; undeveloped; single unit residential
West	LMN – Low Density Mixed Use Neighborhood and RL – Low Density Residential	Rigden Farm and other residential neighborhoods

5. PUBLIC FEEDBACK

An open house style neighborhood meeting was held on May 13, 2024, prior to any application submitted to the City, to present and discuss the proposed development for the site with neighbors. The majority of questions and concerns centered around future development impacts to traffic and the capacity of the existing streets, loss of what is seen as “open space” by neighbors, and other development-related issues – rather than the annexation itself. A summary of comments received to date is attached.

The property has been posted with Sign #761 as of January 24, 2025. Written notice was sent to owners within 1000 feet of the site. For this hearing, 623 letters were mailed on September 2, 2026; and a notice was published in the Coloradoan on September 6, 2026.

6. COMPREHENSIVE PLAN & POLICY ALIGNMENT

The purpose of this section is to assess the proposed development project's alignment with the community's long-term vision, as outlined in the City's Comprehensive Plan (*City Plan*) and any relevant subarea plan.

A. City Plan (2019)

City Plan serves as the overarching policy framework for the city's growth and development, addressing key areas such as public safety, neighborhood quality, economic vitality, environmental services, parks and open spaces, utility services, and transit and transportation infrastructure.

“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.

There is no applicable subarea plan for the property.

B. Structure Plan

The Structure Plan Map found within 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. For this property, the Structure Plan Map indicates opportunity for the “Mixed Neighborhood” and “Parks and Natural/Protected Lands” place types for the annexing site and surrounding properties to the east, south, and north.

The land use characteristics of the Mixed Neighborhood Place Types include:

- **Principal Land Use:** Single-family detached homes, duplexes, triplexes, and townhomes.
- **Density:** Between 5 and 20 principal dwelling units per acre (typically averaging 7–12 dwelling units per acre)
- **Supporting Land Use:** ADUs, small-scale multifamily buildings, small-scale retail, restaurants/cafes, community and public facilities, parks and recreational facilities, schools, and places of worship.

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 Suburban Neighborhoods Designations. The Structure Plan future land use designations represent general citywide policy guidance.

C. Land Use Code

Zoning

The requested zoning for the property is Low Density Mixed-Use Neighborhood District (LMN) and Medium Density Mixed-Use Neighborhood (MMN) which is consistent with the City of Fort Collins Structure Plan Map. The Land Use Code, Article 2, describes the districts as follows:

LMN Purpose: *The Low Density Mixed-Use Neighborhood District is intended to be a setting for a variety of housing, providing diverse opportunities for single unit and accessory dwellings to attached units and small and medium-sized multi-unit structures. The District also encourages complementary commercial and institutional land uses and amenities that serve the everyday needs of a residential neighborhood. Parks and neighborhood centers are integrated into new and existing development and the broader community through the pattern of streets, blocks, and other linkages, providing an attractive and walkable focal point for services, open space, and recreation.*

MMN Purpose: *The Medium Density Mixed-Use Neighborhood District is intended to be a setting for a diverse range of higher intensity housing and complementary services and amenities within close proximity to transit and/or commercial districts. This District is intended to function together with adjacent commercial development and/or transit to provide a transition to lower density neighborhoods. Together, the MMN district and its adjacent commercial core and low density neighborhoods are intended to form an integral, town-like pattern of development with a unifying pattern of walkable streets and blocks.*

Per Land Use Code (LUC), Division 6.25, the Planning and Zoning Commission can recommend approval of the requested zoning only if the proposed zoning is:

- (a) in general alignment with the principles and policies of the City's Comprehensive Plan, and/or
- (b) warranted by changed conditions in the neighborhood surrounding and including the subject property.

Meeting either of these criteria is sufficient. As noted above, staff finds that the proposed zone districts are in alignment with the Structure Plan Place Types and City Plan policies and this required criterium is met.

The Commission may also consider three additional factors:

- (1) Compatibility with existing and surrounding uses, and whether the proposed district is appropriate for the land;
 - a. Examples: residential zoning is placed next to existing residential neighborhoods; commercial and industrial zoning is located along arterial streets; transitional zones buffer heavier uses from lighter ones; or the proposal avoids spot zoning that may be out of character with its surroundings.
- (2) Potential adverse impacts on the natural environment (water, air, noise, stormwater, wildlife, vegetation, wetlands, etc.)
 - a. Example: The rezoning would significantly and adversely impact floodplains, wetlands, wildlife habitat, or water quality, and whether appropriate buffers, setbacks, and stormwater controls could be employed to adequately mitigate those impacts.
- (3) Whether the rezoning results in a logical and orderly development pattern.
 - a. Example: The property is contiguous with existing City limits, existing or planned infrastructure such as streets, water, sewer, and stormwater are already in place or planned for the near future.

The extension of LMN zoning east to this parcel is compatible with adjacent residential neighborhoods, and the MMN zoning provides the opportunity for a broader mix of housing types. Staff acknowledges that this site is within the broader Cache la Poudre River corridor and adjacent neighbors have enjoyed several years, since active mining on the site ceased, of fallow land serving as a visual open space with some wildlife activity; however, with the railroad tracks located as they are, the tracks create a physical barrier

from the larger, natural setting to the north along the river that largely fall under state and local ownership. More detailed review of natural features and consideration for needed buffers or mitigation will be further reviewed and analyzed with future development plans. The location of the site along two arterial streets, and within proximity to substantial existing infrastructure, the site does integrate into the desired “logical and orderly development pattern” for the City.

Additionally, with the City Council’s stated priority of advancing the construction of additional housing within the City, the zoning of this property for a residential neighborhood creates the opportunity for development of a variety of needed residential housing types.

Future Development & Land Use

A project development plan has not been submitted although an Overall Development Plan is under review for the site. Future development plans and land uses will be subject to the list of permitted land uses in Section 2.2.1 – Low Density Mixed-Use Neighborhood District and 2.2.2 - Medium Density Mixed-Use Neighborhood District, as well as all other applicable development codes and standards.

Residential Sign District

Staff recommends that the property be placed within the Residential Neighborhood Sign District. The Sign Districts are established in the Fort Collins Land Use Code 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

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 Area.

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 area, commercial or industrial areas with limited nighttime activity, and the developer areas in parks and other natural settings.

7. REVIEW PROCESS & PROCEDURES

Strauss Lakes Annexation was processed as an Annexation per the Land Use Code in effect on the application submittal date of December 18, 2024.

Annexation requires a hearing before and recommendation from the Planning & Zoning Commission and then proceeds to the City Council for a hearing on the Ordinances for Annexation and establishment of Zoning.

A Preliminary Design Review meeting was held prior to submittal, with the applicant team, to discuss the proposed annexation and associated development plan on May 8, 2024.

Annexation of this property will bring the site under the City's jurisdiction for future development. An associated Overall Development Plan (ODP) has been submitted and is currently in review – which provides a high-level overview of the proposed development of the entire site, anticipating future, more detailed, development plans for phased development and construction.

8. STAFF FINDINGS

In evaluating Strauss Lakes Annexation (ANX240002), to annex and zone the project site, staff makes the following findings of fact:

- A. The property meets the state's eligibility requirements to qualify for a voluntary annexation to the City of Fort Collins.
- B. The requested placement into the Low Density Mixed-Use Neighborhood (LMN) and Medium Density Mixed-Use Neighborhood (MMN) zone districts is consistent with the City of Fort Collins Structure Plan Map.
- C. The annexation of this area is consistent with the policies and agreements between Larimer County and the City of Fort Collins contained in the Intergovernmental Agreement for the Fort Collins Growth Management Area.
- D. On September 1, 2026, City Council accepted the annexation petition and began annexation proceedings by approving a resolution determining the annexation petition is in compliance with Colorado Revised Statutes.
- E. The placement into the Residential Neighborhood Sign District as well as the LC1 Lighting Context Areas, is consistent with the City of Fort Collins sign and lighting standards as it relates to Low Density Mixed-Use Neighborhood and Medium Density Mixed-Use Neighborhood zoning.

9. RECOMMENDATION

Staff recommends forwarding a **Recommendation for Approval** to City Council for the annexation and the requested zoning of Low Density Mixed-Use Neighborhood District (LMN) and Medium Density Mixed-Use Neighborhood (MMN), consistent with the Structure Plan Map.

Staff recommends that the property be placed within the Residential Neighborhood Sign District.

Staff recommends that the property be placed into the LC1 Lighting Context Area.

10. EXHIBITS

Exhibit #	Document Description
Exhibit 01	Vicinity Map
Exhibit 02	Annexation Petition
Exhibit 03	Applicant Narrative
Exhibit 04	Annexation Map
Exhibit 05	Zoning Map
Exhibit 06	Neighborhood Meeting Summary / Public Comments
Exhibit 07	Staff Presentation

From: [Jenny Axmacher](#)
To: [Kim Meyer](#)
Cc: [Brad Yatabe](#)
Subject: [EXTERNAL] Re: Strauss Lakes Annexation - Follow up from City of Fort Collins
Date: Wednesday, September 30, 2026 5:00:18 PM
Attachments: [image001.png](#)

Hi Kim,
The County received the annexation impact report for Strauss Lakes and has no concerns.

Sincerely,
Jenny

On Tue, Sep 29, 2026 at 7:32 AM Kim Meyer <kimeyer@fortcollins.gov> wrote:

Jenny-

Thank you for your review of the materials that were provided relating to the proposed Strauss Lakes annexation. Given your delayed receipt of the required Annexation Impact Report, I wanted to circle back and request a response/reply from the County indicating that you did have sufficient time to review that report. Please feel free to reply to this email for the sake of expediency – I know we are all busy these days! I don't think I need anything more formal than that – we're just hoping to verify that the County had a chance to review the materials you received.

I am also happy to respond to any issues or concerns that you may have about the annexation, the impact report, or the proposed agreement. The first reading of the annexation ordinance is scheduled for October 6th, and the Planning & Zoning Commission recommended approval at their September regular meeting.

Best,

Kim

.....
Kim Meyer, AICP

(she/her)
Principal Planner

[City of Fort Collins](#)

From: Kim Meyer <kimeyer@fortcollins.gov>
Sent: Monday, September 21, 2026 2:28 PM
To: bocc@larimer.org
Cc: volkerl@co.larimer.co.us; haugfn@co.larimer.co.us; Jenny Axmacher
 <axmachjs@co.larimer.co.us>; Brad Yatabe <byatabe@fcgov.com>; Clay Frickey
 <cfrickey@fcgov.com>
Subject: Strauss Lakes Annexation - Follow up from City of Fort Collins

Commissioners,

I wanted to provide an update to the packet you recently received regarding the proposed annexation of 147.499 acres of property into the City of Fort Collins at the northeast corner of Ziegler and Horsetooth Roads. It came to my attention that there was a required item that was inadvertently left out of that notification packet – the annexation impact report. In speaking with your planning department last Friday afternoon it came to my attention that that report was not included. Please find the report now attached to this email for your review.

Additionally, the City has been working on a draft annexation agreement which will be presented to City Council at the same meeting as the annexation ordinance. Our City attorneys have discussed this with the County Attorney's office and Planning department and the resulting simplified agreement is what will be supported by city staff to council.

Please feel free to reach out with any questions or concerns as you review this information.

Best regards,

Kim

.....
Kim Meyer, AICP

(she/her)
Principal Planner

Planning & Development Services

ph. [970.416.8089](tel:970.416.8089)

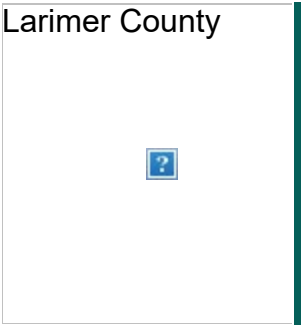
[City of Fort Collins](#)

[281 N College Ave.](#)



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Larimer County



Jenny Axmacher, AICP (she/her)
Planning Manager

Community Development Department
200 W Oak St, Fort Collins, CO 80521
Phone: (970) 498-7707
jaxmacher@larimer.org | www.larimer.gov



Strauss Lakes Annexation

Strauss Lakes Zoning

October 6, 2026 – City Council

Strauss Lakes Annexation & Zoning

- 147.499 acres generally located at the northeast corner of Ziegler Road and Horsetooth Road.
- In the GMA and contiguous with municipal boundaries.
- Property meets eligibility for annexation based on State annexation requirements.
- Zoning proposed as Low Density Mixed-Use Neighborhood District (LMN), and Medium Density Mixed-Use Neighborhood District (MMN).
- Concurrent Overall Development Plan (ODP) in review.

Process

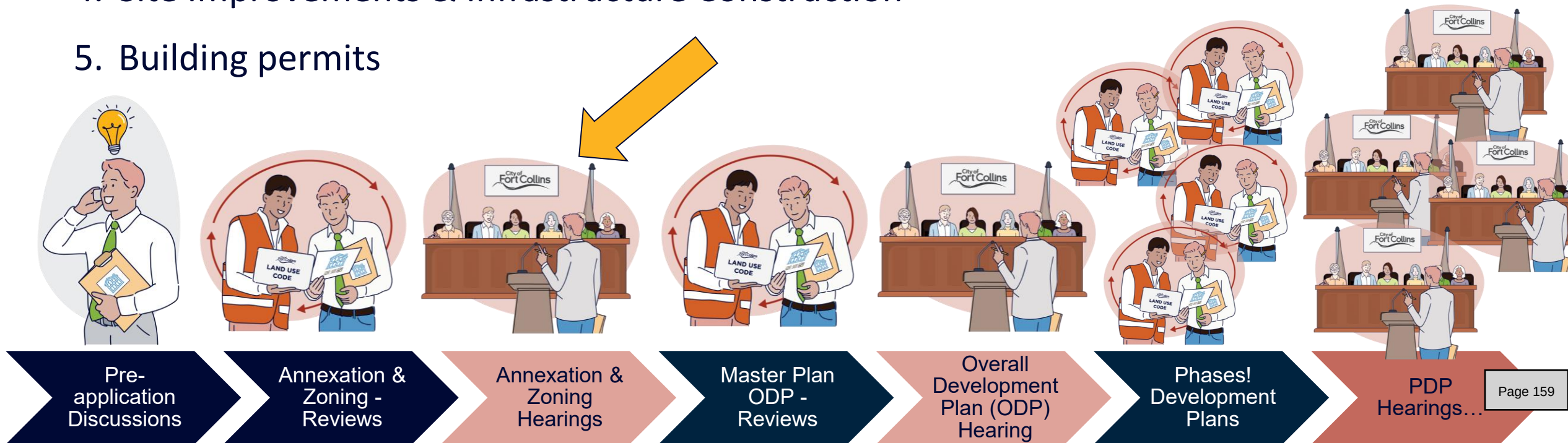
- Owner-initiated annexation.
- Planning & Zoning Commission makes a Recommendation to City Council.
- Sept. 1st - City Council passed Initiating Resolution
- Oct 6th - City Council will hold Hearings and First Readings

The Development Process is quite complex and requires several steps and stages:

1. Annexation & Establish Zoning
2. Master Planning – Overall Development Plan (ODP)
3. Development Plans by phase – Project (PDP) & Final (FDP)
4. Site Improvements & Infrastructure Construction
5. Building permits

How we inform the public:

- Letters are sent to neighbors when a public hearing is scheduled.
- Yellow signs are posted on the site.
- A “Strauss Lakes” webpage is updated on ourcity.fcgov.com



Municipal Annexation Act of 1965 – Two Items:

Annexation (legislative). Council is deciding whether the area should become part of the City.

- Does the property meet 1/6 contiguity?
- Is there community of interest?
- Will it be urbanized?
- Is the city capable of serving?

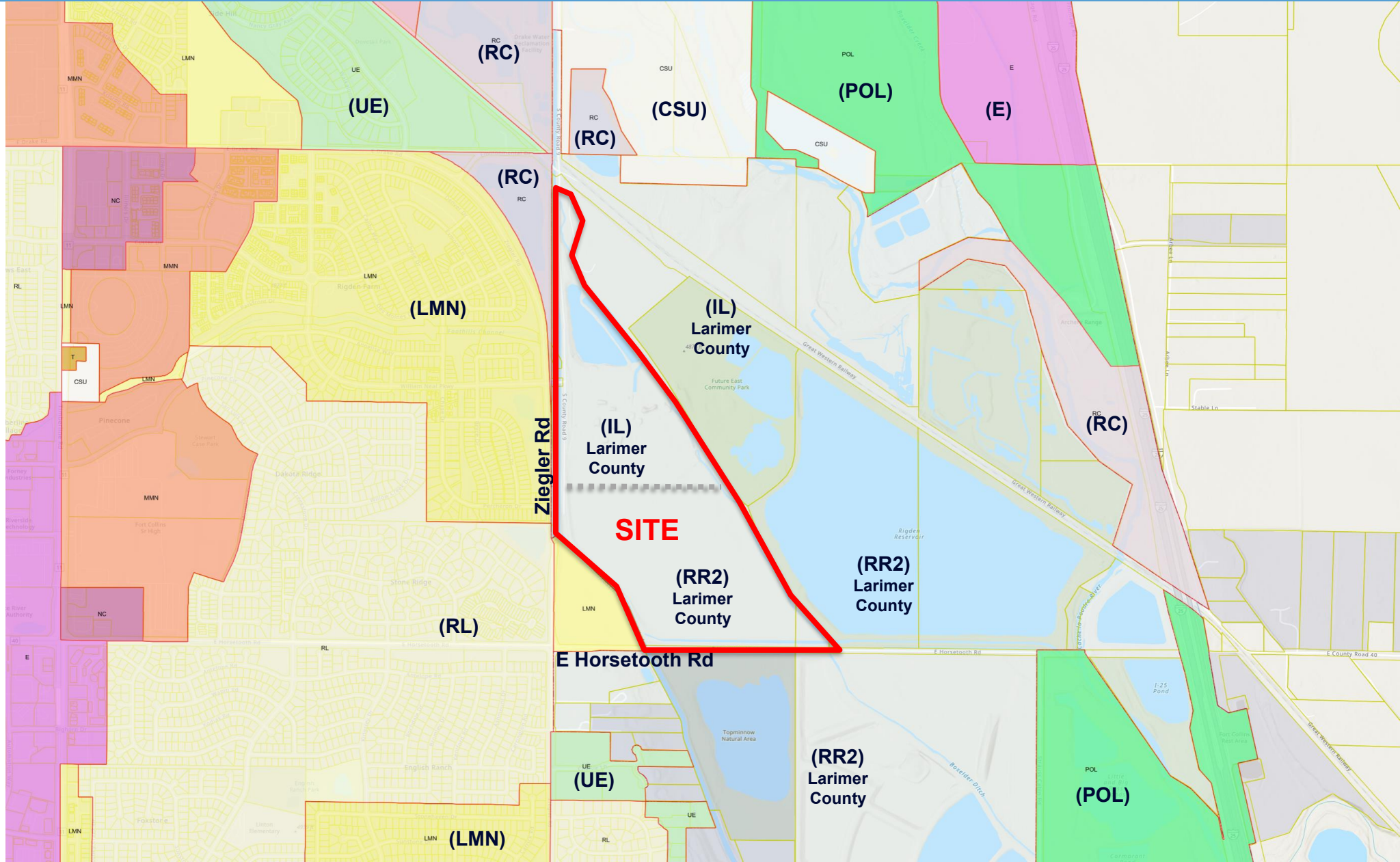
Council may impose additional terms and conditions on the annexation through an annexation agreement covering things like infrastructure, fees, dedications (not typical).

Zoning (quasi-judicial). Council determines what zone districts (here LMN & MMN) to assign, once annexed.

- Decision is based on consistency with the comprehensive plan, compatibility with surrounding uses, and additional info.

Council has discretion to impose a variety of conditions or assign different districts because zoning is a policy determination about appropriate use.





**S Edge
(View N)**



**NW Corner
(View SE)**

**SW Corner
(View NE)**







Staff Analysis & Recommendation

1. Meets 1/6 (16.6%) Contiguity Requirements by providing 40.5% contiguity with City Limits.
2. A community of interest existing between the property and the City.
3. The area is urban or will be urbanized in the near future.
4. The area is integrated with and capable of being integrated with the City.
5. The annexation will not result in the creation of an enclave or detached parcel of unincorporated land.
6. The annexation is located in the Growth Management Area (GMA) and is consistent with the policies and agreements (IGA) between the City and Larimer County provisions directing urban-level development to occur within the City rather than the unincorporated county.

Council may approve zoning if either:

- (a) generally aligned with City Comprehensive Plan principles and policies, or
- (b) warranted by changed conditions in the surrounding neighborhood.

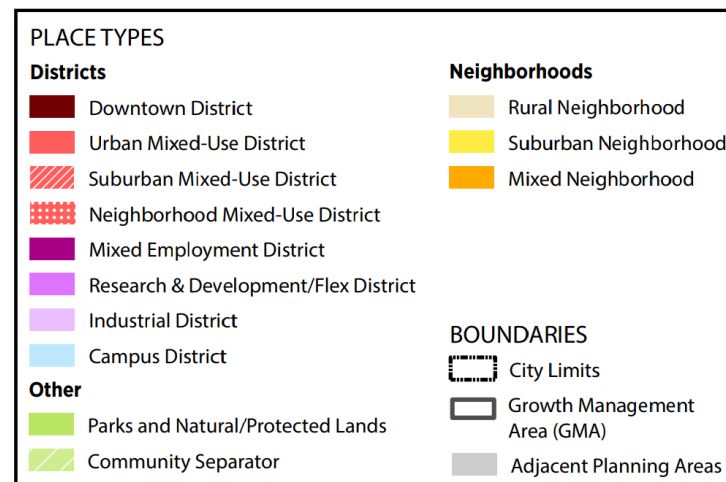
Council may also consider:

- Compatibility with surrounding uses
- Potential adverse impacts on the natural environment
- Whether rezoning results in a logical and orderly development pattern

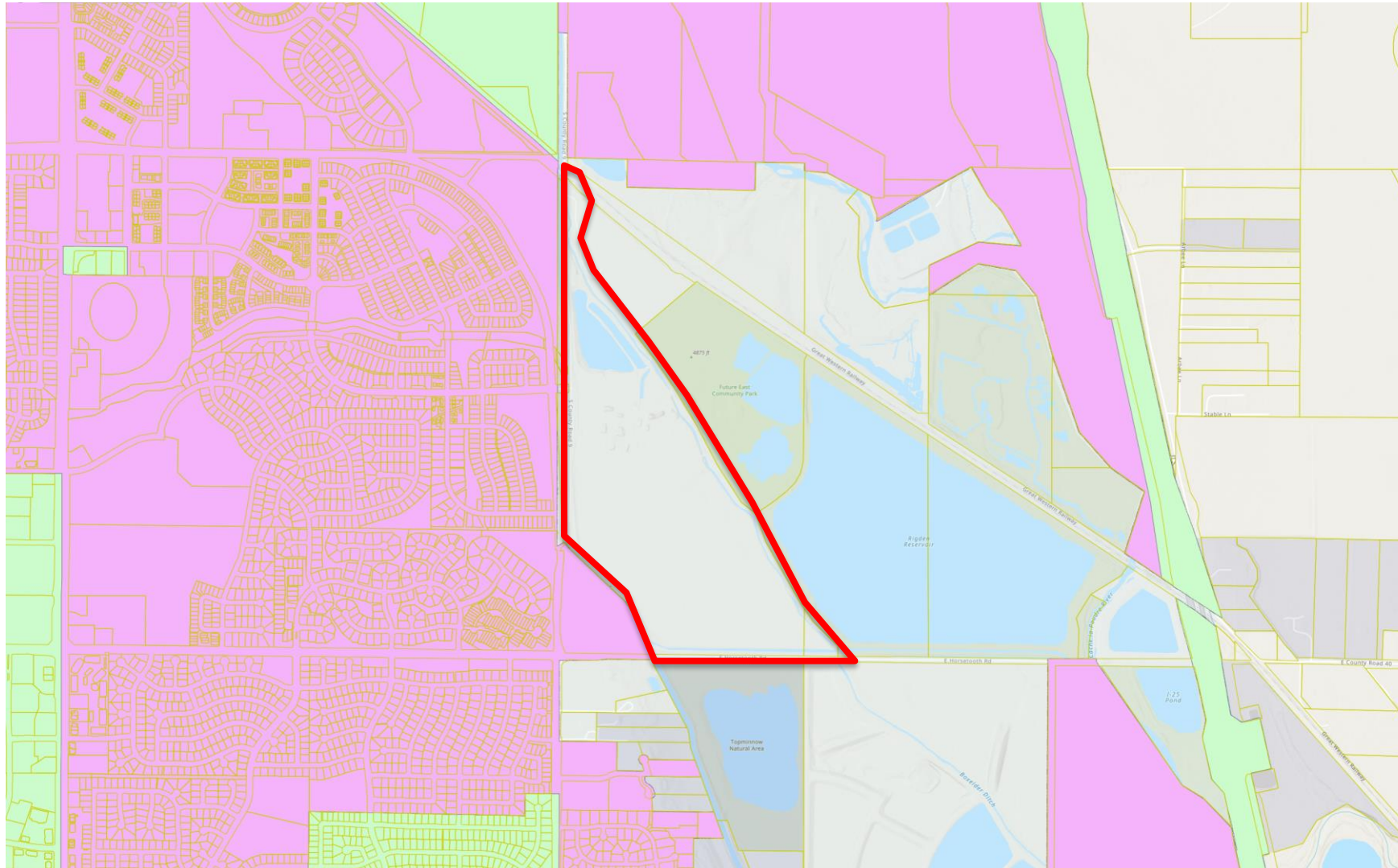
1. Proposed zone districts (LMN & MMN) are consistent with the City Plan / Structure Plan designations for this area.
2. Districts are compatible with surrounding zoning and existing land use patterns in this area.
3. The proposed zoning results in a logical and orderly development pattern.
4. Planning & Zoning Commission unanimously voted to support conditionally zoning consistent with staff recommendations

Mixed Neighborhood Place Type

- **Principal Land Use:** Single-family detached homes, duplexes, triplexes, and townhomes.
- **Density:** Between 5 and 20 principal dwelling units per acre (typically averaging 7–12 dwelling units per acre)
- **Supporting Land Use:** ADUs, small-scale multifamily buildings, small-scale retail, restaurants/cafes, community and public facilities, parks and recreational facilities, schools, and places of worship.



Staff recommends inclusion in the Residential Sign District.



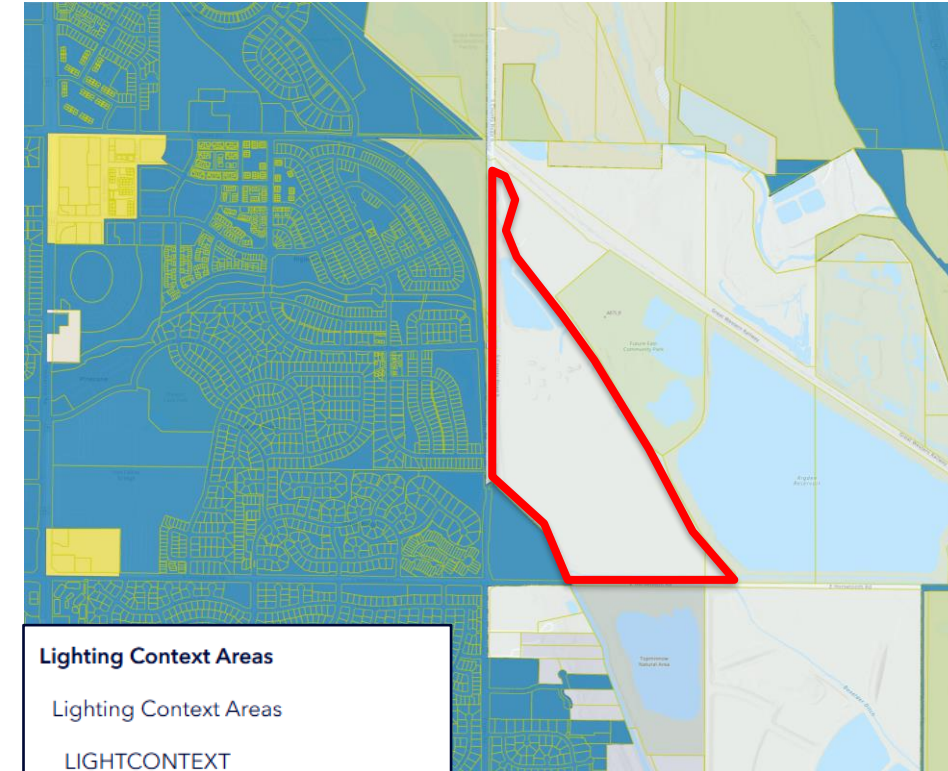
Residential Sign District

-  Out of District
-  In District

Staff recommends inclusion in Lighting Context Area LC1

Lighting Context Area	Land Use	Corresponding Zone Districts
LC0	Natural Area/Conservation Easement	P-O-L (City Natural Areas)
LC1	Single Family/Multi-Family/Light Industrial/Employment/ Portions of Harmony District	P-O-L (City Parks); R-U-L; U-E, R-F; N-C-L; R-C; L-M-N; M-M-N ; I; E; T
LC2	Commercial/Industrial/ Portions of Harmony District/High Density Residential	C-N; C-C; C-C-N; C-C-R; C-G; C-L; H-C; I; R-D-R, D, H-M-N
LC3	Portions of Downtown, 24-Hour Emergency Medical Sites	D, M-M-N

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.



Lighting Context Areas

Lighting Context Areas

LIGHTCONTEXT

- LC0 - No ambient lighting
- LC1 - Low ambient lighting
- LC2 - Moderate ambient lighting
- LC3 - Moderately high ambient lighting

Annexation

Approve: The Annexation meets all statutory criteria under C.R.S. § 31-12-110 and conforms with the City-County IGA.

Zoning

Approve: LMN and MMN, and place the property in the Residential Neighborhood Sign District and LC1 Lighting Context Area.



RESOLUTION 2026-114
OF THE COUNCIL OF THE CITY OF FORT COLLINS
SETTING FORTH FINDINGS OF FACT AND DETERMINATIONS
REGARDING THE STRAUSS LAKES ANNEXATION

A. Pursuant to Resolution 2026-111, annexation proceedings were initiated by the City Council for property to be known as the Strauss Lakes Annexation (the "Property").

B. Following notice given as required by law, 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. 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. 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. City Council further determines that the applicable parts of the Act have been met or substantially 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. City Council further finds that notice was duly given, and a hearing was held regarding the annexation in accordance with the Act.

Section 5. City Council concludes that the Property is eligible for annexation to the City and should be so annexed.

Passed and adopted on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 6, 2026
Approving Attorney: Brad Yatabe

Exhibit: None

ORDINANCE NO. 135, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ANNEXING THE PROPERTY KNOWN AS THE STRAUSS LAKES
ANNEXATION TO THE CITY OF FORT COLLINS, COLORADO

A. On September 1, 2026, City Council adopted Resolution 2026-111 finding substantial compliance and initiating annexation proceedings for the Strauss Lakes Annexation, as defined therein and described below.

B. Resolution 2026-114 setting forth findings of fact and determinations regarding the Strauss Lakes 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 meeting on September 17, 2026, unanimously on a 5-0 vote (Peel and York absent) recommended that the City Council approve the Strauss Lakes Annexation.

D. City Council has determined that it is in the best interests of the City to annex the property to be known as the Strauss Lakes 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. City Council hereby incorporates the findings of Resolution 2026-111 and Resolution 2026-114 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 being part of Section Twenty-eight (28) and part of the North Half (N1/2) of Section Thirty-three (33), both in Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ⅜" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Easterly line of Webster Second Annexation, recorded July 20, 1992 as Reception No. 92041897 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 and along the Easterly line of said Webster Second Annexation and along the Easterly line of Rigden Farm Annexation, recorded August 23, 1988 as Reception No. 88039690 of the records of the Larimer County Clerk and Recorder, a distance of 1492.15 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 and along the Easterly line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 114.66 feet;

THENCE South 15°04'45" East a distance of 229.68 feet; THENCE South 21°36'28" West a distance of 108.13 feet; THENCE South 10°32'42" East a distance of 115.89 feet; THENCE South 24°37'47" East a distance of 522.26 feet; THENCE South 46°01'34" East a distance of 284.23 feet; THENCE South 42°28'26" East a distance of 371.08 feet; THENCE South 38°25'34" East a distance of 345.50 feet; THENCE South 34°19'19" East a distance of 367.14 feet; THENCE South 31°19'46" East a distance of 461.85 feet; THENCE South 27°58'39" East a distance of 474.36 feet; THENCE South 33°07'21" East a distance of 473.54 feet; THENCE South 52°30'40" East a distance of 198.11 feet; THENCE South 19°48'54" East a distance of 318.67 feet; THENCE South 29°45'20" East a distance of 461.31 feet; THENCE South 30°25'11" East a distance of 283.52 feet; THENCE South 35°02'30" East a distance of 249.02 feet; THENCE South 44°01'50" East a distance of 131.65 feet; THENCE South 46°36'26" East a distance of 232.41 feet;

THENCE South 00°00'00" East a distance of 170.07 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being Thirty (30) feet, as measured at a right angle, South of and parallel with the South line of the Southeast Quarter (SE1/4) of said Section 28;

THENCE North 89°39'32" West along said South Right-of-way line a distance of 358.46 feet to the East line of the Northwest Quarter (NW1/4) of said Section 33;

THENCE South 00°14'11" East along the East line of the Northwest Quarter (NW1/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot

2, Amended Plat of the Amended Plat of the Roselle - Shields M.L.D. No. 99-S1466, recorded July 6, 2016 as Reception No. 20160042793 of the records of the Larimer County Clerk and Recorder;

THENCE North 89°38'13" West along said the North line of said Lot 2, which is Thirty-eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW1/4) of said Section 33, a distance of 1627.13 feet to the Northeasterly line of Tract "A," 2nd Amended Plat of Morgan's Ridge, P.U.D., recorded November 18, 1980 as Reception No. 388340 of the records of the Larimer County Clerk and Recorder; THENCE North 25°40'04" West along the Northeasterly line of said Tract "A" a distance of 3.34 feet to the Northeast corner of said Tract "A," said point being a Southerly corner of Strauss Lakes Development Annexation, recorded May 1, 2003 as Reception No. 2003-0052891 of the records of the Larimer County Clerk and Recorder;

The following Seven (7) courses and distances are along the Southerly, Northeasterly and Northwesterly lines of said Strauss Lakes Development Annexation:

THENCE continuing North 25°40'04" West a distance of 5.56 feet; THENCE South 89°38'13" East a distance of 31.31 feet; THENCE North 23°15'56" West a distance of 513.99 feet; THENCE North 37°49'36" West a distance of 188.78 feet; THENCE North 46°56'06" West a distance of 839.47 feet; THENCE North 32°02'34" West a distance of 60.00 feet; THENCE South 57°57'25" West a distance of 93.99 feet to the POINT OF BEGINNING.

Said parcel of land contains 147.499 acres, more or less ($\pm$),

is hereby annexed to the City of Fort Collins and made a part of said City, to be known as the Strauss Lakes 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 October 6, 2026, and approved on second reading for final passage on October 20, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 30, 2026
Approving Attorney: Brad Yatabe

Exhibit: None

File Attachments for Item:

12. First Reading of Ordinance No. 136, 2026, Authorizing the Mayor to Execute an Annexation Agreement Regarding the Strauss Lakes Annexation.

The purpose of the agreement is to mitigate the Owner's risks associated with the requested Zoning, the Overall Development Plan ("ODP") which is currently in review, their first Project Development Plan ("PDP"), or their anticipated metropolitan district service plan

Cottonwood Land & Farm, LLC, ("Owner") owns the property located at the northeast corner of Ziegler and Horsetooth Roads in the City's Growth Management Area, known as "Strauss Lakes". This 147.499-acre property is the subject of the associated agenda item for the proposed Strauss Lakes Annexation. The Owner has requested an agreement with the City that would grant the right for them to disconnect ("de-annex") from the City in the event that certain approvals are not granted, or they are granted with conditions unacceptable to the Owner.

Staff have reviewed the agreement and are in support of the overall intent and purpose and propose a simplified version of this agreement that achieves these purposes, which is attached as an Exhibit to the Ordinance.

The Owner has proposed a more expansive agreement that includes numerous detailed stipulations described in this item summary.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Principal Planner

SUBJECT

First Reading of Ordinance No. 136, 2026, Authorizing the Mayor to Execute an Annexation Agreement Regarding the Strauss Lakes Annexation.

EXECUTIVE SUMMARY

The purpose of the agreement is to mitigate the Owner's risks associated with the requested Zoning, the Overall Development Plan ("ODP") which is currently in review, their first Project Development Plan ("PDP"), or their anticipated metropolitan district service plan

Cottonwood Land & Farm, LLC, ("Owner") owns the property located at the northeast corner of Ziegler and Horsetooth Roads in the City's Growth Management Area, known as "Strauss Lakes". This 147.499-acre property is the subject of the associated agenda item for the proposed Strauss Lakes Annexation. The Owner has requested an agreement with the City that would grant the right for them to disconnect ("de-annex") from the City in the event that certain approvals are not granted, or they are granted with conditions unacceptable to the Owner.

Staff have reviewed the agreement and are in support of the overall intent and purpose and propose a simplified version of this agreement that achieves these purposes, which is attached as an Exhibit to the Ordinance.

The Owner has proposed a more expansive agreement that includes numerous detailed stipulations described in this item summary.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Annexation agreements are commonly used in municipalities throughout the Front Range, though are rarely used in annexations to the City with the last one staff could locate being in 1994 (Ordinance No. 134, 1994). These agreements typically outline some basic conditions under which the property may be granted a subsequent disconnection, such as specific zoning or approval of a master plan, such as an ODP, or may dictate required development conditions or standards, a negotiated repayment for infrastructure, or similar development issues to the benefit of either or both parties.

Agreement Summary. The proposed agreement grants the Owner the right to disconnect based on several Disconnection Events, enumerated in Section (1)(A), that include:

- Zoning of LMN and MMN are not approved;
- The City (Planning & Zoning Commission and/or City Council on appeal) does not approve the proposed ODP;
- The City approves the ODP, but with approval conditions that are “unacceptable to Owner in Owner’s sole and absolute discretion”;
- The City denies the initial metropolitan district service plan;
- The ODP of metropolitan district service plan are unapproved for 18 months after this agreement;
- The Development Plan for the first phase is denied by the original decision maker within 5 years of this agreement.

Section 1 also provides that any disconnection request in compliance with the terms of the agreement shall result in a disconnection ordinance approved by the City Council within 90 calendar days.

Section 2 outlines numerous events that terminate the Owner’s Right to Disconnect otherwise granted by the agreement, such as a requirement for submittal of the metropolitan district service plan and initial development plan within a given timeframe (9 months and 18 months, respectively) to allow the City time to meet the requirements stated above. The Owner may also withdraw the item prior to Second Reading of the Annexation Ordinance (currently anticipated for October 20, 2026) at their discretion.

Section 3 clarifies that the IGA will remain in effect and this agreement does not alter the applicability, nor impair the ability of the property to be annexed in the future or to develop under County code, in accordance with the terms of the IGA. Staff coordinated with Larimer County planning and attorney’s offices to ensure they were aware of this agreement and comfortable with the language related to the continued applicability of the IGA.

At the agreement’s core, the Owner would be granted the right to request disconnection when any triggering event falls within the agreement’s terms, to be scheduled on an upcoming City Council agenda, and result in the property being removed from city limits and returned to unincorporated Larimer County, with no harm or injury to either party.

IGA and County Development. Based on the terms of the Intergovernmental Agreement Regarding Cooperation on Managing Urban Development (Attachment 5), property located in Larimer County and within the City’s Growth Management Area (GMA), which intends to develop at urban levels of density and intensity is required to be referred for annexation to the City. With this agreement, the terms of the IGA would remain intact with no injury to either party. In the future, if urban level development were again proposed, the property and project would be referred to the City for annexation. Larimer County provided a brief memorandum (Attachment 6) that clarifies and agrees that any future development on that property would remain subject that IGA. Additionally, the County believes this agreement runs counter to our IGA by providing the Owner the opportunity to disconnect and registered their objection. City staff and attorneys have reviewed the IGA and the agreement and believe that the proposed agreement does not impair the IGA nor any of the parties – city, county, or owner – as all aspects of that IGA will remain in force.

Based on city staff’s interpretation of the County code and the IGA, a subdivision or any use permitted by Special Review triggers the annexation referral; therefore this property would be largely limited to a single unit residence on the southern half of the site (zoned RR-2 Rural Residential), while on the northern Industrial (I) zoned portion a wider range of uses is permitted, which are summarized in Attachment 7.

Staff Analysis. While acknowledging that the County does not support this agreement, staff is generally in support of this agreement as it addresses potentially adverse decisions related to development of the

property that could significantly impact the ability of the Owner to pursue development in the manner or timeframe that they envision.

Those decisions might include a denial of any of several vital steps in the process – ODP, development plan, metropolitan district service plan, or a condition of approval required by City policy or codes that might create a similar impact. Development is complex and there are myriad variables that may impact an owner's ability to successfully pursue full development entitlement and site construction. In such a circumstance, staff acknowledges there may be benefits to the Owner to disconnect the property and remain in the County, with no impairment to either jurisdiction and maintaining the terms of the IGA with the County.

Owner-proposed Agreement. This concept of an annexation agreement was originally proposed and drafted by the Owner of the property and has been revised with staff and the Owner's team several times. Since that initial discussion with City staff, the Owner has expanded the scope of their proposed agreement to include several detailed stipulations, including freezes on infrastructure obligations and fee waivers. A few of the items detailed below are no longer relevant, having been removed from proposed plans or otherwise resolved, but the Owner declined to provide a revised version of their agreement when requested by staff. Staff is referencing the most recently submitted version of this Owner-proposed agreement.

Additional stipulations:

Added language to "Owner's Right to Disconnect the Property" Section (1)(A), between v and vi:

The City and Owner fail to reach mutually acceptable agreement as of the date that is 12 months after the Effective Date with respect to any of the following items:

- i. Buffer for the bald eagle nest located to the north of the Property;
- ii. Total Owner's share of traffic infrastructure improvements for the ODP, including alternative mitigation contribution and direct contribution (the "Traffic Fee");
- iii. Tree mitigation applicable to the ODP;
- iv. Classification of the pond at the north end of the Property as a naturalized irrigation pond subject to a 50-foot buffer zone pursuant to Fort Collins LUC (defined below) Section 5.6.1(E)(2)(d); or
- v. Ability of the Owner to place a lift station on the City Property.

The addition of Section 4 would impact the transportation infrastructure improvements and obligations by determining that cost, as presented in an attached Exhibit B of that version of the agreement, with no inflation adjustment or modification permitted without mutual agreement by both parties. This Section also waives such Traffic Fee for any "Affordable Housing Development".

(4) Developer's Share of Traffic Infrastructure Improvements.

The City and Owner acknowledge and agree that the total Traffic Fee shall be agreed upon by the parties prior to approval of the first Final Development Plan ("FDP"), and shall be substantially similar to the amount set forth on Exhibit B attached hereto and incorporated herein by reference. The parties further agree that such Traffic Fee shall be paid at the time of issuance of building permit(s) in connection with any approved FDP, calculated as follows: upon approval of such FDP, the Owner shall reasonably determine the proportionate share of the Traffic Fee attributable to such FDP, based on the relative amount of development proposed in such FDP as compared to the total development contemplated in the ODP. Notwithstanding the foregoing, the City and Owner agree that under no circumstances shall any portion of the Traffic Fee be imposed in connection with the development of any Affordable Housing Development, as defined in the Fort Collins LUC, and the number of residential units to be developed as part of any Affordable Housing Development shall not be taken into account when calculating the Traffic Fee due for any approved FDP. Once

approved by the parties, in no event shall the total Traffic Fee be increased unless mutually agreed upon by the parties in writing.

The numbers shown in Exhibit B were assembled in coordination with City transportation engineering staff, based on a master Traffic Impact Study (TIS) that was submitted with the in-process ODP project application, and have been verified with said staff as valid for today's dollars and for the current level of detail known for this development.

Staff Analysis. After much discussion and deliberation with City staff and the Owner's team about concerns, staff felt that the remaining additional stipulations do not offer a commensurate benefit to the community and in some cases contradict existing development standards and policies.

Several of the detailed requests relate to financial obligations and impacts are also topics of current discussion with regard to how the City best addresses a variety of complex development issues, including obligations for infrastructure, development-related fees, affordable housing fee waivers – and staff believes it more appropriate to allow these public discussions to continue and for the City to develop a comprehensive framework / system that works for and applies to all development as well as benefits the community, rather than seek unique solutions on a case-by-case basis.

Section 1. The agreement provides several meaningful and broadly-stated off-ramps to the Owner, with wide latitude to exercise sole discretion. The majority of the Disconnection Events are supported by staff.

Only Section (1)(A)vi. that speaks to the eagle nest, the traffic infrastructure improvements, tree mitigation, and classification of the pond are not supported by staff. The lift station for wastewater has been removed from conceptual utility plans and has become moot.

- **Bald Eagle Nest.** Colorado Department of Parks and Wildlife (CPW) and Land Use Code (LUC) Section 5.10.1 address buffering and seasonality of construction activity, related to location of any active eagle nests in place at the time of such activity.
- **Owner's Share of Traffic Infrastructure Improvements.** See more detailed discussion of Section 4 below.
- **Tree Mitigation.** The process of reviewing more detailed development plans and reports, and ensuring compliance with the Land Use Code, also includes the ability granted within the code to mitigate any disturbances to natural features on the site. Staff feels this degree of flexibility is better addressed and applied to the site design and features at that stage of development, rather than at annexation.
- **Irrigation Pond classification.** Staff is working with the Owner to obtain needed information and evidence regarding the status of this pond and its waters, including any need for an augmentation plan. Similarly, staff believes the code provides ample opportunity to explore mitigation or modification options related to the buffer zones adjacent to natural features once more detailed development plans are proposed and the area can be analyzed with better information and detail.

Section 4. The request to lock in final transportation/"traffic" fees at an annexation, without a typical inflation escalator or the ability to revise that as more detailed development plans are known feels pre-emptive, unnecessary, and creates a risk for the City. It is typical to identify a rough estimate of cost, allow an inflationary escalator to attach, even, but with the stage of development reached thus far, the City has not approved/accepted a final Master Transportation Impact Study – which is currently in review. The issue of fees related to development has been a topic of recent Council discussion and attention, and several city departments are working to more fully understand and calibrate all fees associated with development in the City. This proposed fee lock would circumvent those important conversations, and treat this development differently than any other. Similarly, the request to waive such fees for any affordable housing development would preempt that broader city conversation and solutions that may be forthcoming, and would seemingly apply to the full development project and all units or square footage in that development, rather than singling out those units that meet the city's definition of "affordable."

Staff has strong reservations and concerns related to the additional clauses proposed by the Owner, and would recommend against accepting these additions to the agreement.

CITY FINANCIAL IMPACTS

The agreement would have no anticipated financial impact to the City.

COMMISSION RECOMMENDATION

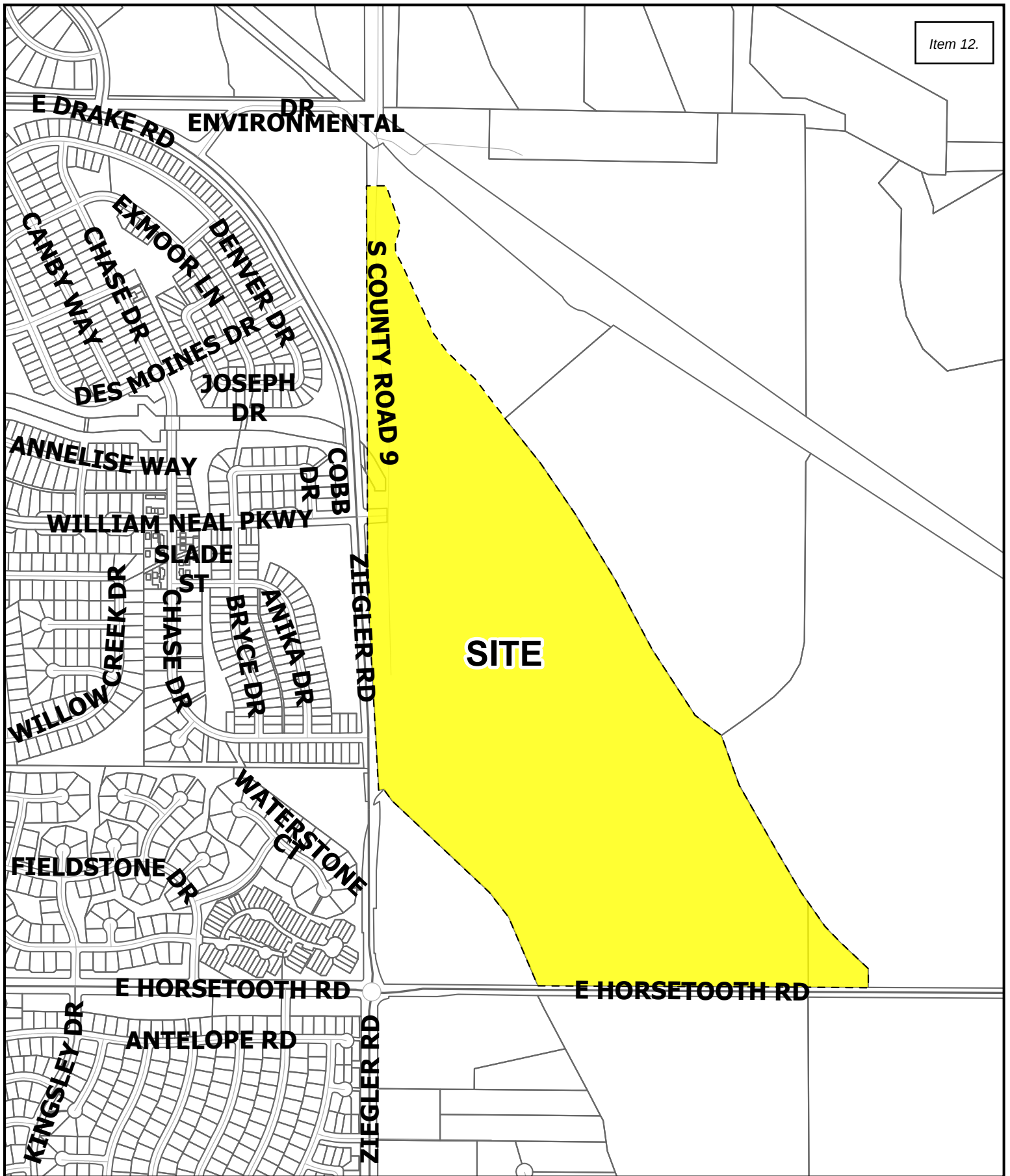
None.

PUBLIC OUTREACH

None.

ATTACHMENTS

1. Vicinity Map
2. Annexation Map
3. Owner-Proposed Annexation Agreement
4. IGA Larimer County and City w/ Amendments 1 and 2
5. Memo from Larimer County
6. Summary of Larimer County Land Use Code
7. Ordinance No. 136, 2026



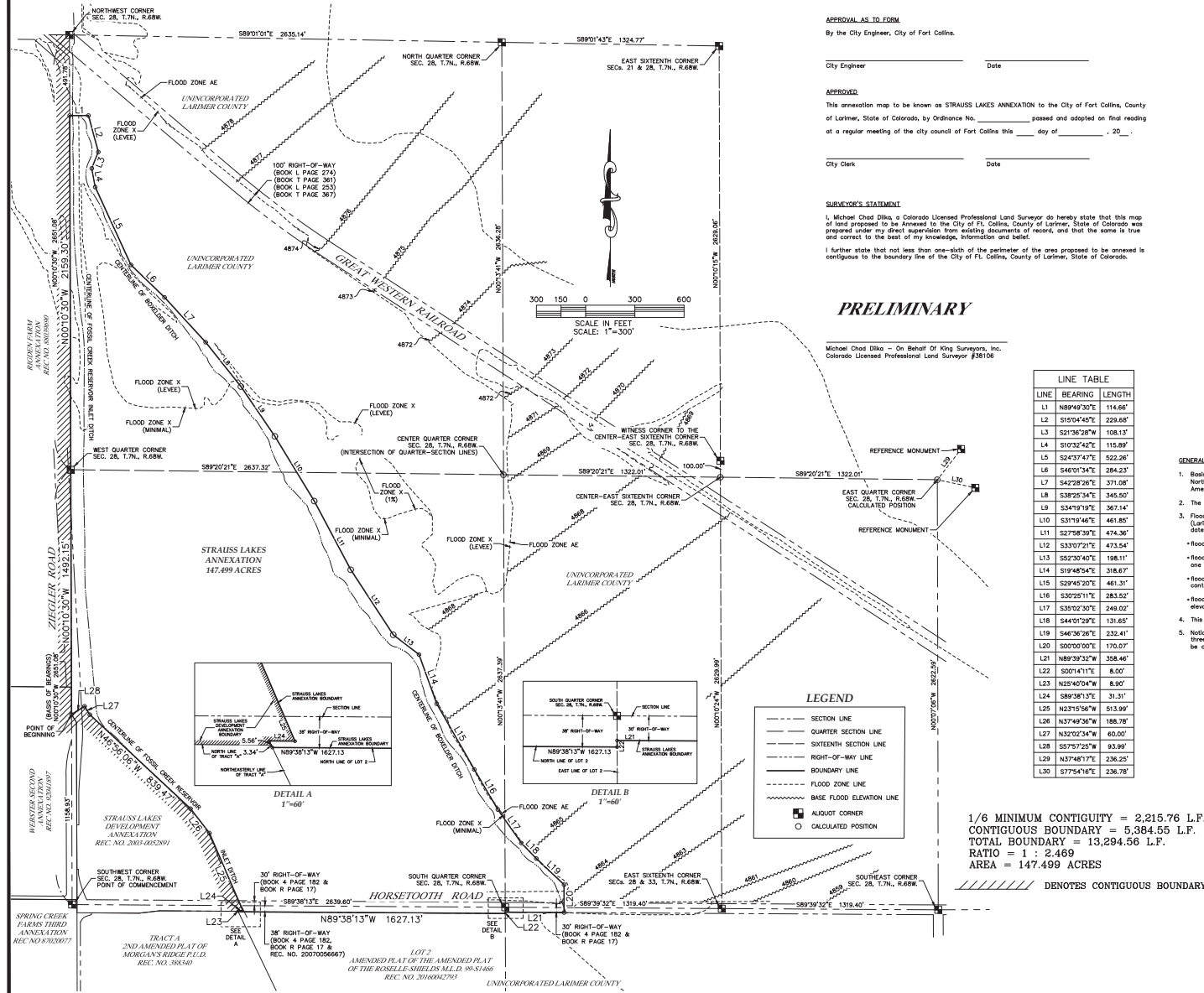
Strauss Lakes Annexation - ANX240002
LOCATION MAP



STRAUSS LAKES ANNEXATION

TO THE CITY OF FORT COLLINS

Part of Section 28 and Part of The North Half of Section 33, Township 7 North, Range 68 West of the 6th P.M.
County of Larimer, State of Colorado



PROPERTY DESCRIPTION

A parcel of land being part of Section Twenty-eight (28) and part of the North Half (N/2) of Section Thirty-three (33), both in Township Seven North (7.N.), Range Sixty-eight West (68.W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW/4) of said Section 28, being monumentized by a #6 rebar with a 2 1/2" diameter cap stamped 1334943, 2008, at the South end and by a 2" x 4" pipe with a 3/4" diameter cap stamped 137497, 1987, at the North end, on bearing North 00°07'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2851.08 feet, with all other bearings contained herein relative thereto;

THENCE North 00°07'30" West along the West line of the Southwest Quarter (SW/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Eastern line of the Western Second Annexation, recorded July 20, 1992, on Reception No. 30244887 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 00°07'30" West along the West line of the Southwest Quarter (SW/4) of said Section 28 and along the Eastern line of said Western Second Annexation and along the Eastern line of Rigden Farm Annexation, recorded August 23, 1988, as Reception No. 8853690 of the records of the Larimer County Clerk and Recorder, a distance of 1482.15 feet to the West Quarter (W/4) corner of said Section 28;

THENCE continuing North 00°07'30" West along the West line of the Northwest Quarter (NW/4) of said Section 28 and along the Eastern line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW/4) of said Section 28, a distance of 114.66 feet;

THENCE South 15°04'45" East a distance of 229.68 feet;

THENCE South 21°36'26" West a distance of 108.15 feet;

THENCE South 10°32'42" East a distance of 115.89 feet;

THENCE South 24°37'47" East a distance of 522.26 feet;

THENCE South 46°01'34" East a distance of 284.23 feet;

THENCE South 42°28'26" East a distance of 371.08 feet;

THENCE South 38°28'34" East a distance of 345.50 feet;

THENCE South 34°19'19" East a distance of 367.14 feet;

THENCE South 31°19'46" East a distance of 461.85 feet;

THENCE South 27°58'39" East a distance of 474.36 feet;

THENCE South 33°07'21" East a distance of 473.54 feet;

THENCE South 52°30'40" East a distance of 188.11 feet;

THENCE South 19°48'54" East a distance of 318.67 feet;

THENCE South 29°40'20" East a distance of 461.31 feet;

THENCE South 30°21'11" East a distance of 283.52 feet;

THENCE South 30°02'30" East a distance of 249.02 feet;

THENCE South 44°01'29" East a distance of 131.65 feet;

THENCE South 46°36'26" East a distance of 232.41 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being thirty (30) feet, as measured to the right angle, South of and parallel with the South line of the Southwest Quarter (SW/4) of said Section 28;

THENCE North 00°07'30" West along said South Right-of-way line a distance of 558.46 feet to the East line of the Northwest Quarter (NW/4) of said Section 33;

THENCE North 00°14'11" East along the East line of the Northwest Quarter (NW/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Road "A", 2010, M.L.S. No. 99-20465, recorded November 18, 1999, as Reception No. 38543 of the records of the Larimer County Clerk and Recorder;

THENCE North 25°40'04" West along the Northeast line of said Road "A" a distance of 3.34 feet to the Northeast corner of said Road "A", said point being a Southern corner of Strauss Lakes Development Annexation, recorded May 1, 2003, as Reception No. 2003-002089 of the records of the Larimer County Clerk and Recorder;

THENCE North 89°38'13" East along the North line of said Lot 2, which is thirty-eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW/4) of said Section 33, a distance of 162.71 feet to the Northeast line of said Road "A", and

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DATE: 6/9/2026

FILE NAME: 202240241ANX-R4

SCALE: 1"=300'

DRAWN BY: CSK/MCD/SAF

CHECKED BY: MCD

KING SURVEYORS

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PROJECT # 12099/240241

SHEET 1 OF 1

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INTERGOVERNMENTAL AGREEMENT
(Regarding Cooperation on Managing Urban Development)

THIS AGREEMENT is made and entered into this 24th day of June, 2008, *nunc pro tunc* October 17, 2006, by and between LARIMER COUNTY, COLORADO, a body politic organized under and existing by virtue of the laws of the State of Colorado, hereinafter referred to as the "County," and THE CITY OF FORT COLLINS, COLORADO, a municipal corporation, hereinafter referred to as the "City".

RECITALS

WHEREAS, continued growth in the Fort Collins area suggests that coordination between the county and City can result in better management of development; and

WHEREAS, maintaining and enhancing areas of urban development in a thoughtful and deliberate way involves cooperation in land use and transportation planning, implementation of growth management policies, and the identification and preservation of open space and natural areas; and

WHEREAS, concentrating urban development in areas designated for such development affords greater efficiency in the delivery of such services as water, storm water, and sanitary sewage disposal systems, transportation, fire and police protection and other services, and also affords a measure of predictability to landowners and residents concerning where future services will be provided and urban development will be permitted; and

WHEREAS, pursuant to Title 29, Article 20, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has found and declared that in order to provide for planned and orderly development within Colorado and a balancing of the basic human needs of a changing population with legitimate environmental concerns, the policy of the State of Colorado is to clarify and provide broad authority to local governments to plan for and regulate the use of land within their respective jurisdictions; and

WHEREAS, pursuant to Title 29, Article 20, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has designated certain powers to local governments, among them the power to regulate the location of activities and developments which may result in significant changes in population density, the power to provide for phased development of services and facilities, the power to regulate the use of land on the basis of the impact thereof on the community or surrounding areas, and the power to otherwise plan for and regulate the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights; and

WHEREAS, pursuant to said Title 29, Article 20, Colorado Revised Statutes, as amended, the General Assembly of the State of Colorado has authorized and encouraged local governments to cooperate or contract with other units of government for the purpose of planning

and regulating the development of land, including but not limited to the joint exercise of planning, zoning, subdivision, building, and related regulations; and

WHEREAS, it is in the best interests of the citizens of Larimer County and the City of Fort Collins for the County and the City to enter into an intergovernmental agreement for the purposes of implementing their respective master plans, establishing effective means of joint planning and management of urbanization within their jurisdictions, assuring that urban development occurs only as urban level facilities and services are able to be provided, assuring that urban development that occurs in the unincorporated portion of Larimer County in the vicinity of the City of Fort Collins is annexed to the City as soon as possible, providing effective means for the appropriate maintenance of public improvements intended to serve urban development, and assuring that urban development in the vicinity of the City of Fort Collins does not negatively impact road and storm drainage systems in unincorporated Larimer County, or appropriately mitigates those negative impacts; and

WHEREAS, the agreements and understandings set forth below will promote increased coordination between the City and County and result in better management and control of urban level development in the Fort Collins area.

NOW, THEREFORE, in consideration of the covenants and obligations herein expressed, it is agreed by and between the parties hereto as follows:

1. Growth Management Area Established. The parties agree that the Fort Collins Growth Management Area (GMA) is contained within the boundaries identified in Exhibit "1" attached hereto. The parties acknowledge that the County has adopted the GMA as an overlay zoning district pursuant to Section 4.2 of the Larimer County Land Use Code. The GMA, and the areas inside the city limits of the City represent the areas that the County and City agree are appropriate for urban development with urban levels of public services and facilities. Except for areas that are contained within the incorporated limits of the City itself, areas outside the GMA are not appropriate for urban development and will not be provided public services and facilities at urban levels.
2. Final Authority. The City agrees that after review of development proposals by the Larimer County Planning Commission and the recommendation for approval, approval with conditions, or disapproval is forwarded to the Larimer County Board of County Commissioners, the final authority regarding approval or disapproval of development proposals shall rest with the Board of County Commissioners.
3. Comprehensive Plans for the GMA. The County agrees to use the City's Comprehensive Plan as a guideline for development inside the GMA. The City's Comprehensive Plan includes any plans for land use, parks, transportation, drainage, natural resources or other elements deemed necessary by the City to act as a guideline for development inside the GMA. The City agrees to make its Comprehensive Plan specific enough to give clear guidance through maps and text to the County and property owners and developers as to the types, densities and intensities of land use acceptable to the City on any given parcel of land in the GMA.

The City shall forward to the County for recommendations any proposed revisions to the City's Comprehensive Plan for areas within the GMA at least thirty-five (35) days prior to final action by the City. The City shall notify the County of any revisions it ultimately adopts within ten (10) days of adoption.

4. Development Regulations. The City acknowledges that the County has adopted certain land use regulations to implement the prior Intergovernmental Agreement for the GMA entered into between the parties on May 5, 1998. These regulations are contained in the Larimer County Land Use Code at Section 4.2.1 (Growth Management Area Overlay Zone District), Section 8.9.11 (Large Retail Establishments), and the Technical Supplement (Larimer County Development Standards for the Fossil Creek Reservoir Area in the Fort Collins GMA and Definitions) (hereinafter "the GMA regulations"). The City acknowledges and agrees that the County through exercise of its legislative authority and discretion may amend these GMA regulations from time to time.

Notwithstanding the foregoing, the County acknowledges that its adoption of the above referenced GMA regulations in their current form was a substantial inducement and consideration for the City's entering into this Agreement and the prior May 5, 1998 Intergovernmental Agreement. The County agrees, therefore, that it shall not legislatively amend or fail to follow the GMA regulations and any subsequently adopted agreed upon GMA regulations until it has first referred such proposed amendment or action to the City for its recommendation. The City shall provide its written recommendation to the County within ninety (90) days of receipt of the referral for legislative amendments and within thirty (30) days of receipt of the referral for other actions, unless the parties mutually agree upon a longer or shorter time period. In determining whether or not to adopt the proposed amendment or action, the Board of County Commissioners shall give great weight to the recommendation of the City and the extent to which the proposed amendment or action promotes or impairs the purposes of this Agreement, and the various components (elements) of the City's Comprehensive Plan.

In the event the County legislatively amends or fails to follow the current or subsequently adopted agreed upon GMA regulations without the City's approval, the City Council may elect to exercise any or all of the following remedies:

- A. Terminate this Intergovernmental Agreement upon giving sixty (60) days advance notice to the County.
- B. Refuse to annex any lands or specific parcels of land into the City.
- C. Cease to maintain any public infrastructure improvements which the City has theretofore agreed to maintain under Section 9 of this Agreement.
- D. Cease to enforce or attempt to enforce reimbursement agreements for the benefit of the County.
- E. Cease to collect (and remit to the County) funds as may be levied by the City for county-wide/regional improvements, including, without limitation, regional impact fees.

These remedies shall not apply to those occasions when the County modifies such GMA regulations under the provisions and criteria for "Modification of Standards" as contained in the Land Use Code.

5. Applications for Development Within the GMA Zoning District.

A. Except as provided in Section 6(B) of this Agreement, the County agrees it will not accept any development application, as defined in Section 4.2.1(B) of the Larimer County Land Use Code, for property which has any contiguity to the City limits and, thus, can be made eligible for voluntary annexation to the City whether through a series of annexations or otherwise. The owner of such property shall instead be required, prior to development, to seek annexation to the City. The County also will not accept a development application for any property in the GMA which was part of a parcel eligible for annexation as of December 18, 2000, but which is no longer eligible because of subsequent land divisions resulting in a break in contiguity, except land divisions created by court order from probate, dissolution of marriage or eminent domain proceedings.

B. The County may accept development applications for lands located within any area that is part of a "receiving area" established through an adopted subarea plan for any Larimer County Transferable Density Units Program. At such time as the County requires a landowner in a receiving area to request annexation to the City, the City will process the annexation petition such that the annexation, if approved by the City, will be completed within thirty-five (35) days following the County's approval of the final plat.

C. If the City denies an annexation petition required to be submitted to it pursuant to Section 6(A), the County may accept the application and process and rule on it in accordance with the Larimer County Land Use Code, unless the City has denied the annexation petition because it contained conditions deemed by the City to be unacceptable, in which case the County will not accept the application. If a property owner whose annexation petition was denied by the City because of unacceptable conditions contained in the annexation petition contends that the resulting inability to develop his or her property in either the City or the County constitutes an unlawful taking, the City and County shall make available to such property owner the takings determination process contained in the City's Land Use Code, which process shall be administered by the City but shall be modified to include both the County Manager and City Manager (or their designees) as the decision makers. If a review of the property owner's claim under the takings determination process results in a determination by either the City Manager or the County Manager that denial of the annexation petition, coupled with the inability to develop the property under the County's jurisdiction, would constitute an unlawful taking of the property owner's property, the County shall thereafter accept the application and process and rule on it in accordance with the Larimer County land use regulations.

D. The County and City agree that appeals, interpretations and variances from zoning provisions of the GMA District which are applied at the building permit stage shall be forwarded to the Larimer County Board of Adjustment as provided for in the Larimer County Land Use Code.

E. The County agrees that it shall refer to the City for review and comment all development applications, as defined in Section 6(A), for properties located within the GMA. The City shall advise the County whether or not the proposed development complies with the City's Comprehensive Plan and the GMA regulations in the Larimer County Land Use Code. The City shall provide its comments to the County in writing within the time required for county referrals established by State Law. Except to the extent that the City notifies the County through its written comments that the development does not comply with the standards, the County may assume that the proposed development complies with all applicable standards and the County shall have no responsibility to further review the proposed development for compliance with the standards.

6. Development Outside of the GMA. The County agrees to use the Larimer County Master Plan as a guideline for development outside the GMA. The County shall forward subsequent revisions to the Master Plan to the City for recommendations at least thirty-five (35) days prior to final action by the County. The County shall notify the City of any such revisions that it ultimately adopts within ten (10) days of adoption.

7. Annexations.

A. It is the City's intent to annex properties within the GMA as expeditiously as possible consistent with the terms of this Agreement. Except as provided in Section 8(B), the City agrees to consider the annexation of any parcel or parcels of land located within the GMA which are eligible for voluntary annexation pursuant to the provisions of Title 31, Article 12 Colorado Revised Statutes.

B. To the extent permitted by law, and except for properties located within the GMA boundary lying south of County Road 32, the City agrees it will not annex property south of County Road 32 (also known as the "Fort Collins/Loveland Corridor") or any property within the portion of the Fossil Creek Reservoir Area Plan which is located east of County Road 11 (Timberline Road) and South of County Road 36 unless the County either requires the landowner to petition for annexation or requests that the City consider annexation. The foregoing limitations on annexation shall not apply to the annexation of publicly owned open space, trails or parklands.

C. The City agrees to annex all County Road rights-of-way, easements, etc., adjacent to a voluntary annexation in accordance with Title 31, Article 12 Colorado Revised Statutes; provided, however, that the City may decline to annex such County roads and rights-of-way if annexation of such roads and rights-of-way would impede future annexations anticipated by the City to be accomplished by the use of a "flagpole" configuration or if such County road is primarily used by County development. In the event the City declines to annex any such roads or rights-of-way, it shall provide a written explanation in the annexation impact reports provided to the County outlining the City's reasons for not annexing such roads or rights-of-way.

D. The City agrees to pursue involuntary annexation of any parcel that becomes eligible for involuntary annexation.

E. The City agrees to pursue annexation of any parcel whose owner has signed an annexation agreement.

F. The County agrees that the City, in its sole discretion, (except as provided in Section 8(B) of this agreement) may annex outside the Fort Collins GMA. The City agrees that proposed annexations outside the GMA will be sent by certified mail to the Board of County Commissioners for review and comment at least thirty-five (35) days prior to the scheduled public hearing on the annexation before the City Council.

G. The County agrees to require a binding agreement for future annexation in the form attached as Exhibit 2 as a condition of approval of any development application requiring approval by the Larimer County Board of Commissioners, which is located within the GMA but is not, at the time of development approval, eligible for voluntary annexation to the City.

8. Improvements to and Maintenance of Public Facilities. The County agrees to require development proposals within the GMA to make improvements to County roads consistent with the Larimer County Urban Road Standards for the GMA which, to the extent reasonably feasible (as this term is defined in the Fort Collins Land Use Code), will be consistent with the multi-modal and level of service standards for road improvements required by the City inside the City limits. The City agrees to provide routine maintenance and inspection of such public infrastructure improvements (whether on or off the development site) which, but for the design requirements established in the Larimer County Land Use Code for large retail establishments and for the Fossil Creek Area, would not otherwise have been required by Larimer County Urban Standards. (Examples of such improvements may include transit facilities, bicycle lanes, or parkway/median landscaping.)

The City agrees to apply its Off-Site Street Improvements Policy to any development within the City limits which has an identifiable impact on the County road system which may require the developer to make certain improvements to County roads outside the City limits. If improvements are to be made to County roads outside the City limits, the City agrees to send plans of said improvements to the Larimer County Planning Department and Larimer County Public Works Department for review and comment. The City also agrees to provide routine maintenance and inspection of all such public infrastructure improvements (whether on or off the development site) which, but for the design requirements established in the Larimer County Land Use Code for large retail establishments and for the Fossil Creek Area, would not have been required by Larimer County Urban Standards. (Examples of such improvements may include transit facilities, bicycle lanes, or parkway/median landscaping.)

9. Collection of a Park Fee for the GMA Zoning District. The County shall collect a community and neighborhood park fee-in-lieu-of-land dedication from all residential development located within the GMA at the time of issuance of applicable building permits. The County shall remit this fee to the City to be used to benefit residents of the area where it is collected.

10. Collection of a Drainage Basin Fee for the GMA Zoning District. Pursuant to Title 30, Article 28, Section 133 (11), Colorado Revised Statutes and Section 9.2.4 (Imposition of Drainage/Storm Water Facility Fees, of the Larimer County Land Use Code), the County shall collect a drainage fee at the time of issuance of applicable building permits for improvements on lands located within the GMA in the same amount as the basin fee collected by the City of Fort Collins within the City limits. Such fee shall be used for Drainage Capital Improvements within the basin from which the fee was collected. Drainage improvements shall be consistent with the current Drainage Basin Master Plans and project scheduling shall be mutually agreed upon by the City and County. The drainage fee shall be reviewed annually by the County and any needed modifications shall be made to Section 9.2.4 of the Larimer County Land Use Code.

11. Amendments to the GMA Boundary. The City and County agree that any amendments to the GMA Boundary shall be mutually agreed upon in writing by the parties. The County shall implement such amendments in accordance with the procedures and requirements for amendments to zoning district boundaries outlined in the Larimer County Land Use Code.

12. Enforcement. Both the City and County intend that this Agreement be binding upon them. Either party hereto shall be permitted to specifically enforce any provision of this agreement in a Court of competent jurisdiction.

13. Term. This Agreement shall remain in force and effect for a period of ten years from the date of its execution. Thereafter, it shall be automatically renewed for successive five year terms unless, at least six (6) months prior to its scheduled expiration, either party notifies the other party, in writing, of its decision that the Agreement not be renewed.

14. Severability. In the event either party is prevented by court order from performing or enforcing any provision of this agreement, or enforcing any regulations, both parties shall have the option of terminating this agreement upon mutual consent.

15. Prior Agreements.

A. This Agreement supersedes all prior Intergovernmental Agreements entitled "Regarding Cooperation on Managing Urban Development" between the parties to this Agreement.

B. The Intergovernmental Agreement dated August 31, 1999, entitled "Regarding Development in the Fort Collins Cooperative Planning Area Adjacent to Fossil Creek Reservoir" is hereby terminated.

LARIMER COUNTY, COLORADO

By: 
Chair, Board of County Commissioners

ATTEST:

Dee M. Cookman



APPROVED AS TO FORM:

March 3-7-08
Assistant County Attorney

THE CITY OF FORT COLLINS, COLORADO

By:

Wayne D. Huber
Mayor



ATTEST:

Kendra H. Hajicek
City Clerk

APPROVED AS TO FORM:

Paul Eder
Deputy City Attorney

EXHIBIT "2"**ANNEXATION AGREEMENT****TO THE CITY OF FORT COLLINS, COLORADO:**

The undersigned owner (hereinafter referred to as "OWNER") of the property, more particularly described on Attachment "A", attached hereto, has filed an application with Larimer County under the terms of the INTERGOVERNMENTAL AGREEMENT FOR THE FORT COLLINS GROWTH MANAGEMENT AREA between Larimer County and the City of Fort Collins (hereinafter referred to as "CITY"). It is expressly understood and agreed by the undersigned OWNER that, if granted, the development approval shall be in consideration of and upon the following terms and conditions, to-wit:

1. If the property shall ever be included within the boundaries of a territory which is sought to be annexed to the CITY itself, then and in that event, the undersigned OWNER specifically agrees to consent to and join in the annexation of such territory by the CITY; and that the undersigned OWNER will comply with all of the legal requirements and conditions pertaining to the annexation of territory to the CITY. It is understood by the undersigned OWNER that the primary consideration for granting of development approval according to the terms of the INTERGOVERNMENTAL AGREEMENT FOR THE FORT COLLINS GROWTH MANAGEMENT AREA is the undersigned OWNER'S covenant and the promise to consent to the annexation of said territory to the CITY, comply with all requirements and conditions as aforesaid and sign all petitions and maps pertaining thereto. Furthermore, the undersigned does hereby empower and irrevocably authorize and appoint the City Clerk of the City of Fort Collins, Colorado, as lawful attorney-in-fact, on behalf of the undersigned, to sign any such annexation petitions and maps thereby binding the undersigned, to all of the terms and provisions of said petitions and maps for all intents and purposes as if the undersigned had signed said petitions and maps. This power of attorney shall not be affected by the disability of the principal. This appointment shall not preclude the City from undertaking any other available action, which may be necessary to enforce the provisions of this Agreement. Notwithstanding the limitation set forth in Section 31-12-107(8) C.R.S. 1973, OWNER hereby waives the five (5) year limitation of such power of attorney as contained therein and agrees that this power of attorney shall be valid for a term of 20 years from the date of this Agreement, unless a court of competent jurisdiction determines that the provisions of Section 31-12-107(8) C.R.S. 1973 cannot be waived or modified by the OWNER, in which event this power of attorney shall be valid for a term of five (5) years from the date of this Agreement.

2. That all terms and conditions herein set forth shall extend to and be binding upon the heirs, assigns or successors in interest of the undersigned OWNER and be considered as a covenant running with the land described in Attachment "A". Further, it is agreed that, in accepting title to the property described in Attachment "A", or any part thereof, any grantee, heir, assignee or successor in interest to the undersigned OWNER expressly agrees to be bound by the terms hereof, including, but not limited to, the appointment of the City Clerk as attorney-in-fact for the purposes set forth in Paragraph (1) above.

3. That this agreement shall be recorded pursuant to the provisions of Colorado Statutes; and that the CITY may undertake any action legally available to enforce the provisions hereof. In the event the CITY is required to undertake any action to enforce the terms hereof, the undersigned OWNER and his heirs, successors and assigns agree that the CITY may recover from the owner of said property its reasonable expenses, including attorney fees, incurred with respect to such action.

4. That, if any section, sections or provisions of this agreement is declared invalid for any reason whatsoever by any competent court, such invalidity shall not affect any other sections or provisions of this agreement if they can be given effect without the invalid section, sections or provisions.

5. That the following grammatical rules shall apply to this agreement: any gender includes the other genders; the singular number includes the plural and vice versa; words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable; and the words shall be constructed according to context and approved usage of language.

IN WITNESS WHEREOF the applicant has hereunto set his hand and seal this ____ day of _____, 20__.

OWNER

OWNER

(continued)

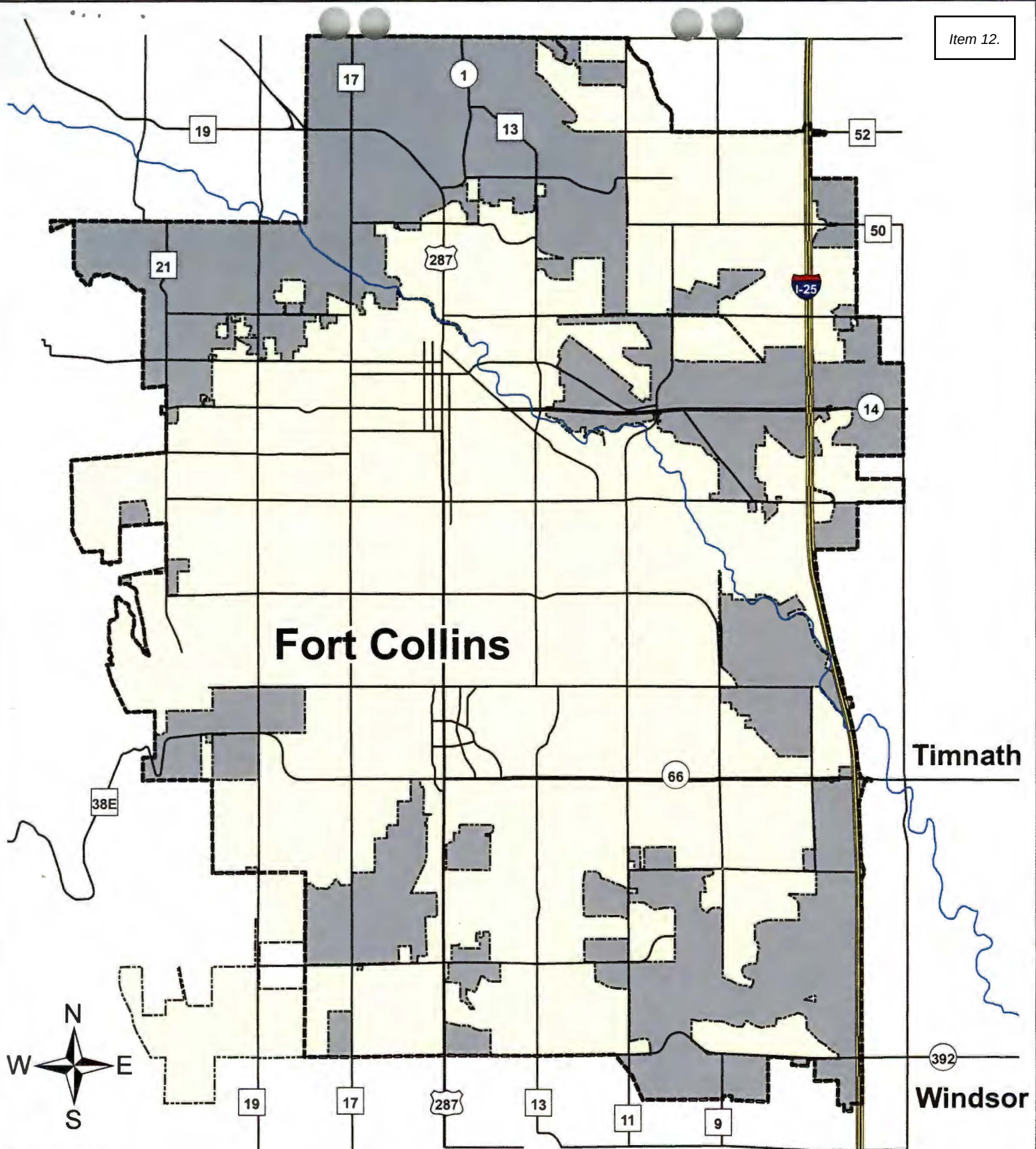
[illegible]

Subscribed and sworn to before me this _____ day of _____, 20____, by _____.

WITNESS my hand and official seal.

My Commission Expires:

Notary Public



Legend

-  Growth Management Boundary
-  Growth Management Area
-  City Limits
-  Poudre River

Updated: October 2, 2008

Fort Collins Growth Management Area (GMA)



**AMENDMENT NUMBER ONE TO INTERGOVERNMENTAL AGREEMENT
(Regarding Cooperation on Annexation, Growth Management and Related Issues)**

THIS AMENDMENT NUMBER ONE TO INTERGOVERNMENTAL AGREEMENT (“Amendment”) is made and entered into this 16 day of Jan, 2017 by and between LARIMER COUNTY, COLORADO, a body politic organized under and existing by virtue of the laws of the State of Colorado (“County”) and THE CITY OF FORT COLLINS, COLORADO, a Colorado home rule municipal corporation (“City”).

RECITALS

WHEREAS, pursuant to Resolution 2006-107, the City entered into that certain Intergovernmental Agreement regarding Cooperation on Managing Urban Development dated June 24, 2008 (the “Fort Collins-County IGA”) with Larimer County, Colorado (the “County”); and

WHEREAS, among other matters, the Fort Collins-County IGA establishes the boundaries of the Fort Collins Growth Management Area (“Fort Collins GMA”), representing areas that the County and City agree are appropriate for urban development with urban levels of public services and facilities; and

WHEREAS, the County has adopted the Fort Collins GMA as an overlay zoning district pursuant to Section 4.2 of the Larimer County Land Use Code to address standards for urban development with urban levels of public services and facilities for such areas; and

WHEREAS, pursuant to Paragraph 11 of the Fort Collins-County IGA, the City and County have agreed that any amendments to the Fort Collins GMA shall be mutually agreed upon in writing by the parties and that the County shall implement such amendments pursuant to the procedures and requirements for amendments to zoning district boundaries set forth in the Larimer County Land Use Code; and

WHEREAS, the City and the Town of Timnath, Colorado (“Town”) are parties to that certain Seventh Amendment to Intergovernmental Agreement (Regarding Cooperation on Annexation, Growth Management and Related Issues) dated October 28, 2014 (the “Fort Collins-Timnath IGA”); and

WHEREAS, among other matters, the Fort Collins –Timnath IGA, calls for adjustment of the Fort Collins GMA as set forth therein, effective upon approval of the County; and

WHEREAS, the City and the County wish to adjust the Fort Collins GMA boundaries as set forth in this Amendment.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. That Section 1 of the Fort Collins-County IGA is hereby amended by deleting Exhibit "1" attached thereto, setting forth the boundaries of the Fort Collins GMA, in its entirety and substituting Exhibit 1 attached to this Amendment in lieu thereof.
2. That as of the date of this Amendment, the City and County agree that the boundaries of the Fort Collins GMA shall be as set forth on Exhibit 1 attached to this Amendment and the County shall implement such amendment of the Fort Collins GMA pursuant to the procedures and requirements for amendments to zoning district boundaries set forth in the Larimer County Land Use Code.
3. That Exhibit "2" is attached hereto for the purpose of illustrating the modifications of the Fort Collins GMA as agreed upon with Timnath in the Fort-Collins-Timnath IGA.
4. That except as expressly modified by this Amendment, the Fort Collins-County IGA shall remain unmodified and in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment to be effective as of the day and year first written above.

CITY OF FORT COLLINS, COLORADO



By: [Signature]
Mayor

ATTEST:

W. W. Wukelman

City Clerk

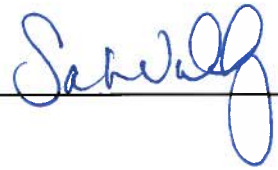
Approved as to form:

J. Yost Schmidt
Sr. Assistant City Attorney

LARIMER COUNTY, COLORADO

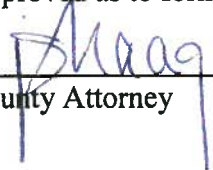
By: 
Chair, Board of County Commissioners

ATTEST:





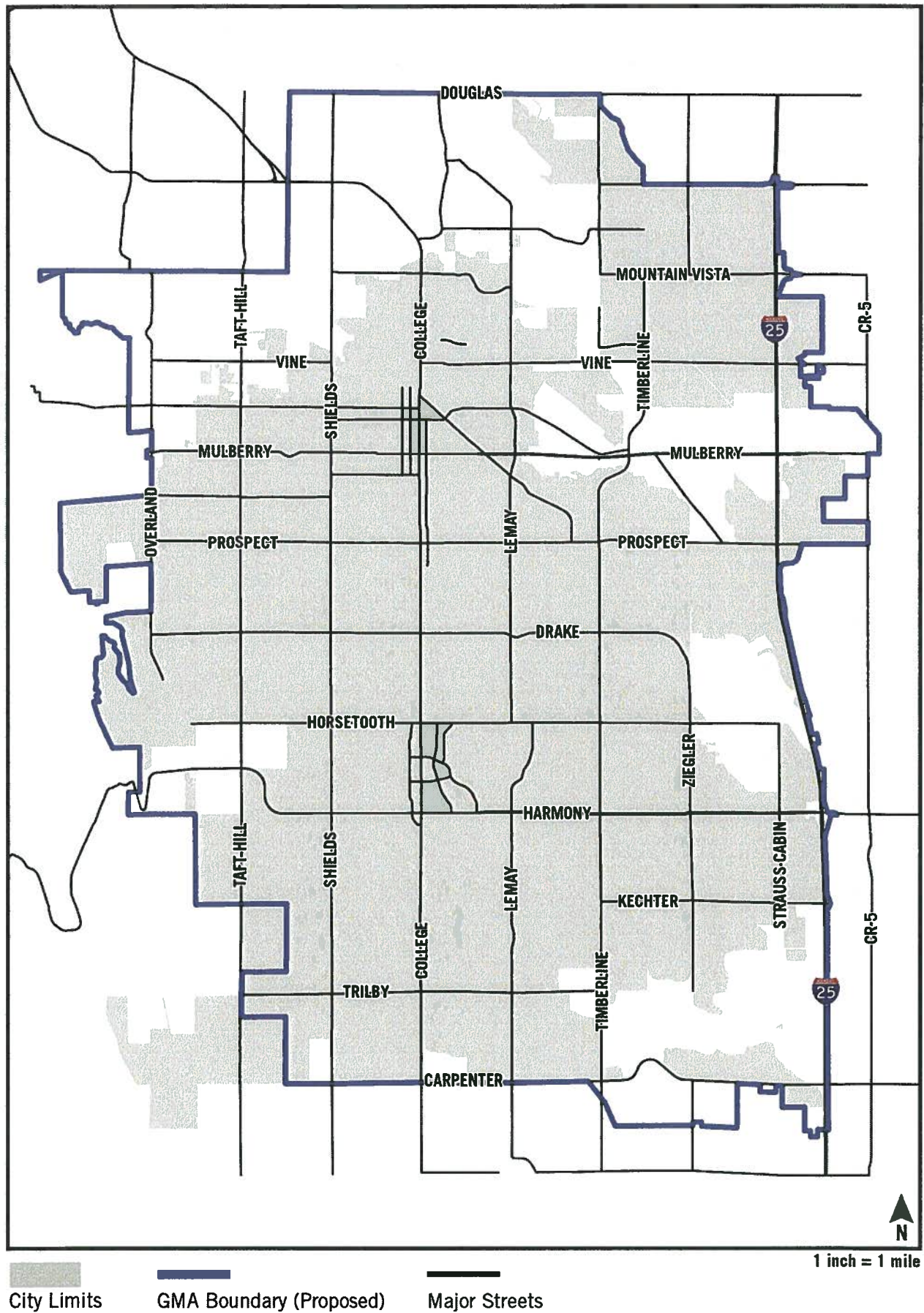
Approved as to form:

 12 20 16
County Attorney

Amended Fort Collins Growth Management Area

December, 2016

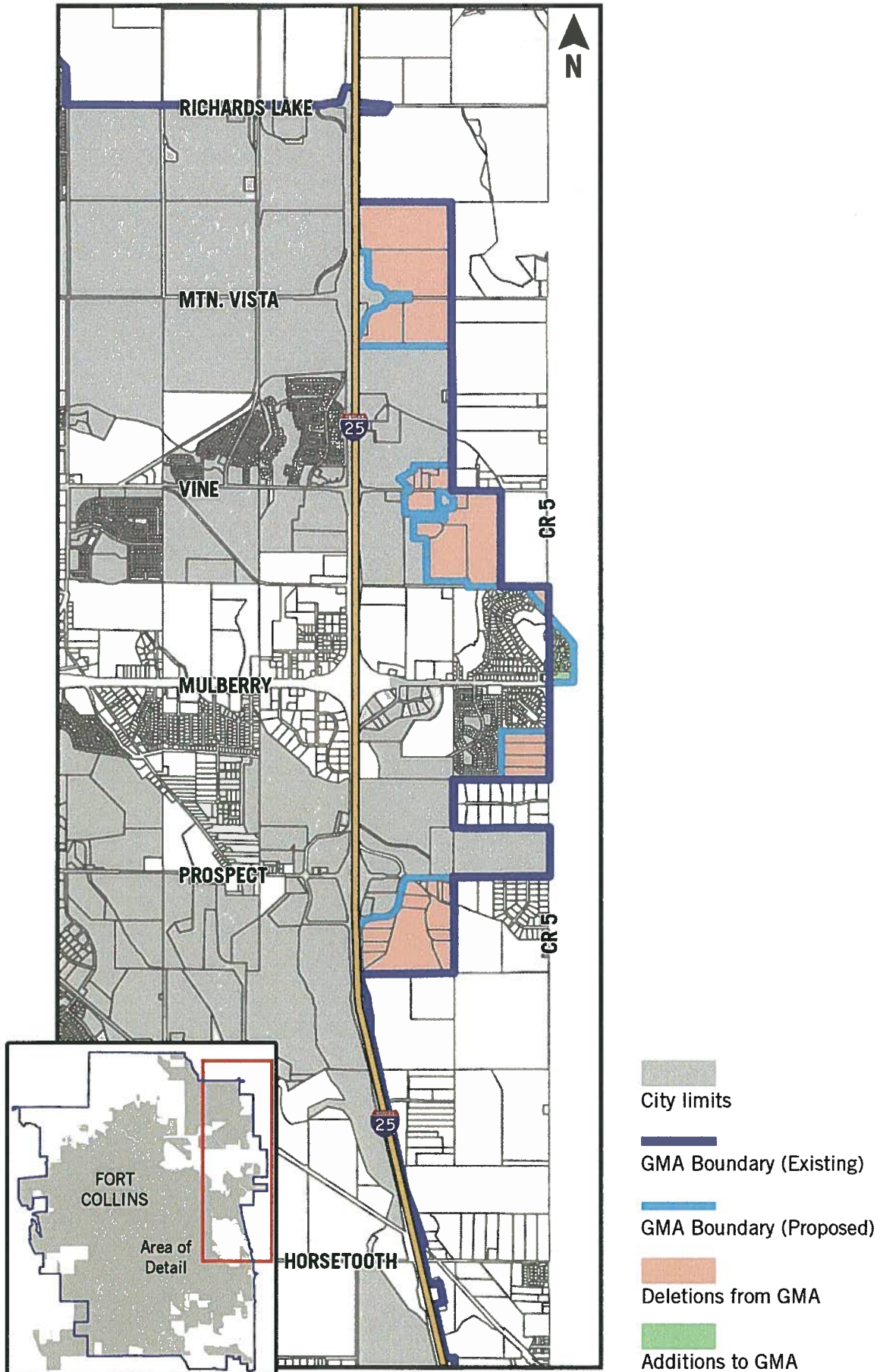
Item 12.



Fort Collins Growth Management Area - Changes

December, 2016

Item 12.



RECEPTION #20200011096, 2/19/2020 10:40:40 AM, 1 of 6,
Angela Myers, Clerk & Recorder, Larimer County, CO

**AMENDMENT NUMBER TWO TO INTERGOVERNMENTAL AGREEMENT
(Regarding Cooperation on Annexation, Growth Management and Related Issues)**

THIS AMENDMENT NUMBER TWO TO INTERGOVERNMENTAL AGREEMENT ("Amendment Number Two") is made and entered into this 4th day of February, ~~2019~~ 2020 by and between LARIMER COUNTY, COLORADO, a body politic organized under and existing by virtue of the laws of the State of Colorado ("County") and THE CITY OF FORT COLLINS, COLORADO, a Colorado home rule municipal corporation ("City").

RECITALS

WHEREAS, pursuant to Resolution 2006-107, the City entered into that certain Intergovernmental Agreement regarding Cooperation on Managing Urban Development dated June 24, 2008, (the "Fort Collins-County IGA") with Larimer County, Colorado (the "County"); and

WHEREAS, Amendment Number One to the Fort Collins-County IGA dated January 16, 2017, ("Amendment Number One") was adopted to adjust the Fort Collins Growth Management Area; and

WHEREAS, the County and City desire to further amend the Fort Collins-County IGA to eliminate references to the Transfer of Density Units Program and to correct certain references to the Larimer County Land Use Code and references internal to the Fort Collins-County IGA as set forth in this Amendment Number Two.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. That Section 4 of the Fort Collins-County IGA is hereby replaced in its entirety by the following:

4. Development Regulations. The City acknowledges that the County has adopted certain land use regulations to implement the prior Intergovernmental Agreement for the GMA entered into between the parties on May 5, 1998. These regulations are contained in the Larimer County Land Use Code at Section 4.2.1 (Growth Management Area Overlay Zone District) and Section 8.18 (Large Retail Development). The City acknowledges and agrees that the County through exercise of its legislative authority and discretion may amend these GMA regulations from time to time.

Notwithstanding the foregoing, the County acknowledges that its adoption of the above referenced GMA regulations in their current form was a substantial inducement and consideration for the City's entering into this Agreement and the prior May 5, 1998, Intergovernmental Agreement. The County agrees, therefore, that it shall not legislatively amend or fail to follow the GMA regulations and any subsequently adopted agreed upon GMA regulations until it has first referred such proposed amendment or action to the City for its

RECEPTION #20200011096, 2/19/2020 10:40:40 AM, 2 of 6,
Angela Myers, Clerk & Recorder, Larimer County, CO

Item 12.

recommendation. The City shall provide its written recommendation to the County within ninety (90) days of receipt of the referral for legislative amendments and within thirty (30) days of receipt of the referral for other actions, unless the parties mutually agree upon a longer or shorter time period. In determining whether or not to adopt the proposed amendment or action, the Board of County Commissioners shall give great weight to the recommendation of the City and the extent to which the proposed amendment or action promotes or impairs the purposes of this Agreement, and the various components (elements) of the City's Comprehensive Plan.

In the event the County legislatively amends or fails to follow the current or subsequently adopted agreed upon GMA regulations without the City's approval, the City Council may elect to exercise any or all of the following remedies:

- A. Terminate this Intergovernmental Agreement upon giving sixty (60) days advance notice to the County.
- B. Refuse to annex any lands or specific parcels of land into the City.
- C. Cease to maintain any public infrastructure improvements which the City has theretofore agreed to maintain under Section 8 of this Agreement.
- D. Cease to enforce or attempt to enforce reimbursement agreements for the benefit of the County.
- E. Cease to collect (and remit to the County) funds as may be levied by the City for county-wide/regional improvements, including, without limitation, regional impact fees.

These remedies shall not apply to those occasions when the County modifies such GMA regulations under the provisions and criteria for "Modification of Standards" as contained in the Land Use Code.

2. That Section 5 shall be replaced in its entirety by the following:

5. Applications for Development Within the GMA Zoning District.

A. The County agrees it will not accept any development application, as defined in Section 4.2.1.D. of the Larimer County Land Use Code, for property which has any contiguity to the City limits and, thus, can be made eligible for voluntary annexation to the City whether through a series of annexations or otherwise. The owner of such property shall instead be required, prior to development, to seek annexation to the City. The County also will not accept a development application for any property in the GMA which was part of a parcel eligible for annexation as of December 18, 2000, but which is no longer eligible because of subsequent land divisions resulting in a break in contiguity, except land divisions created by court order from probate, dissolution of marriage or eminent domain proceedings.

RECEPTION #20200011096, 2/19/2020 10:40:40 AM, 3 of 6,
Angela Myers, Clerk & Recorder, Larimer County, CO

Item 12.

B. If the City denies an annexation petition required to be submitted to it pursuant to above Subsection 5.A., the County may accept the application and process and rule on it in accordance with the Larimer County Land Use Code, unless the City has denied the annexation petition because it contained conditions deemed by the City to be unacceptable, in which case the County will not accept the application. If a property owner whose annexation petition was denied by the City because of unacceptable conditions contained in the annexation petition contends that the resulting inability to develop his or her property in either the City or the County constitutes an unlawful taking, the City and County shall make available to such property owner the takings determination process contained in the City's Land Use Code, which process shall be administered by the City but shall be modified to include both the County Manager and City Manager (or their designees) as the decision makers. If a review of the property owner's claim under the takings determination process results in a determination by either the City Manager or the County Manager that denial of the annexation petition, coupled with the inability to develop the property under the County's jurisdiction, would constitute an unlawful taking of the property owner's property, the County shall thereafter accept the application and process and rule on it in accordance with the Larimer County land use regulations.

C. The County and City agree that appeals, interpretations and variances from zoning provisions of the GMA District which are applied at the building permit stage shall be forwarded to the Larimer County Board of Adjustment as provided for in the Larimer County Land Use Code.

D. The County agrees that it shall refer to the City for review and comment all development applications, as defined in above Subsection 5.A., for properties located within the GMA. The City shall advise the County whether or not the proposed development complies with the City's Comprehensive Plan and the GMA regulations in the Larimer County Land Use Code. The City shall provide its comments to the County in writing within the time required for county referrals established by State Law. Except to the extent that the City notifies the County through its written comments that the development does not comply with the standards, the County may assume that the proposed development complies with all applicable standards and the County shall have no responsibility to further review the proposed development for compliance with the standards.

3. That Section 7 shall be replaced in its entirety by the following:

7. Annexations.

A. It is the City's intent to annex properties within the GMA as expeditiously as possible consistent with the terms of this Agreement. Except as provided in below Subsection 7.B., the City agrees to consider the annexation of any parcel or parcels of land located within the GMA which are eligible for voluntary annexation pursuant to the provisions of Title 31, Article 12 Colorado Revised Statutes.

B. To the extent permitted by law, and except for properties located within the GMA boundary lying south of County Road 32, the City agrees it will not

RECEPTION #20200011096, 2/19/2020 10:40:40 AM, 4 of 6,
Angela Myers, Clerk & Recorder, Larimer County, CO

Item 12.

annex property south of County Road 32 (also known as the "Fort Collins/Loveland Corridor") unless the County either requires the landowner to petition for annexation or requests that the City consider annexation. The foregoing limitations on annexation shall not apply to the annexation of publicly owned open space, trails or parklands.

C. The City agrees to annex all County Road rights-of-way, easements, etc., adjacent to a voluntary annexation in accordance with Title 31, Article 12 Colorado Revised Statutes; provided, however, that the City may decline to annex such County roads and rights-of-way if annexation of such roads and rights-of-way would impede future annexations anticipated by the City to be accomplished by the use of a "flagpole" configuration or if such County road is primarily used by County development. In the event the City declines to annex any such roads or rights-of-way, it shall provide a written explanation in the annexation impact reports provided to the County outlining the City's reasons for not annexing such roads or rights-of-way.

D. The City agrees to pursue involuntary annexation of any parcel that becomes eligible for involuntary annexation.

E. The City agrees to pursue annexation of any parcel whose owner has signed an annexation agreement.

F. The County agrees that the City, in its sole discretion, (except as provided in above Subsection 7.B. of this Agreement) may annex outside the Fort Collins GMA. The City agrees that proposed annexations outside the GMA will be sent by certified mail to the Board of County Commissioners for review and comment at least thirty-five (35) days prior to the scheduled public hearing on the annexation before the City Council.

G. The County agrees to require a binding agreement for future annexation in the form attached as Exhibit 2 as a condition of approval of any development application requiring approval by the Larimer County Board of Commissioners, which is located within the GMA but is not, at the time of development approval, eligible for voluntary annexation to the City.

4. That Section 8 shall be replaced in its entirety by the following:

8. Improvements to and Maintenance of Public Facilities. The County agrees to require development proposals within the GMA to make improvements to County roads consistent with the Larimer County Urban Road Standards for the GMA which, to the extent reasonably feasible (as this term is defined in the Fort Collins Land Use Code), will be consistent with the multi modal and level of service standards for road improvements required by the City inside the City limits. The City agrees to provide routine maintenance and inspection of such public infrastructure improvements (whether on or off the development site) which, but for the design requirements established in Larimer County Land Use Code Section 8.18 for large retail development, would not otherwise have been required by Larimer County Urban Standards. (Examples of such improvements may include transit facilities, bicycle lanes, or parkway/median landscaping.)

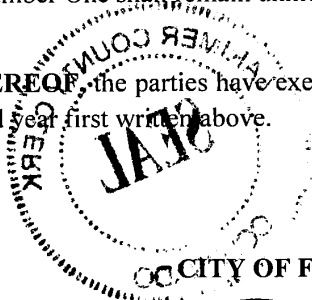
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Angela Myers, Clerk & Recorder, Larimer County, CO

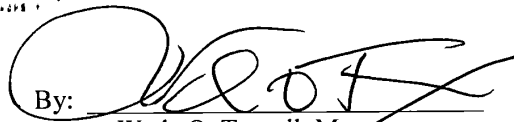
Item 12.

The City agrees to apply its Off-Site Street Improvements Policy to any development within the City limits which has an identifiable impact on the County road system which may require the developer to make certain improvements to County roads outside the City limits. If improvements are to be made to County roads outside the City limits, the City agrees to send plans of said improvements to the Larimer County Planning Department and Larimer County Public Works Department for review and comment. The City also agrees to provide routine maintenance and inspection of all such public infrastructure improvements (whether on or off the development site) which, but for the design requirements established in Larimer County Land Use Code Section 8.18 for large retail development, would not have been required by Larimer County Urban Standards. (Examples of such improvements may include transit facilities, bicycle lanes, or parkway/median landscaping.)

5. That except as expressly modified by this Amendment Number Two, the Fort Collins-County IGA and Amendment Number One shall remain unmodified and in full force and effect.

IN WITNESS WHEREOF the parties have executed this Amendment Number Two to be effective as of the day and year first written above.



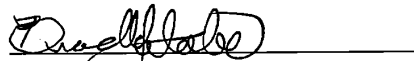
By: 
Wade O. Troxell, Mayor

ATTEST:


City Clerk



Approved as to form:


Assistant City Attorney

RECEPTION #20200011096, 2/19/2020 10:40:40 AM, 6 of 6,
Angela Myers, Clerk & Recorder, Larimer County, CO

Item 12.

LARIMER COUNTY, COLORADO

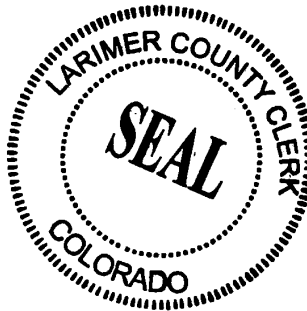
By: Steve Johnson
Chair, Board of County Commissioners

ATTEST:

Elizabeth Heister

Approved as to form:

Angela Myers
County Attorney



LARIMER COUNTY | Community Development

P.O. Box 1190, Fort Collins, Colorado 80522-1190, Planning (970-498-7683) Building (970)498-7700, larimer.org

To: Kim Meyer, Principal Planner, City of Fort Collins

From: Jenny Axmacher, Planning Manager

Date: September 17, 2026

Re: Strauss Lakes Annexation

In 1979, Cottonwood Farms applied to rezone approximately 200 acres of what is later known as Strauss Lakes to I-Industrial zoning and approximately 102 acres to R-2 Residential zoning. This included the future city park site which was separated off. During the hearing, the applicant withdrew the request for the rezoning to R-2, leaving those 102 acres with the original zoning of FA-1 Farming. The request for the industrial zoning was then approved. The resulting Findings and Resolution from that rezoning request is attached.

In 2021, the County updated our Land Use Code (LUC) and I-Industrial became IL- Industrial Light and FA-1 Farming became RR-2 Rural Residential. The allowed land uses for each of these zones can be found in the [County's Land Use Table](#).

Based on the 2020 Intergovernmental Agreement (IGA) between the City of Fort Collins and Larimer County, the County agrees it will not accept any development application, as defined in Section 4.2.1.D. of the Larimer County Land Use Code for property which has any contiguity to the City limits and thus can be made eligible for voluntary annexation to the City whether through a series of annexations or otherwise.

Section 4.2.1.D was subsequently updated and moved in the County's code to Section 2.7.2 Growth Management Area. The language remains similar to the original.

If the Strauss Lakes Property is annexed and then disconnected, it will continue to be subject to the Growth Management Area IGA. As a result, any future development on the Strauss lakes property that takes place while the property is in the unincorporated territory of the county, whether prior to annexation or following disconnection, is subject to the IGA, and the procedures in the IGA will be applicable.





It is the County's understanding that the applicant for Strauss Lakes wishes to pursue a pre-annexation agreement with the City that includes milestones which could trigger a disconnection after annexation. Larimer County's position is that this type of agreement runs counter to the existing IGA and County LUC, and the County objects to any such stipulation. Even if such a provision were included, the County would not process any applications for development without the City's permission, in alignment with the provisions in Section 5 of the IGA.

Attachments: F&R for Rezoning Case 11-79

REZONING

FINDINGS AND RESOLUTION CONCERNING THE PETITION OF
C.S.U. Research Foundation and Cottonwood Farms

The Petition of C.S.U. Research Foundation and Cottonwood Farms for the rezoning of property described in the Resolution hereinafter set forth from FA-1 Farming to R-2 Residential and I-Industrial has heretofore been filed with the Board of County Commissioners of the County of Larimer.

The Larimer County Planning Commission on February 14, 1979, conducted a public hearing on said Petition, and having duly considered the same and the evidence presented to said Board, by Resolution recommended approval for I-Industrial zoning, denial of the R-2 Residential zoning.

On March 28, 1979 in the County Board Hearing Room of the Larimer County Courthouse, Fort Collins, Colorado, the Board of County Commissioners of the County of Larimer conducted a public hearing on this Petition. The Board of County Commissioners, having heard the testimony and evidence adduced at said hearing, and having considered and carefully weighed the same, now makes the following findings:

1. The Petition to rezone and the public hearing thereon have been duly advertized in a local newspaper of general circulation as required by law.

2. The general characteristics of the property are as follows:

a. Location: W 1/2 28-7-68; east side of County Road 9; one mile north of Harmony Road.

b. Area: 200 acres to I-Industrial, 100 acres to R-2 Residential

c. Existing land use: Farming

d. Surrounding land use: Farming

e. Surrounding zoning: FA-1 Farming, IG-General Industrial (City of Fort Collins)

f. Access: Existing County Roads

3. The Petitioner withdraws request for the R-2 Residential zoning.

4. The Petitioner seeks industrial zoning for the purpose of establishing a gravel pit on the property and for industrial uses upon reclamation.

5. Upon reclamation and redevelopment of the property, in all likelihood, the City of Fort Collins will exercise control in view of the fact that the City will supply water and sewer services.

6. Rezoning the subject property as requested would fit into the general scheme of development for the area.

7. To rezone the area as requested would thus promote the harmonious development of the area, would be in the best interest of the people of Larimer County, would increase the tax base, and would promote the convenience, prosperity and general welfare of the immediate inhabitants of the area.

RESOLUTION

WHEREAS, the Board of County Commissioners has made its Findings upon the Petition and upon the Resolution of the Larimer County Planning Commission, which Findings precede this Resolution, and by reference are incorporated herein and made a part hereof; and

WHEREAS, the Board of County Commissioners has carefully considered the Petition, Resolution, evidence and testimony presented to it, and has given the same such weight as it in its discretion deems proper, and is now fully advised in the premises;

NOW THEREFORE, BE IT RESOLVED, that the Petition of C.S.U. Research Foundation and Cottonwood Farms for the rezoning of the following described tract of land from FA-1 Farming to I-Industrial be, and the same hereby is approved and said property is rezoned from FA-Farming to I-Industrial as provided in the Comprehensive Zoning Resolution for Larimer County, to-wit:

Exhibit "A", attached hereto and
incorporated herein by this reference

(This rezoning and development of the property are
conditioned upon the following:)

1. The industrially zoned ground being used as a
gravel pit for the extraction of gravel prior to any other
construction or development of the ground in an industrial
nature.

IT IS FURTHER RESOLVED that the Deputy Clerk of this
Board shall forthwith cause a certified copy of this Resolution
to be filed with the Clerk and Recorder for the County of
Larimer and that the County Planner shall cause the Official
Zoning District map for the County, filed in the County Clerk's
Office, a part of the Comprehensive Zoning Resolution of
Larimer County, to be amended and to amend the maps in the
office of the said County Planner in accordance with this
Resolution.

Commissioners Weitzel and Hotchkiss voted in favor of
the Findings and Resolution and Commissioner Thayer voted
against the same. The Findings and Resolution were duly
adopted.

DATED this 18 day of July, 1979, as of
March 28, 1979.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF LARIMER

By Norma Meyer
Chairman

(SEAL)

ATTEST:

Carla A. Hederman
Deputy and Acting Clerk
of said Board.

Strauss Lakes

Larimer County Zoning Summary

Zoning: IL and RR-2

Land Use Table 3-1 & 3-2 attached

2.3.2.B Rural Residential – RR-2

- Well Septic – min 100,000 SF lot
- Public WW – min 21,780 SF lot
- 40' Building height max.
- Table 3-1 Table of Allowed Principal Uses – RR2 – attached / highlighted
 - Ag Uses – ag ops, nursery/tree farm
 - Single unit residential
 - Most other uses are Special Review or hearings – intense Ag, vet, kennel, STR, RV park, shooting range, large solar/wind



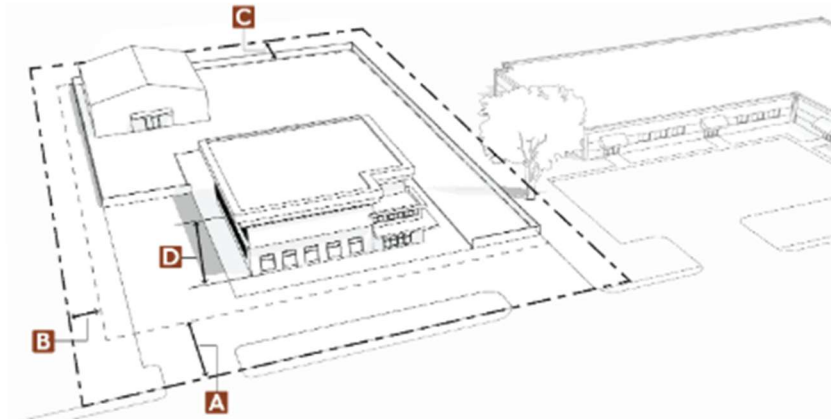
B. Rural Residential (RR-2).

The RR-2 district is intended to accommodate rural residential uses, along with compatible agricultural and civic uses. It serves as a transition between rural and urban areas. Development options include conservation development or subdivision depending on the size of property being developed. Minimum lot sizes are based on the availability of public water and sewer serving the property.



L. Industrial Light (IL).

The IL district is intended to accommodate public and private light manufacturing, processing, service, storage, wholesale, and distribution operations, as well as heavier-intensity commercial uses. This district is intended for parcels within adopted Growth Management Areas.



2.5.2.L. Industrial Light – IL

- 15,000 SF lot min
- 40' Building height
- Table 3-1 Table of Allowed Principal Uses – IL – attached / highlighted
- Most permissive zone in the county, most as Site Plan review only – main categories:
 - Ag Uses – nursery / tree farm, equip sales, garden supply, kennel, vet clinic,
 - Community / Cultural Facilities
 - Healthcare Facilities
 - Food & Beverage
 - Resort Lodge/Cottages
 - MJ cultivation, manufacturing, retail, testing
 - Offices, professional & personal services
 - Recreational – RV park, club, rec facility
 - Retail sales – general, building supply, fireworks, flea market incl outdoor,
 - Transportation – fleet services, parking, transit terminal / depot
 - Vehicles & Equipment – truck stop, fuel sales, wash, repair, sales/leasing
 - Adult uses
 - Industrial (most Spec Rev)– hazmat storage/processing, junkyard, landfill, manufacturing, mining,
 - Storage & Warehousing – indoor, outdoor, wholesale facility

Table 3-1: Table of Allowed Principal Uses — Rural											Item 12.
R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use											
CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
AGRICULTURAL USES											3.3.2.A
Agricultural Operation	R	R	R	R	R	R	R	R	R	R	
Agricultural Cultivation											
Community Garden	AS	AS	AS	SP	AS	AS	AS	AS	SP	AS	3.3.2.B
Forestry	R	R	R								3.3.2.C
Nursery											
Retail	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	3.3.2.D
Wholesale	R	R	R	R	R	R	R	R	R	R	
Tree Farm											
Retail	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	
Wholesale	R	R	R	R	R	R	R	R	R	R	
Vertical Agriculture											
Agricultural Support and Services											
Agricultural Equipment Repair & Sales				SP					SP		3.3.2.E
Agricultural Labor Housing	AS	AS	AS		AS	AS	AS	AS	AS		3.3.2.F
Custom Meat Processing Facility		SP	SP	SP	AS	S		S	S		
Livestock Auction				SP					SP		
Packing Facility		SP	SP	SP	AS	AS	AS	AS	SP		
Animal Agriculture											

Table 3-1: Table of Allowed Principal Uses — Rural

Item 12.

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CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Apiary	R	R	R	R	R	R	R	R	R	R	3.3.2.G
Commercial Feedlot or Dairy		S	S	S	S	S	S				
Equestrian Operation											
Large		S	S		S	S	S				3.3.2.H
Small		AS	AS		AS	AS	AS				3.3.2.H
Poultry Keeping											
Rural	R	R	R	R	R	R	R	R	R	R	3.3.2.I
Urban											3.3.2.J
Poultry Processing	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	3.3.2.K
RESIDENTIAL USES											
Household Living											
Dwelling, Cabin	R	R	R		R	R	R				3.3.3.A
Dwelling, Co-Housing											3.3.3.B
Dwelling, Duplex											
Dwelling, Live/Work				R					R		3.3.3.C
Dwelling, Multi-Unit											3.3.3.D
Dwelling, Single-Unit Attached									R		
Dwelling, Single-Unit Detached	R	R	R		R	R	R	R	R		
Dwelling, Triplex or Fourplex									R		
Manufactured Home	R	R	R		R	R	R	R	R		3.3.3.E

Table 3-1: Table of Allowed Principal Uses — Rural

Item 12.

R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review

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CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Manufactured Housing Park											
Medium-Density									S		3.3.3.F
High Density											3.3.3.F
Storage Building or Garage on Vacant Lot, Residential		R	R	R	R	R	R	R	R	R	3.3.3.G
Group Living											
Assisted Living Facility								S	SP		3.3.3.H
Community Residential Home	R	R	R		R	R	R	R	R		3.3.3.I
Congregate Residence								S	SP		
Group Home	R	R	R		R	R	R	R	R		3.3.3.I
Group Home for Aged	R	R	R		R	R	R	R	R		3.3.3.I
Group Home for Persons W/ Behavioral or Mental Health Disorders	R	R	R		R	R	R	R	R		3.3.3.I
PUBLIC, CIVIC & INSTITUTIONAL USES											
Community & Cultural Facilities											
Assembly											
Indoor only		AS	AS	SP	AS	AS	AS	AS	SP	SP	
With outdoor area		S	S	S	S	S	S	S	S	S	
Cemetery		AS	AS		AS	AS	AS	AS	AS	AS	
With Funeral Home or Crematorium									S	S	

Table 3-1: Table of Allowed Principal Uses — Rural												Item 12.
R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use												
CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER				
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards	
Crematorium									S			
Cultural Institution									SP	SP		
Day Care Center				SP					AS	SP		
Funeral Home									S	S		
With Crematorium									S	S		
Prison or Detention Center										S	3.3.4.A	
Educational Facilities												
School, Nonpublic		S	S	SP	S	S	S		SP	SP		
School, Public	See §6.4.4, Location and Extent											
Healthcare Facilities												
Health Services				AS					AS	AS		
Hospital				AS					AS	AS	3.3.4.B	
Medical or Dental Clinic				AS					AS	AS		
Rehabilitation Facility				AS					AS	AS		
Parks and Open Lands												
Natural Resources & Wildlife Area	R	R	R	R	R	R	R			R	3.3.4.C	
Park or Playground	R	R	R	R	R	R	R	R	R	R	3.3.4.C	
Regional Open Space & Trails	R	R	R	R	R	R	R		R		3.3.4.C	
Reservoir Park	R	R	R	R	R	R				R	3.3.4.C	
Urban Open Space & Trail							R	R		R	3.3.4.C	

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Table 3-1: Table of Allowed Principal Uses — Rural											
R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use											
CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
COMMERCIAL USES											
Agriculture & Animal Uses											
Garden Supply Center		AS	AS	SP	AS	AS	AS	AS	SP		
Kennel, Commercial											
Indoor Only		AS	AS	SP	AS	AS		AS	SP		
Outdoor Animal Use Area		S	S	AS	S	S		S	AS		
Pet Animal Service Facility		AS	AS	SP	AS	AS		AS	SP		
Veterinary Clinic or Hospital, Livestock											
Indoor Only ≤ 5,000 SF or Outdoor Animal Use Area ≤ 1,000 SF		AS	AS	SP	AS	AS		AS	SP		
Indoor Only > 5,000 SF or Outdoor Animal Use Area > 1,000 SF		S	S	AS	S	S		S	AS		
Veterinary Clinic or Hospital, Pet Animal											
Indoor Only ≤ 2,500 SF or Outdoor Animal Use Area ≤ 200 SF		AS	AS	SP	AS	AS		AS	SP		
Indoor Only > 2,500 SF and Outdoor Animal Use Area < 200 SF		S	S	SP	S	S		S	SP		
Outdoor Animal Use Area > 200 SF		S	S	S	S	S		S	S		
Food & Beverage Services											

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Blank Cell = Prohibited use											
CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Bar or Tavern									SP		See Accessory Use Table for Outdoor Seating and Drive-Through Facilities
Microbrewery, Cidery, Winery, Meadery, or Distillery									SP		
Restaurant									SP		
Lodging Facilities											
Bed and Breakfast Inn			AS				AS	AS	AS		
Resort Lodge or Resort Cottages	S	S	S		S				SP		
STR, Hosted 1—10 Guests		AS	AS		AS	AS	AS	AS	AS		3.3.5.A
STR, Hosted, Large 11—16 Guests		S	S		S	S	S	S	S		3.3.5.A
STR, Max. Ten Guests		AS*	AS*		S	S	S	S			3.3.5.B
Marijuana											

Table 3-1: Table of Allowed Principal Uses — Rural

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CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Medical Marijuana-infused Products Manufacturer											Chapter 14, Article VI of the Larimer County Code of Ordinances
Medical Marijuana Center											
Medical Marijuana Optional Premises Cultivation Operation											
Private Marijuana Clubs											
Retail Marijuana Cultivation Facility											
Retail Marijuana Product Manufacturing Facility											
Retail Marijuana Store											
Retail Marijuana Testing Facility											
Office, Business & Professional Services											
Financial Institution									SP		
Professional Office									SP		
Personal Services											
Instructional Facility									SP		
Personal Service				SP					SP		
Recreation & Entertainment											
Campground										§6.4.4	
Primitive	AS	AS	AS	AS						§6.4.4	3.3.5.C
Modern	S	S	S	S	S	S		S	S	§6.4.4	3.3.5.C
Membership Club or Clubhouse		S	S	SP	S	S	S	S	SP		

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Table 3-1: Table of Allowed Principal Uses — Rural

Item 12.

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CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Rafting Business		AS	AS						SP		
Recreation Facility, Indoor				AS					SP		
Recreational Vehicle Park	S	S	S	S	S	S		S	S	§6.4.4	3.3.5.D
Riding Stable	S	AS	AS	SP	AS	AS	AS		SP		3.3.5.E
Seasonal Camp	S	S	S		S	S		S			
Shooting Range											
Indoor Only	AS	AS	AS		AS	AS		AS	SP		
With Outdoor Activity	S	S	S		S	S					
Retail Sales											
Building Material & Supply Store				SP					SP		
Fireworks Sales, Permanent											
Flea Market				SP					SP		
With Outdoor Activity				AS					AS		
General Retail											
≤ 10,000 SF				SP					SP		
10,000 to 25,000 SF				AS					AS		
> 25,000 SF				S					S		
Outdoor Display and Sales				AS					AS		3.3.5.F
Transportation											
Airport										S	3.3.5.G

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CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Fleet Services									SP		
Helipad										S	3.3.5.H
Parking Lot or Garage									SP		
Transit Terminal or Station							S				3.3.5.I
Transportation Depot				AS							3.3.5.J
Vehicles and Equipment											
Truck Stop									SP		
Vehicle Fuel Sales				SP					SP		
Vehicle Repair, Major				S					S		
Vehicle Repair, Minor				AS					SP		
Vehicle Sales & Leasing				SP					SP		3.3.5.K
Vehicle Wash				SP					SP		
Other Uses											
Adult Uses											3.3.5.L
General Commercial				SP					SP		
Licensed Premises Pursuant to the Colorado Natural Medicine Code											
INDUSTRIAL USES											
Manufacturing & Processing											
Hazardous Materials Storage and/or Processing											

Table 3-1: Table of Allowed Principal Uses — Rural

Item 12.

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Character Area	Conservation & Agriculture				Rural			Mixed Center			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Junkyard											
Landfill			S		S			S			3.3.6.A
Manufacturing, Light											3.3.6.B
Manufacturing, Heavy											
Mining	S	S	S	S	S	S	S	S	S	S	3.3.6.C
Oil & Gas Drilling and Production			S	S			S				3.3.6.D
Recycling Facility											
Sawmill		S	S	AS							
Trade Use				SP					SP		
Treatment Plant										S	3.3.6.E
Utility Substation										S	3.3.6.F
Water Storage Facility										S	3.3.6.G
Storage & Warehousing											
Storage, Enclosed				SP					SP		3.3.6.H
Storage, Outdoor				AS					AS		3.3.6.I
Warehousing & Wholesale Facility				SP					SP		3.3.6.J
Public & Semi-Public Utility Uses											
Power Plant										S	
Radio & Television Transmitters		S			S	S	S			S	
Small Solar Energy Facility, Building-Mounted	R	R	R	R	R	R	R	R	R	R	3.3.7.A

Table 3-1: Table of Allowed Principal Uses — Rural

Item 12.

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CHARACTER AREA	CONSERVATION & AGRICULTURE				RURAL			MIXED CENTER			
District	NR	FO	A	ACE	RR-1	RR-2	O	IR	RC	CF	Use-Specific Standards
Small Solar Energy Facility, Ground-Mounted	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	3.3.7.B
Small Wind Energy Facility	S	S	S		S	S		S		S	3.3.7.C
Wireless Communication Facilities											
Alternative Tower Structure (concealed)											Article 9.0
≤ 40 feet high	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
≤ 60 feet high	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	Article 9.0
Attached Facility on Existing Structure	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
Small Cell Facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
Tower (non-concealed)											Article 9.0
≤ 40 feet high											Article 9.0
≤ 60 feet high		AS				AS	AS				Article 9.0
61—80 feet high		AS				AS					Article 9.0
81—100 feet high											Article 9.0
101—120 feet high							AS				Article 9.0
> 120 feet high							S				Article 9.0

Table 3-2: Table of Allowed Principal Uses — Urban															Item 12.
R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use															
CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
AGRICULTURAL USES															3.3.2.A
Agricultural Operation	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Agricultural Cultivation															
Community Garden	AS	AS	AS	AS	AS	AS	AS	AS	SP	SP	SP	SP	SP	SP	3.3.2.B
Forestry															3.3.2.C
Nursery															
Retail	AS	AS	AS	AS			AS	AS	SP			SP		R	3.3.2.D
Wholesale	SP	SP	SP	SP			SP	SP	SP	SP	SP	SP		R	
Tree Farm															
Retail	AS	AS	AS	AS			AS	AS	SP	SP	SP	SP	SP	SP	
Wholesale	SP	SP	SP	SP			SP	SP	SP	SP	SP	SP	SP	SP	
Vertical Agriculture									SP			SP	SP		
Agricultural Support and Services															
Agricultural Equipment Repair & Sales									SP		SP	SP	SP		3.3.2.E
Agricultural Labor Housing	AS	AS	AS	AS											3.3.2.F
Custom Meat Processing Facility								S	SP			SP	SP	S	
Livestock Auction									SP			SP	SP	S	
Packing Facility									SP			SP	SP	S	
Animal Agriculture															
Apiary	R	R	R	R	R	R	R	R	R	R	R	R	R	R	3.3.2.G

Table 3-2: Table of Allowed Principal Uses — Urban

Item 12.

R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use

CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
Commercial Feedlot or Dairy														S	
Equestrian Operation															
Large														S	3.3.2.H
Small														AS	3.3.2.H
Poultry Keeping															
Rural															3.3.2.I
Urban	AS								AS			SP	SP	AS	3.3.2.J
Poultry Processing									AS			SP	SP	S	3.3.2.K
RESIDENTIAL USES															
Household Living															
Dwelling, Cabin															3.3.3.A
Dwelling, Co-Housing				R											3.3.3.B
Dwelling, Duplex			R	R	R										
Dwelling, Live/Work							SP	SP							3.3.3.C
Dwelling, Multi-Unit				SP	SP										3.3.3.D
Dwelling, Single-Unit Attached		R	R	R	R		R								
Dwelling, Single-Unit Detached	R	R	R	R	R		R							R	
Dwelling, Triplex or Fourplex				SP	SP		SP								
Manufactured Home	R	R	R	R	R	R	R							R	3.3.3.E
Manufactured Housing Park															

Table 3-2: Table of Allowed Principal Uses — Urban

Item 12.

R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use

CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
Medium Density					S	SP									3.3.3.F
High Density					S	SP									3.3.3.F
Storage Building and Garage on Vacant Lot, Residential	R	R	R	R	R	R	R	R						R	3.3.3.G
Group Living															
Assisted Living Facility	S	S	S	S	S		S		SP						3.3.3.G
Community Residential Homes	R	R	R	R	R		R								3.3.3.I
Congregate Residence	S	S	S	S	S		S			SP					
Group Home	R	R	R	R	R	R	R							R	3.3.3.I
Group Home Aged	R	R	R	R	R	R	R							R	3.3.3.I
Group Home for Persons W/ Behavioral or Mental Health Disorders	R	R	R	R	R	R	R							R	3.3.3.I
PUBLIC, CIVIC & INSTITUTIONAL USES															
Community & Cultural Facilities															
Assembly															
Indoor only							SP	SP	SP	SP	SP	SP		AS	
With outdoor area							AS	AS	AS	AS	AS	AS		AS	
Cemetery	AS	AS	AS	AS					AS			AS	AS	AS	
With Funeral Home or Crematorium									S			S	S	S	
Crematorium									S			S	S		
Cultural Institution							SP	SP	SP	SP	SP	SP			

Table 3-2: Table of Allowed Principal Uses — Urban

Item 12.

R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use

CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
Day Care Center						AS	AS	AS	SP	SP	SP				
Funeral Home									SP			SP	SP		
With Crematorium									S			S	S		
Prison or Detention Center									S			S	S		3.3.4.A
Educational Facilities															
School, Nonpublic							SP	SP	SP	SP	SP	SP		S	
School, Public	See §6.4.4, Location and Extent														
Healthcare Facilities															
Health Services									SP	SP		SP		S	
Hospital								SP	SP	SP		SP		S	3.3.4.B
Medical or Dental Clinic								SP	SP	SP		SP		S	
Rehabilitation Facility								SP	SP	SP		SP		S	
Parks and Open Lands															
Natural Resources & Wildlife Area															3.3.4.C
Park or Playground	R	R	R	R	R	R	R	R	R	R	R	R	R	R	3.3.4.C
Regional Open Space & Trails															3.3.4.C
Reservoir Park															3.3.4.C
Urban Open Space & Trail	R	R	R	R	R	R	R	R	R	R	R	R	R	R	3.3.4.C
COMMERCIAL USES															
Agriculture & Animal Uses															

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Table 3-2: Table of Allowed Principal Uses — Urban

Item 12.

R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use

CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
Garden Supply Center								SP	SP	SP	SP	SP		S	
Kennel, Commercial															
Indoor Only								SP	SP	SP	SP	SP		SP	
Outdoor Animal Use Area								AS	AS	AS	AS	AS		AS	
Pet Animal Service Facility								SP	SP	SP	SP	SP		SP	
Veterinary Clinic or Hospital, Livestock															
Indoor Only ≤ 5,000 SF or Outdoor Animal Use Area ≤ 1,000 SF								SP	SP	SP	SP	SP		SP	
Indoor Only > 5,000 SF or Outdoor Animal Use Area > 1,000 SF								AS	AS	AS		AS		AS	
Veterinary Clinic or Hospital, Pet Animal															
Indoor Only ≤ 2,500 SF or Outdoor Animal Use Area ≤ 200 SF								SP	SP	SP	SP	SP		SP	
Indoor Only > 2,500 SF and Outdoor Animal Use Area < 200 SF								SP	SP	SP	SP	SP		SP	
Outdoor Animal Use Area > 200 SF								S	S	S	S	S		S	
Food & Beverage Services															
Bar or Tavern							SP	SP	SP	SP	SP	SP		S	See Accessory Use Table for outdoor seating and drive-through facilities
Microbrewery, Cidery, Winery, Meadery or Distillery							SP	SP	SP	SP	SP	SP		S	
Restaurant							SP	SP	SP	SP	SP	SP		S	

Table 3-2: Table of Allowed Principal Uses — Urban

Item 12.

R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use

CHARACTER AREA		URBAN													
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
Lodging Facilities															
Bed and Breakfast Inn							SP	SP		SP	SP			AS	
Resort Lodge or Resort Cottages								SP	SP	SP	SP	SP			
STR, Hosted 1—10 Guests	AS	AS	AS				SP	SP			SP			AS	3.3.5.A
STR, Hosted, Large 11—16 Guests							S	S			S			S	3.3.5.A
STR, Max. Ten Guests	AS*	AS*	AS*				AS*	AS*			AS*			AS*	3.3.5.B
Marijuana															
Medical Marijuana-infused Products Manufacturer															Chapter 14, Article VI of the Larimer County Code of Ordinances
Medical Marijuana Center															
Medical Marijuana Optional Premises Cultivation Operation															
Private Marijuana Clubs															
Retail Marijuana Cultivation Facility										SP		SP			
Retail Marijuana Product Manufacturing Facility										SP		SP			
Retail Marijuana Store									SP			SP			
Retail Marijuana Testing Facility									SP			SP			
Office, Business & Professional Services															
Financial Institution								SP	SP	SP	SP	SP		S	

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Table 3-2: Table of Allowed Principal Uses — Urban

Item 12.

R = Allowed by Right SP = Site Plan AS = Administrative Special Review AS* = BCC Hearing S = Special Review Blank Cell = Prohibited use

CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
Professional Office								SP	SP	SP	SP	SP		S	
Personal Services															
Instructional Facility								SP	SP	SP	SP	SP		S	
Personal Service							SP	SP	SP	SP	SP	SP		S	
Recreation & Entertainment															
Campground															3.3.5.C
Primitive															
Modern	S	S	S				S	S	S	S	S	S		S	
Membership Club or Clubhouse								SP	SP	SP	SP	SP		S	
Rafting Business								SP	SP	SP	SP	SP			
Recreation Facility, Indoor								SP	SP	SP	SP	SP		S	
Recreational Vehicle Park								S	S	S	S	S			3.3.5.D
Riding Stable								SP	SP		SP				3.3.5.E
Seasonal Camp															
Shooting Range															
Indoor Only									SP			SP			
With Outdoor Activity								SP	SP	SP	SP	SP			
Retail Sales															
Building Material & Supply Store								SP	SP	SP	SP	SP		S	
Fireworks Sales, Permanent												S	S		

Table 3-2: Table of Allowed Principal Uses — Urban

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CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
Flea Market									SP			SP			
With Outdoor Activity								SP	P	SP	SP	SP			
General Retail															
≤ 10,000 SF								SP	SP	SP	SP	SP		S	
10,000 to 25,000 SF								AS	SP	SP	SP	SP		S	
> 25,000 SF								S	S	S	S	S		S	
Outdoor Display and Sales														S	3.3.5.F
Transportation															
Airport														S	3.3.5.G
Fleet Services								SP	SP	SP	SP	SP		S	
Helipad														S	3.3.5.H
Parking Lot or Garage								SP	SP	SP	SP	SP		S	
Transit Terminal or Station								SP	SP			SP		S	3.3.5.i
Transportation Depot									SP			SP		S	3.3.5.K
Vehicles & Equipment															
Truck Stop								SP	SP	SP	SP	SP		S	
Vehicle Fuel Sales							SP	SP	SP	SP	SP	SP		S	
Vehicle Repair, Major								S	SP	S	SP	SP		S	
Vehicle Repair, Minor								SP	SP	SP	SP	SP		S	
Vehicle Sales & Leasing									SP	AS	AS	SP		S	3.3.5.K

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CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
Vehicle Wash								SP	SP	SP	SP	SP		S	
Other Uses															
Adult Uses												S	S		3.3.5.L
General Commercial									SP			SP	SP		
Licensed Premises Pursuant to the Colorado Natural Medicine Code												SP	SP		3.3.5.M
INDUSTRIAL USES															
Manufacturing & Processing															
Hazardous Materials Storage and/or Processing												S	S	S	
Junkyard												S	S		
Landfill												S			3.3.6.A
Manufacturing, Light									S			SP	SP	S	3.3.6.B
Manufacturing, Heavy												S	S	S	
Mining									S	S		S	S	S	3.3.6.C
Oil & Gas Drilling and Production													S	S	3.3.6.D
Recycling Facility												S	S		
Sawmill												S	S		
Trade Use									SP		SP	SP	SP	S	
Treatment Plant											S				3.3.6.E
Utility Substation											S				3.3.6.F

Table 3-2: Table of Allowed Principal Uses — Urban

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CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
Water Storage Facility											S				3.3.6.G
Storage & Warehousing															
Storage, Enclosed									SP		S	SP	SP	S	3.3.6.H
Storage, Outdoor									SP			SP	SP		3.3.6.I
Warehousing & Wholesale Facility									SP		S	SP	SP		3.3.6.J
PUBLIC & SEMI-PUBLIC UTILITY USES															
Power Plant													S		
Radio & Television Transmitters									S	S	S	S	S		
Small Solar Energy Facility, Building Mounted	R	R	R	R	R		R	R	R	R	R	R	R		3.3.7.A
Small Solar Energy Facility, Ground Mounted	AS	AS	AS	AS	AS		AS	AS	AS	AS	AS	AS	AS		3.3.7.B
Small Wind Energy Facility												AS	AS		3.3.7.C
Wireless Communication Facilities															
Alternative Tower Structure (concealed)															Article 9.0
≤ 40 feet high	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
≤ 60 feet high	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS		Article 9.0
Attached Facility on Existing Structure	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
Small Cell Facility	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	Article 9.0
Tower (non-concealed)															Article 9.0

Table 3-2: Table of Allowed Principal Uses — Urban

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CHARACTER AREA	URBAN														
District	UR-1	UR-2	UR-3	MR	MHP	MHP-P	MU-N	MU-C	CC	CN	CD	IL	IH	AP	Use- Specific Standards
≤ 40 feet high														AS	Article 9.0
≤ 60 feet high									AS	AS	AS	AS	AS		Article 9.0
61—80 feet high											AS				Article 9.0
81—100 feet high										AS	AS				Article 9.0
101—120 feet high									AS			AS	AS		Article 9.0
120 feet high															Article 9.0

ORDINANCE NO. 136, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE MAYOR TO EXECUTE AN ANNEXATION
AGREEMENT REGARDING THE STRAUSS LAKES
ANNEXATION

A. Cottonwood Land and Farms, LLC, (“Cottonwood”) has submitted a petition to Council for the Strauss Lakes Annexation requesting that Council annex their approximately 147.499 acre property and zone it as both Medium Density Mixed-Use Neighborhood and Low Density Mixed-Use Neighborhood zone districts.

B. Cottonwood is requesting that Council enter into an annexation agreement attached hereto and incorporated herein as Exhibit A (the “Agreement”) to allow disconnection of the Strauss Lakes Annexation if certain events occur regarding the intended development of the property and establishment of a metropolitan special district.

C. Council is concurrently reviewing the Strauss Lakes Annexation petition and zoning with this request for the Agreement.

D. The City is authorized pursuant to Colorado statute, Colorado Revised Statutes Section 31-12-101, et seq., and Colorado case law to enter into annexation agreements addressing various issues including the conditions under which disconnection of annexed property may occur.

E. The City has reviewed the Agreement and finds that entering into the Agreement is in the best interests 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 that the Mayor is authorized to execute the Agreement, attached hereto as Exhibit A, together with such modifications, deletions and additions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or further the purposes of this Ordinance.

Introduced, considered favorably on first reading on October 6, 2026, and approved on second reading for final passage on October 20, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 30, 2026

Approving Attorney: Brad Yatabe

Exhibit: Exhibit A – Annexation Agreement Between the City of Fort Collins and
Cottonwood Land and Farms, LLC, Regarding the Strauss Lakes
Annexation

ANNEXATION AGREEMENT BETWEEN THE CITY OF FORT COLLINS AND
COTTONWOOD LAND AND FARMS, LLC, REGARDING THE
STRAUSS LAKES ANNEXATION

THIS AGREEMENT is made and entered into this _____ day of _____, 2026 (the "Effective Date"), by and between the CITY OF FORT COLLINS, a Colorado home rule municipal corporation, ("City") and COTTONWOOD LAND AND FARMS, LLC, a Colorado limited liability company, as successor in interest to Cottonwood Land and Farms, LTD., a Colorado limited partnership ("Owner").

RECITALS

- (1) Owner is the owner of certain real property generally located northeast of the intersection of Ziegler Road and Horsetooth Road consisting of approximately 147.499 acres ("Property") and more particularly described in the annexation petition on file with the City Clerk and attached hereto and incorporated herein as Exhibit A ("Annexation Petition");
- (2) The Property is located in unincorporated Larimer County within the Fort Collins Growth Management Area ("GMA") with such GMA established and governed by the terms of the June 24, 2008, *Intergovernmental Agreement (Regarding Cooperation on Managing Urban Development)* between the City and Larimer County as subsequently amended on January 16, 2017, and February 4, 2020, and subject to further amendment ("Growth Management IGA"), and the applicable provisions of the Larimer County Land Use Code ("Larimer LUC");
- (3) The Owner acknowledges that upon annexation, the Property will be subject to all ordinances, resolutions, and other regulations of the City, as amended from time to time except as specifically addressed in this Agreement;
- (4) The Owner proposes to develop the Property in a certain manner and has submitted an application for an Overall Development Plan, Application # ODP240003, ("ODP") to the City in anticipation of annexation of the Property;
- (5) The Owner proposes to establish several metropolitan districts to provide various public improvements and operations and maintenance services for the benefit of the Property, and Owner intends to submit a Metropolitan District Service Plan inclusive of all revenue raising powers and authority that are included in the City's Model Service Plan as of the Effective Date of this Agreement ("Service Plan") for the Council's future review and approval;
- (6) Before the City can determine whether to approve the ODP and Service Plan, the Property must be annexed to the City and subject to the City's jurisdiction;

- (7) In the event of occurrence of any Disconnection Event (defined below), Owner desires the option to decide whether to disconnect the Property from the City and develop the Property within unincorporated Larimer County;
- (8) The Owner's willingness to annex the Property into the City is conditioned upon its ability to disconnect the Property should a Disconnection Event occur; and
- (9) The Fort Collins City Council ("Council") and Owner acknowledge the mutual benefits of entering into this Agreement.

THEREFORE, in consideration of the premises, mutual covenants and agreements herein contained and the recitals which are incorporated into this Agreement, the parties agree as follows:

- (1) Owner's Right to Disconnect the Property. After the date the required documents have been recorded with the Office of the Larimer County Clerk and Recorder to complete annexation of the Property pursuant to Section 31-12-113, Colorado Revised Statutes ("C.R.S."), the Owner has the right, subject to the other terms of this Agreement, to disconnect the Property pursuant to the following:
 - (A) The Owner will have until five (5) p.m. on the day that is ninety (90) calendar days after the date of occurrence of any of the following (each, a "Disconnection Event") to deliver a written request to the City Clerk's Office that the Council disconnect the Property pursuant to the terms of this Agreement ("Deadline"):
 - (i) Council denies the Owner's requested placement of the Property within the LMN and MMN Zone Districts at the time of annexation of the Property;
 - (ii) The Planning and Zoning Commission, or the Council on appeal, denies the ODP;
 - (iii) The Planning and Zoning Commission, or the Council on appeal, approves the ODP with conditions of approval unacceptable to Owner in Owner's sole and absolute discretion;
 - (iv) Council denies the initial Service Plan when it is presented to the Council for consideration or staff refuses to present the Service Plan for Council consideration;
 - (v) The ODP or Service Plan remain unapproved for any reason as of the date that is eighteen (18) months after the Effective Date;
 - (vi) The Project Development Plan or Basic Development Review application for the first phase of development of the ODP is denied by the original City decision maker within five (5) years after the Effective Date.
 - (B) Upon receipt of the notice, the City Clerk will transmit the written request to the Council, and the Council must adopt an ordinance on second reading within

ninety (90) calendar days to disconnect the Property from the City and file two certified copies of the approved disconnection ordinance with the Office of the Larimer County Clerk and Recorder within ten (10) business days after it becomes effective. In disconnecting the Property, the Owner's written request to disconnect the Property pursuant to Subsection (1)(A) is deemed a sufficient basis for disconnection and will be deemed sufficient for a finding that the best interests of the City will not be prejudiced by disconnection pursuant to LUC Section 6.10.6, which finding shall not be required.

(C) If the City Clerk's Office has not received a written request by the Deadlines described in Subsection (1)(A), the Council is not obligated to disconnect the Property pursuant to this Agreement.

(2) Termination of Owner's Right to Disconnect the Property. The Owner's right to disconnect the Property and the City's obligation to do so pursuant to Section (1) automatically terminate if any one or more of the following occur:

(A) The Council denies the Annexation Petition for any reason at the hearing set pursuant to Section 31-12-108(1), C.R.S., or at any subsequent associated hearing or Council meeting to determine whether the annexation should be approved.

(B) The Owner has reserved the right to withdraw the Annexation Petition in writing in the Annexation Petition and withdraws the Annexation Petition at any time prior to the Council roll call for the vote on second reading of the Council annexation ordinance.

(C) The Owner has not submitted a Service Plan to the City within nine (9) months after the Effective Date.

(D) The Owner has not submitted a complete Project Development Plan or Basic Development Review application for the first phase of development of the ODP within eighteen (18) months after the Effective Date.

(E) All of the following have occurred:

- (i) The ODP is approved and is no longer subject to appeal pursuant to Article II, Division 3, of the Code of the City of Fort Collins;
- (ii) Council has adopted a resolution approving a timely submitted Service Plan within eighteen (18) months after the Effective Date; and
- (iii) The Deadline has passed for all of the Disconnection Events listed in Section (1)(A) without the City Clerk's Office having received a timely written request to disconnect the Property.

(3) Applicability of Growth Management IGA, Larimer LUC, and City Authority to Annex.

- (A) The City and the Owner agree and acknowledge that the annexation and subsequent disconnection of the Property will not impair or affect in any way the applicability of the Growth Management IGA or the Larimer LUC, including subsequent amendments, to the Property regarding future possible annexation of the Property pursuant to the Growth Management IGA or Larimer LUC.
- (B) Notwithstanding the foregoing, any denial of the annexation petition by the City or disconnection of the Property pursuant to this Agreement shall be deemed for purposes of the Growth Management IGA not to have been made for the reason that the annexation petition contained conditions deemed by the City to be unacceptable, and the parties agree that in the event of any such denial or disconnection the County's subsequent acceptance, review and approval of a development application from the Owner is not a violation of the Growth Management IGA related to unacceptable annexation conditions.
- (C) Further, disconnection of the Property pursuant to this Agreement will in no way impair the City's authority to subsequently annex the Property pursuant to the Growth Management IGA or Larimer LUC and any disconnection pursuant to this Agreement is not to be construed as a City denial of an annexation petition for purposes of the Growth Management IGA. To the contrary, the City wishes to annex and forever incorporate the Property within the City's municipal boundaries.

(4) Additional Terms.

- (A) Severability. If any term or condition of this Agreement shall be held to be invalid, illegal, or unenforceable, if allowed by law, in lieu of such invalid, illegal, or unenforceable provision, there shall automatically be added as part of this Agreement a provision similar in terms to such illegal, invalid, or unenforceable provision so that the resulting reformed provision is legal, valid, and enforceable. If such reformation is not possible, this Agreement shall be construed and enforced without such provision, to the extent that this Agreement is then capable of execution within the original intent of the parties.
- (B) Amendment. This Agreement may be amended by the City and Owner only by mutual agreement in writing and any amendment must be recorded with the Office of the Larimer County Clerk and Recorder and shall be covenants running with the land binding upon all persons or entities having an interest in the Property unless otherwise specified in the amendment.
- (C) Entire Agreement. This Agreement embodies the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement supersedes all previous communications, representations, or agreements, either verbal or written, between the parties.
- (D) Owner. As used in this Agreement, the term "Owner" shall include any of the heirs, transferees, successors, or assigns of Owner, and all such parties shall

have the right to enforce this Agreement, and shall be subject to the terms of this Agreement, as if they were the original parties thereto.

- (E) Amendments to Law. As used in this Agreement, unless otherwise specifically provided herein, any reference to any provision of law is intended to refer to any subsequent amendments or revisions to such law and the parties agree that such amendments or revisions shall be binding upon Owner, except to the extent provided in this Agreement.
- (F) Binding Effect. This Agreement shall be binding upon and inure to the benefit of the heirs, transferees, successors, and assigns hereof, and shall constitute covenants running with the land. This Agreement shall be recorded with the Office of the Larimer County Clerk and Recorder at the City's expense.
- (G) Choice of Law and Venue. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Colorado. Any proceeding, claim, action or alternative dispute resolution arising out of or relating to this Agreement shall be brought in a Colorado state court of competent jurisdiction in Larimer County, Colorado, or if federal court is legally required, a United States District Court of competent jurisdiction in Denver, Colorado.
- (H) Legislative Discretion. The Owner acknowledges that the Fort Collins Planning and Zoning Commission review and decision regarding the ODP is quasi-judicial in nature, as is any review of the Planning and Zoning Commission decision on appeal, and any such quasi-judicial decision is independent of the terms of this Agreement. Furthermore, the Council's decision on annexation of the Property and the Service Plan is legislative and no assurances of approval have been made to or relied upon by the Owner.
- (I) No Third-Party Rights. This Agreement is made solely for the benefit of the parties hereto and is not intended to nor shall it be deemed to confer rights to any persons or entities not named as parties hereto.
- (J) Headings. The paragraph headings in this Agreement shall not be used in the construction or interpretation hereof as they have no substantive effect and are for convenience only.
- (K) Days. If the day for any performance or event provided for herein is a Saturday, a Sunday, a day on which national banks are not open for the regular transactions of business, or a legal holiday pursuant to Section 24-11-101(1), C.R.S., such day shall be extended until the next day on which such banks and state offices are open for the transaction of business.

IN WITNESS WHEREOF, the parties agree to the terms and conditions of this Annexation Agreement effective as of the Effective Date.

CITY OF FORT COLLINS, COLORADO, a Colorado home rule city

By: _____
Emily Francis, Mayor

Date: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO LEGAL FORM:

By: _____
Brad Yatabe, Deputy City Attorney

COTTONWOOD LAND AND FARMS, LLC, a Colorado limited liability company

By: _____
William McDowell

Date: _____

EXHIBIT A – ANNEXATION

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 Strauss Lakes Annexation to the City of Fort Collins. Said area, consisting of approximately One hundred forty seven point four nine nine (147.499) acres, is 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 than 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 and MMN Zone Districts 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:

See Legal Description on Attachment "A"

IN WITNESS WHEREOF, I/we have executed this Petition for Annexation this 10th day of July, 2026.



Petitioner's/Owner's Signature

Petitioner's/Owner's Signature

P.O. Box 229

Address

Address

Boulder CO 80306

City

State

Zip

City

State

Zip

ATTACHMENT "A"

PROPERTY DESCRIPTION

A parcel of land being part of Section Twenty-eight (28) and part of the North Half (N1/2) of Section Thirty-three (33), both in Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ¾" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Easterly line of Webster Second Annexation, recorded July 20, 1992 as Reception No. 92041897 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 and along the Easterly line of said Webster Second Annexation and along the Easterly line of Rigden Farm Annexation, recorded August 23, 1988 as Reception No. 88039690 of the records of the Larimer County Clerk and Recorder, a distance of 1492.15 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 and along the Easterly line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 114.66 feet;

THENCE South 15°04'45" East a distance of 229.68 feet;

THENCE South 21°36'28" West a distance of 108.13 feet;

THENCE South 10°32'42" East a distance of 115.89 feet;

THENCE South 24°37'47" East a distance of 522.26 feet;

THENCE South 46°01'34" East a distance of 284.23 feet;

THENCE South 42°28'26" East a distance of 371.08 feet;

THENCE South 38°25'34" East a distance of 345.50 feet;

THENCE South 34°19'19" East a distance of 367.14 feet;

THENCE South 31°19'46" East a distance of 461.85 feet;

THENCE South 27°58'39" East a distance of 474.36 feet;

THENCE South 33°07'21" East a distance of 473.54 feet;

THENCE South 52°30'40" East a distance of 198.11 feet;

THENCE South 19°48'54" East a distance of 318.67 feet;

THENCE South 29°45'20" East a distance of 461.31 feet;

THENCE South 30°25'11" East a distance of 283.52 feet;

THENCE South 35°02'30" East a distance of 249.02 feet;

THENCE South 44°01'29" East a distance of 131.65 feet;

THENCE South 46°36'26" East a distance of 232.41 feet;

THENCE South 00°00'00" East a distance of 170.07 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being Thirty (30) feet, as measured at a right angle, South of and parallel with the South line of the Southeast Quarter (SE1/4) of said Section 28;

THENCE North 89°39'32" West along said South Right-of-way line a distance of 358.46 feet to the East line of the Northwest Quarter (NW1/4) of said Section 33;

THENCE South 00°14'11" East along the East line of the Northwest Quarter (NW1/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Roselle - Shields M.L.D. No. 99-S1466, recorded July 6, 2016 as Reception No. 20160042793 of the records of the Larimer County Clerk and Recorder;

THENCE North 89°38'13" West along said the North line of said Lot 2, which is Thirty-eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW1/4) of said Section 33, a distance of 1627.13

feet to the Northeasterly line of Tract "A," 2nd Amended Plat of Morgan's Ridge, P.U.D., recorded November 18, 1980 as Reception No. 388340 of the records of the Larimer County Clerk and Recorder;

THENCE North 25°40'04" West along the Northeasterly line of said Tract "A" a distance of 3.34 feet to the Northeast corner of said Tract "A," said point being a Southerly corner of Strauss Lakes Development Annexation, recorded May 1, 2003 as Reception No. 2003-0052891 of the records of the Larimer County Clerk and Recorder;

The following Seven (7) courses and distances are along the Southerly, Northeasterly and Northwesterly lines of said Strauss Lakes Development Annexation:

THENCE continuing North 25°40'04" West a distance of 5.56 feet;

THENCE South 89°38'13" East a distance of 31.31 feet;

THENCE North 23°15'56" West a distance of 513.99 feet;

THENCE North 37°49'36" West a distance of 188.78 feet;

THENCE North 46°56'06" West a distance of 839.47 feet;

THENCE North 32°02'34" West a distance of 60.00 feet;

THENCE South 57°57'25" West a distance of 93.99 feet to the POINT OF BEGINNING.

Said parcel of land contains 147.499 acres, more or less ($\pm$), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

ATTACHMENT "C"

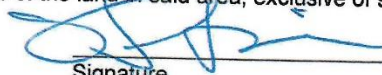
ATTORNEY CERTIFICATION

I, Kristofer M. Simms, 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 Strauss Lakes 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.

Date

7/7/20

Signature



Attorney Reg. No.

33044

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.

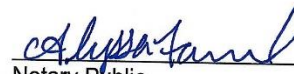
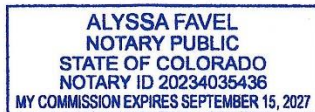


Circulator's Signature

Subscribed and sworn to before me this 10th day of July, 2026,
by William McDowell.

WITNESS my hand and official seal.

9-15-2027
Commission Expiration


Notary Public

File Attachments for Item:

13. First Reading of Ordinance No. 137, 2026, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Strauss Lakes Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and the Lighting Context Area Map.

The purpose of this item is to establish initial City zoning on approximately 147.499 acres of land included in the Strauss Lakes Annexation. The proposed zoning, as recommended by staff and the Planning and Zoning Commission, places approximately 7.664 acres into the Medium Density Mixed-Use Neighborhood (“MMN”) zone district, and approximately 139.835 acres into the Low Density Mixed-Use Neighborhood (“LMN”) zone district.

Staff also recommends placement of the full 147.499 acres into the Residential Neighborhood Sign District and the LC1 Lighting Context area, to support low ambient lighting standards, as described in standards in the Fort Collins Land Use Code.

The Annexation of this Strauss Lakes property appears as a separate agenda item on the Council agenda.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Kim Meyer, Principal Planner

SUBJECT

First Reading of Ordinance No. 137, 2026, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Strauss Lakes Annexation to the City of Fort Collins, Colorado, and Approving Corresponding Changes to the Residential Neighborhood Sign District Map and the Lighting Context Area Map.

EXECUTIVE SUMMARY

The purpose of this item is to establish initial City zoning on approximately 147.499 acres of land included in the Strauss Lakes Annexation. The proposed zoning, as recommended by staff and the Planning and Zoning Commission, places approximately 7.664 acres into the Medium Density Mixed-Use Neighborhood ("MMN") zone district, and approximately 139.835 acres into the Low Density Mixed-Use Neighborhood ("LMN") zone district.

Staff also recommends placement of the full 147.499 acres into the Residential Neighborhood Sign District and the LC1 Lighting Context area, to support low ambient lighting standards, as described in standards in the Fort Collins Land Use Code.

The Annexation of this Strauss Lakes property appears as a separate agenda item on the Council agenda.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

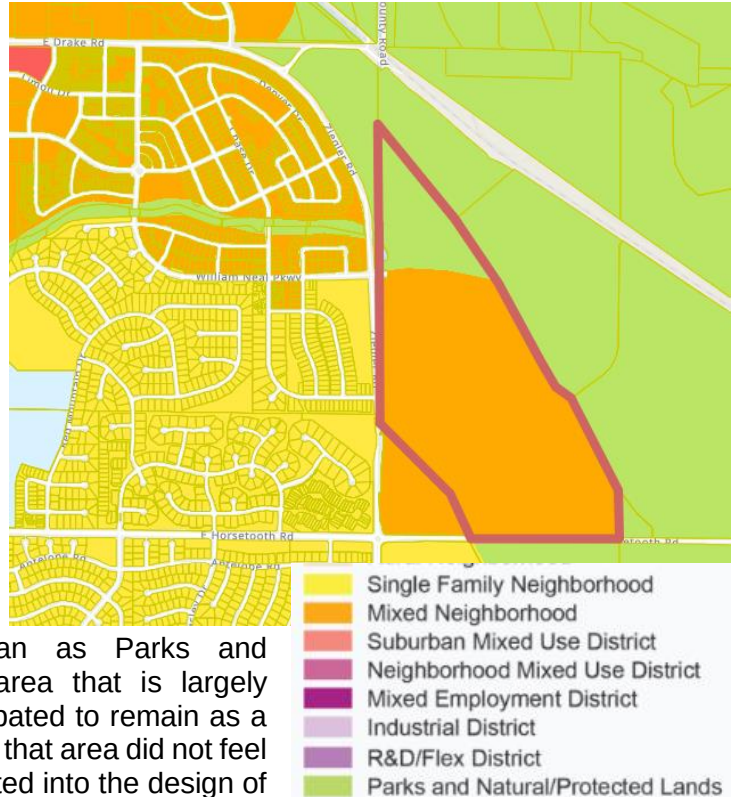
BACKGROUND/DISCUSSION

The proposed property to be annexed and zoned is located on the northeast corner of Ziegler and East Horsetooth Roads. Upon annexation, the applicant has proposed initial zoning consistent with the City of Fort Collins Structure Plan Map – Place Type indicated is Neighborhood Mixed-Use District (shown in orange in Figure 1). The zones requested are LMN and MMN:

LMN (139.835 acres): The Low Density Mixed-Use Neighborhood District is intended to be a setting for a variety of housing, providing diverse opportunities for single unit and accessory dwellings to attached units and small and medium-sized multi-unit structures. The District also encourages complementary commercial and institutional land uses and amenities that serve the everyday needs of a residential neighborhood. Parks and neighborhood centers are integrated into new and existing development and the broader community through the pattern of streets, blocks, and other linkages, providing an attractive and walkable focal point for services, open space, and recreation.

Figure 1. Structure Plan Map of Site

MMN (7.664 acres): The Medium Density Mixed-Use Neighborhood District is intended to be a setting for a diverse range of higher intensity housing and complementary services and amenities within close proximity to transit and/or commercial districts. This District is intended to function together with adjacent commercial development and/or transit to provide a transition to lower density neighborhoods. Together, the MMN district and its adjacent commercial core and low density neighborhoods are intended to form an integral, town-like pattern of development with a unifying pattern of walkable streets and blocks.



A section of the northern portion of the site is designated in green on the Structure Plan as Parks and Natural/Protected Lands, which overlays an area that is largely covered by an existing pond. The pond is anticipated to remain as a natural feature, and therefore separate zoning for that area did not feel necessary as the pond can be effectively integrated into the design of the neighborhood.

Zoning for the existing neighborhoods to the west include RL – Low Density Residential (typically used for pre-City Plan/LUC neighborhoods), and LMN – Low Density Mixed-Use Neighborhood, with areas zoned MMN – Medium Density Mixed-Use Neighborhood and NC - Neighborhood Commercial as the neighborhood nears Timberline Road. The small triangle of land directly northeast of the Ziegler/Horsetooth intersection, also owned by the Applicant, was annexed previously and zoned LMN.

Residential Neighborhood Sign District. Due to the predominant residential character of the surrounding area and intended development, staff recommends that the property be placed into the Residential Neighborhood Sign District, which regulates signs for non-residential uses in areas of the community where the predominant character of the neighborhood is residential.

Lighting Context Area. The Lighting Context Area identified by Table 5.12.1 of the City's lighting code for the LMN zone district is LC1 (Low ambient lighting). As part of this item, staff recommends placement of the property into the LC1 Lighting Context Area.

Review Criteria. Per Land Use Code (LUC), Division 6.25, the City Council has decision-making authority to establish or change zoning districts, after a recommendation from Planning & Zoning Commission, in accordance with the review criteria stated in the LUC. As a quasi-judicial matter (zoning requested for less than 640 acres), the Council may approve the zoning only if the proposed zoning is:

(a) in general alignment with the principles and policies of the City's Comprehensive Plan, and/or

(b) warranted by changed conditions in the neighborhood surrounding and including the subject property.

Meeting either of these criteria is sufficient. As noted above, staff finds that the proposed zone districts are in alignment with the Structure Plan Place Types and City Plan policies and this required criterium is met. The Commission may also consider three additional factors:

- (1) Compatibility with existing and surrounding uses, and whether the proposed district is the appropriate one for the land.
- (2) Potential adverse impacts on the natural environment;
- (3) Whether the rezoning results in a logical and orderly development pattern.

Compatibility and Environmental Considerations. The proposed zoning is in alignment with principals and policies within City Plan as well as the Structure Plan Map. The LMN and MMN districts are compatible and consistent with the residential character of the nearby Rigden Farm, Stone Ridge, and English Ranch neighborhoods. The annexation and zoning will not result in significant adverse impacts on the natural environment. And the proposed zone districts will result in a logical and orderly development pattern for this area of the City.

Additional details and analysis are included with the attached Planning and Zoning Commission Staff Report which was presented at a hearing held by the Commission on September 17, 2026. The Commission deliberated and discussed topics related to the context of the site and appropriate zoning for the site in relation to density and housing types, the guidance offered by the *City Plan* Structure Plan Map, and relevant review criteria within the Land Use Code at this stage of development.

CITY FINANCIAL IMPACTS

No direct financial impacts are associated with the establishment of initial zoning. Once developed, the property will generate property tax, sales tax and use tax revenue and will require ongoing City services consistent with other similarly developed properties.

COMMISSION RECOMMENDATION

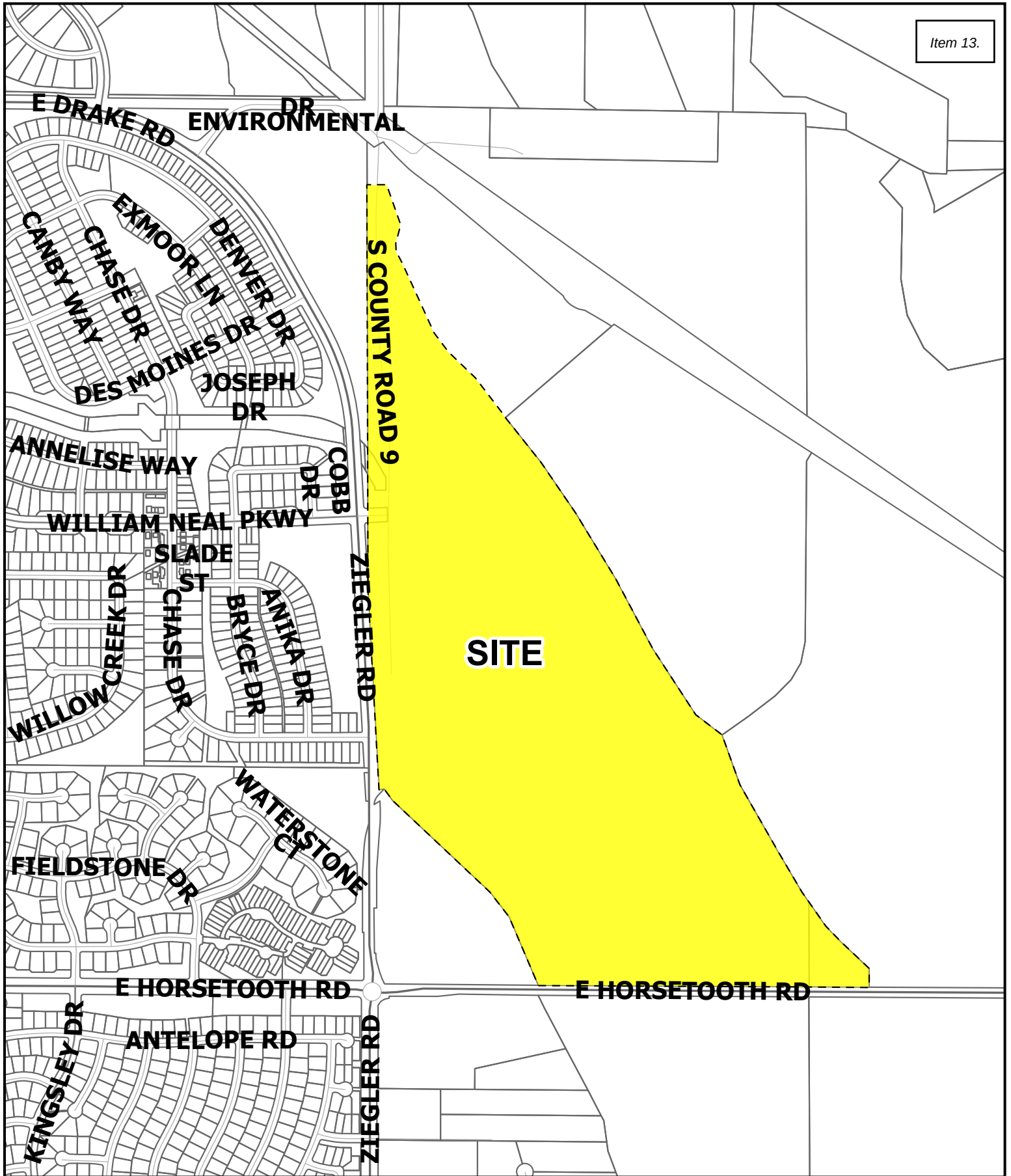
On September 17, 2026, the Planning and Zoning Commission voted 5-0 to make a recommendation to City Council to annex and zone the subject property consistent with the requested LMN and MMN zone districts, with placement of the property into the Residential Neighborhood Sign District and LC1 Lighting District.

PUBLIC OUTREACH

A neighborhood meeting was held on May 13, 2024. Because the comments focused on the specific proposed development of the property and not on the proposed zoning more generally, and because the decision on the proposed development could be appealed to Council, those comments are not attached to this Agenda Item Summary. All other public notification requirements as required by State and local law have been met, including written notice to surrounding property owners and posting of the property.

ATTACHMENTS / LINKS

1. Vicinity Map
2. Proposed Zoning Map
3. Applicant Narrative
4. Planning and Zoning Commission Staff Report, September 17, 2026
5. Staff Presentation
6. Ordinance No. 137, 2026



Strauss Lakes Annexation - ANX240002
LOCATION MAP



U:\202402\41\004\20240241ZON-83.dwg, SH (0), 9/23/2026 12:16:11 PM

STRAUSS LAKES ZONING

TO THE CITY OF FORT COLLINS

Part of Section 28 and Part of The North Half of Section 33, Township 7 North, Range 68 West of the 6th P.M., County of Larimer, State of Colorado

PROPERTY DESCRIPTION

ZONING LMN – Low Density Mixed–Use Neighborhood District

A parcel of land being part of Section Twenty–eight (28) and part of the North Half (N1/2) of Section Thirty–three (33), both in Township Seven North (T.7N.), Range Sixty–eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped 'LS34993, 2008' at the South end and by a 2 ½" pipe with a 3 ¼" aluminum cap stamped 'LS17497, 1987' at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Easterly line of Webster Second Annexation, recorded July 20, 1992 as Reception No. 92041897 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 and along the Easterly line of said Webster Second Annexation and along the Easterly line of Ridgen Farm Annexation, recorded August 23, 1988 as Reception No. 88038690 of the records of the Larimer County Clerk and Recorder, a distance of 1492.15 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 and along the Easterly line of said Ridgen Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28 and the Easterly line of said Ridgen Farm Annexation, a distance of 114.66 feet;

THENCE South 15°04'45" East a distance of 229.68 feet;

THENCE South 21°36'28" West a distance of 108.13 feet;

THENCE South 10°32'42" East a distance of 115.89 feet;

THENCE South 24°37'47" East a distance of 522.26 feet;

THENCE South 46°01'34" East a distance of 284.23 feet;

THENCE South 42°28'26" East a distance of 371.08 feet;

THENCE South 38°25'34" East a distance of 345.50 feet;

THENCE South 34°19'19" East a distance of 367.14 feet;

THENCE South 31°19'46" East a distance of 461.85 feet;

THENCE South 27°58'39" East a distance of 474.36 feet;

THENCE South 33°07'21" East a distance of 473.54 feet;

THENCE South 52°30'40" East a distance of 198.11 feet;

THENCE South 19°48'54" East a distance of 318.67 feet;

THENCE South 29°45'20" East a distance of 461.31 feet;

THENCE South 30°25'11" East a distance of 283.52 feet;

THENCE South 35°02'30" East a distance of 249.02 feet;

THENCE South 44°01'29" East a distance of 131.65 feet;

THENCE South 46°36'26" East a distance of 232.41 feet;

THENCE South 00°00'00" East a distance of 170.07 feet to the South Right–of–way line of Horsetooth Road, said South Right–of–way line being Thirty (30) feet, as measured at a right angle, South of and parallel with the South line of the Southeast Quarter (SE1/4) of said Section 28;

THENCE North 89°39'32" West along said South Right–of–way line a distance of 358.46 feet to the East line of the Northwest Quarter (NW1/4) of said Section 33;

THENCE South 00°14'11" East along the East line of the Northwest Quarter (NW1/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Roselle – Shields M.L.D. No. 99–S1466, recorded July 6, 2016 as Reception No. 20160042793 of the records of the Larimer County Clerk and Recorder;

THENCE North 89°38'13" West along said the North line of said Lot 2, which is Thirty–eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW1/4) of said Section 33, a distance of 1627.13 feet to the Northeasterly line of Tract "A," 2nd Amended Plat of Morgan's Ridge, P.U.D., recorded November 18, 1980 as Reception No. 388340 of the records of the Larimer County Clerk and Recorder;

THENCE North 25°40'04" West along the Northeasterly line of said Tract "A" a distance of 3.34 feet to the Northeast corner of said Tract "A," said point being a Southerly corner of Strauss Lakes Development Annexation, recorded May 1, 2003 as Reception No. 2003–0052891 of the records of the Larimer County Clerk and Recorder;

The following Seven (7) courses and distances are along the Southerly, Northeasterly and Northwesterly lines of said Strauss Lakes Development Annexation:

THENCE continuing North 25°40'04" West a distance of 5.56 feet;

THENCE South 89°38'13" East a distance of 31.31 feet;

THENCE North 23°15'56" West a distance of 513.99 feet;

THENCE North 37°49'36" West a distance of 188.78 feet;

THENCE North 46°56'06" West a distance of 839.47 feet;

THENCE North 32°02'34" West a distance of 60.00 feet;

THENCE South 57°57'25" West a distance of 93.99 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM:

A parcel of land being part of the West Half (W1/2) of Section Twenty–eight (28), Township Seven North (T.7N.), Range Sixty–eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped 'LS34993, 2008' at the South end and by a 2 ½" pipe with a 3 ¼" aluminum cap stamped 'LS17497, 1987' at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 2651.08 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 a distance of 143.27 feet;

THENCE North 86°52'25" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 108.83 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the South, a distance of 63.38 feet to the POINT OF BEGINNING, said curve having a radius of 310.00 feet, a central angle of 11°42'52" and a long chord bearing South 87°16'09" East a distance of 63.27 feet;

THENCE continuing along the arc of said curve, which is concave to the South, a distance of 58.06 feet a Point of Tangency (PT), said curve having a radius of 310.00 feet, a central angle of 10°43'53" and a long chord bearing South 76°02'46" East a distance of 57.98 feet;

THENCE South 70°40'50" East a distance of 500.39 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the North, a distance of 32.49 feet, said curve having a radius of 625.00 feet, a central angle of 02°58'41" and a long chord bearing South 72°10'11" East a distance of 32.48 feet;

THENCE South 09°12'31" West, non–tangent to aforesaid curve, a distance of 548.55 feet;

THENCE North 89°33'45" West a distance of 475.26 feet;

THENCE North 00°17'08" East a distance of 727.33 feet to the POINT OF BEGINNING.

Said resulting parcel of land contains 139.835 acres, more or less (±), and may be subject to any rights–of–way or other easements of record or as now existing on said resulting parcel of land.

PROPERTY DESCRIPTION

ZONING MMN – Medium Density Mixed–Use Neighborhood District

A parcel of land being part of the West Half (W1/2) of Section Twenty–eight (28), Township Seven North (T.7N.), Range Sixty–eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped 'LS34993, 2008' at the South end and by a 2 ½" pipe with a 3 ¼" aluminum cap stamped 'LS17497, 1987' at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 2651.08 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 a distance of 143.27 feet;

THENCE North 86°52'25" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 108.83 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the South, a distance of 63.38 feet to the POINT OF BEGINNING, said curve having a radius of 310.00 feet, a central angle of 11°42'52" and a long chord bearing South 87°16'09" East a distance of 63.27 feet;

THENCE continuing along the arc of said curve, which is concave to the South, a distance of 58.06 feet a Point of Tangency (PT), said curve having a radius of 310.00 feet, a central angle of 10°43'53" and a long chord bearing South 76°02'46" East a distance of 57.98 feet;

THENCE South 70°40'50" East a distance of 500.39 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the North, a distance of 32.49 feet, said curve having a radius of 625.00 feet, a central angle of 02°58'41" and a long chord bearing South 72°10'11" East a distance of 32.48 feet;

THENCE South 09°12'31" West, non–tangent to aforesaid curve, a distance of 548.55 feet;

THENCE North 89°33'45" West a distance of 475.26 feet;

THENCE North 00°17'08" East a distance of 727.33 feet to the POINT OF BEGINNING.

Said parcel of land contains 7.664 acres, more or less (±), and may be subject to any rights–of–way or other easements of record or as now existing on said described parcel of land.

CITY APPROVAL

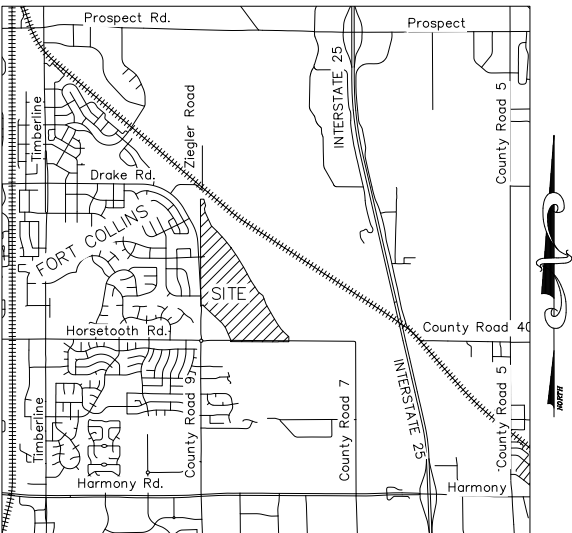
On behalf of the City of Fort Collins, the undersigned hereby approve for filing the accompanying annexation plat of "Strauss Lakes Zoning"

City Engineer _____ Date _____

The Zoning of the real property shown on this plat is approved pursuant to an Ordinance made and adopted by the City of Fort Collins, Larimer County, Colorado, by actions of the City Council of

Fort Collins at it's meeting on the ____ day of _____, 20 ____

City Clerk _____ Date _____



VICINITY MAP
SCALE: 1"=3000'

SURVEYOR'S STATEMENT

I, Michael Chad Dilka, a Colorado Licensed Professional Land Surveyor do hereby state that this map of land proposed to be Zoning to the City of Ft. Collins, County of Larimer, State of Colorado was prepared under my direct supervision from existing documents of record, and that the same is true and correct to the best of my knowledge, information and belief.

PRELIMINARY

Michael Chad Dilka – On Behalf Of King Surveyors, Inc.
Colorado Licensed Professional Land Surveyor #38106

GENERAL NOTES:

- Basis of Bearings: Assuming the West line of the Southwest Quarter (SW1/4) of Section 28, T.7N., R.68W., as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto.
- The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."
- Flood Zone Designation: The subject property is in flood zone areas as follows, per FEMA flood map 0801010992G (Larimer County) and 0801020992G (Fort Collins, City of) revised to reflect LOMR Case No. 25–08–0506P, effective date October 16, 2025. Flood zone lines indicated herein are approximate only.
 - Flood zone 'X', "Area of Minimal Flood Hazard"
 - Flood zone 'X', "0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depths of less than one foot or with drainage areas less than 1 square mile"
 - Flood zone 'X', "Area with Reduced Flood Risk due to Levee: Areas where an accredited levee, dike, or other flood control structure has reduced the flood risk from the 1% annual chance flood.
 - Flood zone 'AE', "The flood insurance rate zone that corresponds to the 1% annual chance floodplains. Base flood elevations derived from the hydraulic analyses are shown within this zone"
- This map is for Zoning purposes only. This is not a Land Survey Plat and no monuments were set.
- 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.)

DATE:

Item 13.

SCALE:

1"=300'

DRAWN BY:

CSK/MCD

CHECKED BY:

MCD

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@KingSurveyors.com



REVISIONS:	DATE:	
	ADDED POL ZONING AREA	MCD 4-23-26
	REVISED MMN ZONING AREA	MCD 7-1-26
	REMOVED POL ZONING AREA	MCD 9-28-26

STRAUSS LAKES ZONING
FOR
FLATIRON COMPANIES
P.O. BOX 229
BOULDER, CO 80506

PROJECT #:

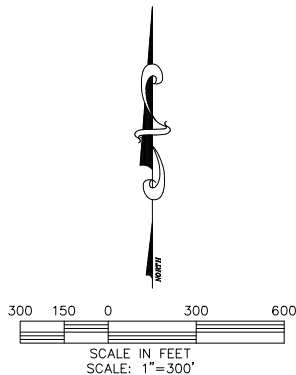
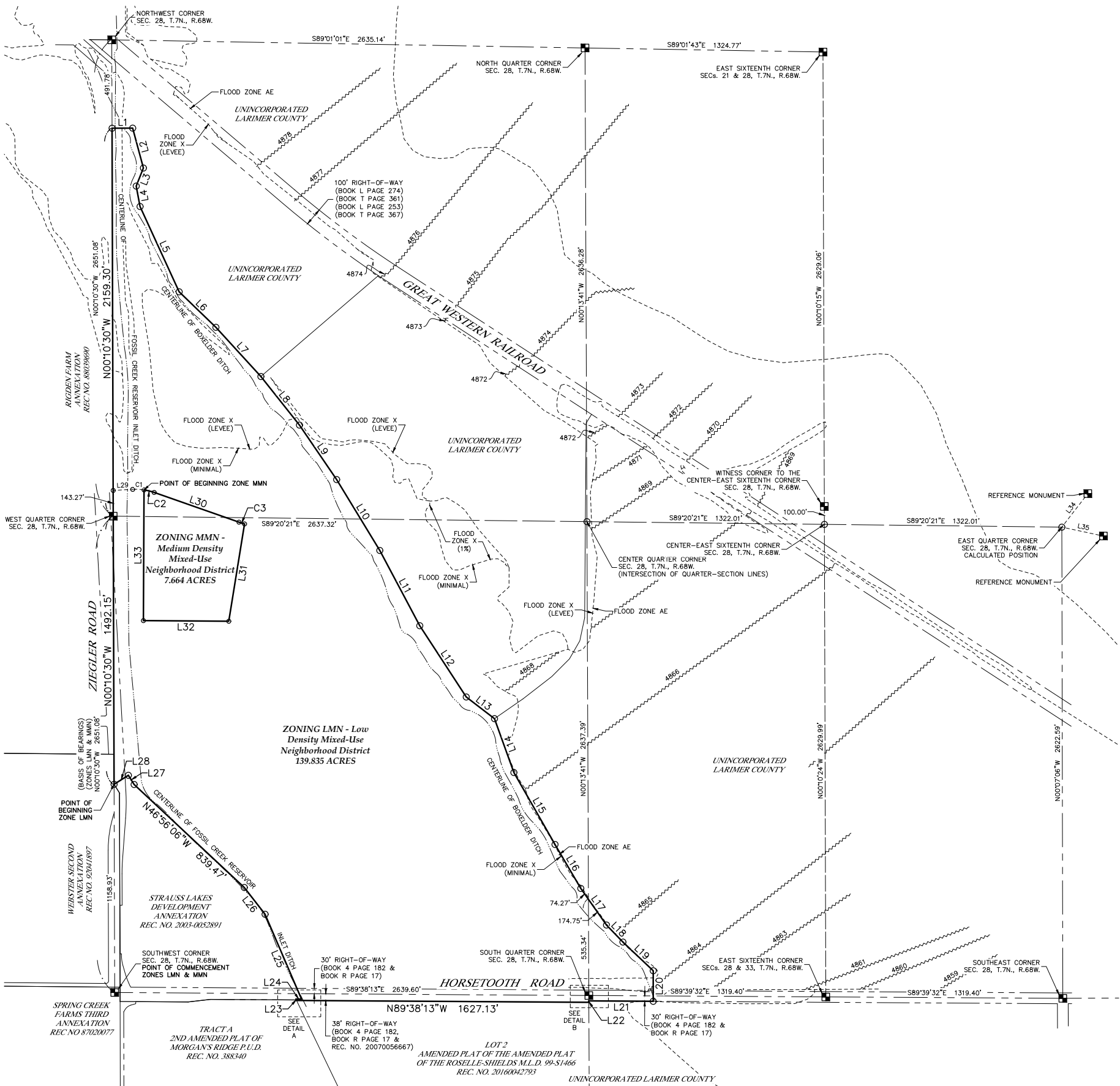
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SHEET 1 OF 2

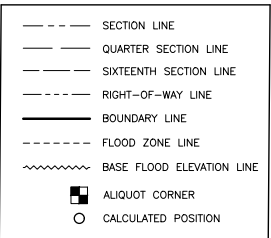
STRAUSS LAKES ZONING

TO THE CITY OF FORT COLLINS

Part of Section 28 and Part of The North Half of Section 33, Township 7 North, Range 68 West of the 6th P.M.
County of Larimer, State of Colorado



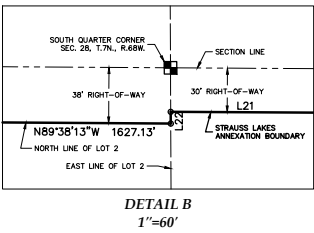
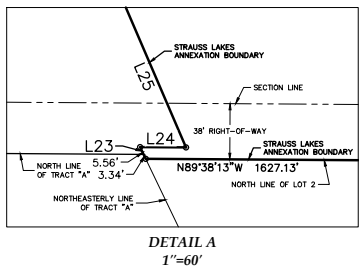
LEGEND



LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°49'30"E	114.66'
L2	S15°04'45"E	229.68'
L3	S21°36'28"W	108.13'
L4	S10°32'42"E	115.89'
L5	S24°37'47"E	522.26'
L6	S46°01'34"E	284.23'
L7	S42°28'26"E	371.08'
L8	S38°25'34"E	345.50'
L9	S34°19'19"E	367.14'
L10	S31°19'46"E	461.85'
L11	S27°58'39"E	474.36'
L12	S33°07'21"E	473.54'
L13	S52°30'40"E	198.11'
L14	S19°48'54"E	318.67'
L15	S29°45'20"E	461.31'
L16	S30°25'11"E	283.52'
L17	S35°02'30"E	249.02'
L18	S44°01'29"E	131.65'
L19	S46°36'26"E	232.41'
L20	S00°00'00"E	170.07'
L21	N89°39'32"W	358.46'

LINE TABLE		
LINE	BEARING	LENGTH
L22	S00°14'11"E	8.00'
L23	N25°40'04"W	8.90'
L24	S89°38'13"E	31.31'
L25	N23°15'56"W	513.99'
L26	N37°49'36"W	188.78'
L27	N32°02'34"W	60.00'
L28	S57°57'25"W	93.99'
L29	N86°52'25"E	108.83'
L30	S70°40'50"E	500.39'
L31	S09°12'31"W	548.55'
L32	N89°33'45"W	475.26'
L33	N00°17'08"E	727.33'
L34	N37°48'17"E	236.25'
L35	S77°54'16"E	236.78'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	63.38'	310.00'	11°42'52"	63.27'	S87°16'09"E
C2	58.06'	310.00'	10°43'53"	57.98'	S76°02'46"E
C3	32.49'	625.00'	2°58'41"	32.48'	S72°10'11"E



PRELIMINARY

Michael Chad Dilka - On Behalf Of King Surveyors, Inc.
Colorado Licensed Professional Land Surveyor #38106

DATE:
Item 13.
R3

SCALE:
1"=300'

DRAWN BY:
CSK/MCD

CHECKED BY:
MCD

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | email: contact@KingSurveyors.com

DATE:
4-23-26
MCD
7-1-26
MCD
9-28-26
MCD

REVISIONS:
ADDED POL ZONING AREA
REVISED MAIN ZONING AREA
REMOVED POL ZONING AREA

STRAUSS LAKES ZONING
FOR
FLATIRON COMPANIES
P.O. BOX 229
BOULDER, CO 80506

PROJECT #:
20240241

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SHEET 2 OF 2

Brownstein Hyatt Farber Schreck, LLP

303.223.1100 main
675 Fifteenth Street, Suite 2900
Denver, Colorado 80202

October 1, 2025

Carolynne C. White
Attorney at Law
303.223.1197 direct
cwhite@bhfs.com

City of Fort Collins
Planning and Zoning Commission
281 North College Avenue
Fort Collins 80524

RE: Proposed Strauss Lakes Annexation and Overall Development Plan

Dear Planning and Zoning Commission:

We represent and are land use counsel to Cottonwood Land and Farms, LLC ("**Cottonwood**") with respect to the following applications:

- An application for the annexation (the "**Annexation**") of approximately 147.5 acres at the northeast corner of Horsetooth Road and Ziegler Road (the "**County Property**") and zoning of the Property to Low Density Mixed-Use Neighborhood District ("**LMN**") and Medium Density Mixed-Use Neighborhood District ("**MMN**") (the "**Zoning**"), and
- An application for the Strauss Lakes overall development plan (the "**ODP**") on approximately 160.49 acres, composed of approximately 12.99 acres at the northeast corner of Horsetooth Road and Ziegler Road (the "**Annexed Property**") and the County Property (collectively, the "**Property**").

The purpose of this letter is to provide the Planning and Zoning Commission (the "**Commission**") with additional information that may aid the Commission in reviewing the applications for the Annexation and ODP.

I. BACKGROUND

A. Cottonwood's long-standing relationship with the City and Fort Collins community

Cottonwood, the owner of the Property and the applicant for the Annexation, Zoning, and ODP, has had a long and collaborative relationship with the City of Fort Collins (the "**City**") as well as a deep history of investment in the Fort Collins community. For example, prior to the City establishing its Natural Areas Department, Cottonwood donated more than 200 acres north of Prospect Avenue to the Southeast Poudre Greenbelt Association for the preservation of open lands. Notably, the City now owns and manages this property, which is known as the Riverbend Ponds Natural Area. Cottonwood also gifted approximately 200 acres of land south of Prospect Avenue to the City, now known as the Running Deer

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Natural Area. Additionally, Cottonwood donated 15 acres of land to the City in 1993 or 1994, ground which is the current home of the Hageman Earth Cycle business operation. Finally, in 2014, Cottonwood bargain sold approximately 59 acres to the City's Parks Department for the East Community Park. As part of that project, Cottonwood donated clean fill and top soil that had a market value of approximately \$1.86 million.

B. The Strauss Lakes Property

The Property was purchased by Cottonwood in 1977. In 1978, a concrete batch plant was constructed and a total of 515 acres were approved for sand and gravel mining by Larimer County and the State of Colorado. Larimer County approved 100 acres of industrial zoning for the northwest portion of the property, stretching both north and south of the railroad tracks. The County Property is located in unincorporated Larimer County and is zoned industrial and rural residential. The Annexed Property has been annexed to the City and is currently zoned LMN.

C. Proposed Development

Cottonwood intends to seek approval of (i) the annexation to the City of the County Property and the zoning of the County Property as LMN and MMN as described further in the application for the Annexation and (ii) an ODP for the entire Property. Ultimately, Cottonwood intends to develop the Property with a mix of townhomes, carriage homes, single family homes, paired homes, and multifamily homes (the "**Project**"). As part of the Project, Cottonwood also proposes to develop a mix of commercial uses north of William Neal Parkway. This area may include business uses and neighborhood serving commercial uses, including but not limited to retail, restaurant, daycare, and neighborhood support service uses.

Please note that Cottonwood submitted a preliminary design review application for a project for the Property in 2020 (the "**Prior Project**"), and a preliminary design review meeting with the City was held on May 6, 2020 for the Prior Project. Subsequently, the application for the Prior Project was withdrawn.

In 2021, Cottonwood submitted a request for a proposal review of a proposed development on the Property, and a proposal review was held before the Planning Commission on January 20, 2022. An application was never submitted in connection with the 2022 proposal review.

On December 21, 2023, a proposal review for a planned unit development overlay (the "**PUD Overlay**") for the Property was held before the Planning and Zoning Commission (the "**Commission**"). On May 8, 2024, a preliminary design review meeting was held with City staff, and on May 13, 2024, a neighborhood meeting was held for the Project. Feedback from the proposal review, preliminary design review, and neighborhood meeting have been incorporated into the applications.

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A submittal of the application for the Annexation and PUD Overlay for the Property were made on November 21, 2024, and City comments were provided on January 28, 2025. At that time, the Annexation and PUD Overlay included, in addition to the Property, an approximately 22.65-acre parcel located to the north of the Property (the “**Northern Parcel**”). However, at this time the Northern Parcel is no longer included in the application for either the Annexation or the ODP. After several discussions with the City, and in response to feedback from City staff, the application for a PUD Overlay has been converted into the application for the ODP that is the subject of this letter.

II. **ANALYSIS – ANNEXATION OF COUNTY PROPERTY**

The Fort Collins Land Development Code effective as of May 17, 2024 (the “**Code**”) and the Colorado Municipal Annexation Act of 1965 (the “**Act**”) establish the processes and requirements for annexations. The City’s process is set forth in Section 6.10 of the Code, and the criteria for eligibility of a property for annexation are set forth in Section 31-12-104, C.R.S. What follows is an explanation of how the Annexation application complies with such criteria.

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, Cottonwood, 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

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described above “shall be a basis for a finding of compliance with these requirements,” unless certain facts are demonstrated at a hearing that 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, as demonstrated by the ODP, 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.

III. **ANALYSIS – ZONING OF COUNTY PROPERTY – STATEMENT OF CONSISTENCY**

In connection with an application for Annexation, the City requires a statement of consistency of the requested Zoning—in this case LMN and MMN—with the City’s Structure Plan. The City’s Structure Plan designates the Property as “Mixed Neighborhood,” which is characterized by the types of uses permitted in LMN and MMN, including single-family detached homes, duplexes, townhomes, small scale multifamily buildings, small-scale retail, restaurants/cafes, and similar uses.

According to the Structure Plan, new neighborhoods in the “Mixed Neighborhood” place type should “provide opportunities for a variety of attached and detached housing options and amenities in a compact neighborhood setting” and should “include a mix of housing options (lot size, type, price range, etc.)” LMN and MMN zoning are compatible with this purpose because they emphasize housing variety and resident-serving amenities. According to the Code, LMN is intended to be “a setting for a variety of housing” and to encourage “complementary commercial and institutional land uses and amenities,” and MMN is intended for “a diverse range of higher intensity housing and complementary services and amenities.” Overall, LMN and MMN zoning are overwhelmingly consistent with the Structure Plan.

NOTE: Because the Overall Development Plan application has been submitted to the City and is a quasi-judicial matter that could ultimately be appealed to City Council, some text from this page was redacted and 34 pages of additional information related to the Overall Development Plan was removed from this document.

STAFF REPORT

Annexation and Zoning



Project No.: ANX240002

Project Location: Northeast corner of Ziegler and Horsetooth Roads

Project Zoning: Proposed as LMN and MMN; currently Multi Zone (MZ) in Larimer County

Project Applicant: Cathy Mathis, TB Group, 444 Mountain Ave., Berthoud, CO 80513

Property Owner: Cottonwood Land and Farms, PO Box 229, Boulder, CO 80306

City Staff: Kim Meyer, Principal Planner

1. EXECUTIVE SUMMARY

PROJECT SUBJECT TO REVIEW UNDER PRIOR CODE – JULY 12, 2024

This is a request for a recommendation to City Council for the Annexation and Zoning of a total of 147.499 acres generally located at the northeast corner of Ziegler Road and Horsetooth Road (a portion of parcel #8728000009). The site is currently vacant. 7.581 acres are proposed to be zoned Medium Density Mixed-Use Neighborhood (MMN) while the remaining portion of the annexation has been proposed to be zoned Low Density Mixed-Use Neighborhood (LMN). The property is intended to develop as a mixed density residential neighborhood with a small neighborhood center and include an affordable housing component.

On September 1, 2026, City Council passed a resolution accepting the annexation petition based on compliance with Colorado Revised Statutes initiating annexation proceedings. Prior to City Council consideration of the annexation and zoning ordinances, a public hearing and recommendation from the Planning and Zoning Commission is required.

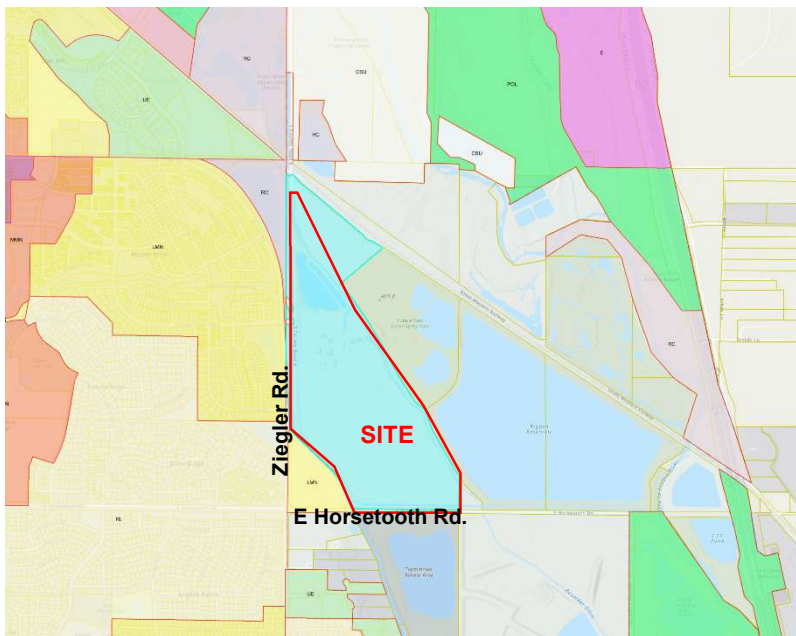


Figure 1: Project Location & Current Zoning

2. STAFF RECOMMENDATION

Staff recommends approval of the proposed Strauss Lakes Annexation and Zoning, and that the property be included in the Residential Sign District and Lighting Context Area LC1.

The Commission's recommendation will be referred to City Council for a final decision.

3. PROJECT DESCRIPTION

The Strauss Lakes Annexation proposes to annex 147.499 acres of land into the City of Fort Collins, requesting annexation and placement into the Low Density Mixed Use Neighborhood (LMN) and Medium Density Mixed Use Neighborhood (MMN) zone districts for the purpose of future development of the site into a residential neighborhood. The property is located within the Fort Collins GMA, and in accordance with the Intergovernmental Agreement with Larimer County, urban-level development should be annexed into and developed under City jurisdiction.

On September 1, 2026, the City Council passed a resolution accepting the annexation petition, finding compliance with State annexation requirements, to set dates and begin annexation proceedings. Prior to City Council consideration of the annexation and zoning ordinances, a public hearing and recommendation from the Planning and Zoning Commission is required.

The Strauss Lakes Annexation gains contiguity with City limits along its western edge, fronting Ziegler Road, with the Rigden Farms Annexation (ORD 93-1988), and along its southeastern edge, fronting Ziegler and East Horsetooth Roads, with the Kennedy's Strauss Lakes Development Annexation (ORD 59-2003). The annexation site has a total perimeter of approximately 13,295 feet and a contiguous perimeter with City limits of 5,384.55 feet. The contiguous perimeter is 40.5% of the overall perimeter, exceeding the one-sixth (16.66%) required by state statute.

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B. Structure Plan	5
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4. SITE BACKGROUND & CONTEXT

The Strauss Lakes Annexation site is 147.499 acres of a larger 208.0 acre parcel. The county lists the parcel as a combination of grazing, irrigated, and waste land under the agricultural category and has been used primarily for sand and gravel mining, the state mining permit is currently in a reclamation status. There are no structures or other development currently located on the site.

The Cache la Poudre River sits about one-half mile to the northeast of the site, on the other side of the nearby railroad tracks that act to limit the impact of the floodplain on this parcel (see map below). A Letter of Map Revision (LOMR) was approved in 2025 that reclassified the northern portion of the property from the '100-year'/1% FEMA floodplain to the '500-year'/0.2% moderate hazard zone, which primarily encompasses an existing open water pond on-site.. The site also has two large ditches that border it on the west, south, and northeast – the Fossil Creek Reservoir Inlet Ditch (FCRID) and the Boxelder Ditch.



Context:	Zoning	Current Land Use
North	<i>Larimer Co. MZ – Multi-Zoned (Industrial & Rural Residential)</i>	CSU Environmental Learning Center, river corridor
East	<i>Larimer Co. MZ – Multi-Zoned (Industrial & Rural Residential)</i>	Anticipated future city park; city reservoir and natural areas
South	<i>Larimer Co. RR2 Rural Residential; City LMN – Low Density Mixed-Use Neighborhood</i>	City natural area; undeveloped; single unit residential
West	<i>LMN – Low Density Mixed Use Neighborhood and RL – Low Density Residential</i>	Rigden Farm and other residential neighborhoods

5. PUBLIC FEEDBACK

An open house style neighborhood meeting was held on May 13, 2024, prior to any application submitted to the City, to present and discuss the proposed development for the site with neighbors. The majority of questions and concerns centered around future development impacts to traffic and the capacity of the existing streets, loss of what is seen as “open space” by neighbors, and other development-related issues – rather than the annexation itself. A summary of comments received to date is attached.

The property has been posted with Sign #761 as of January 24, 2025. Written notice was sent to owners within 1000 feet of the site. For this hearing, 623 letters were mailed on September 2, 2026; and a notice was published in the Coloradoan on September 6, 2026.

6. COMPREHENSIVE PLAN & POLICY ALIGNMENT

The purpose of this section is to assess the proposed development project's alignment with the community's long-term vision, as outlined in the City's Comprehensive Plan (*City Plan*) and any relevant subarea plan.

A. City Plan (2019)

City Plan serves as the overarching policy framework for the city's growth and development, addressing key areas such as public safety, neighborhood quality, economic vitality, environmental services, parks and open spaces, utility services, and transit and transportation infrastructure.

“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.

There is no applicable subarea plan for the property.

B. Structure Plan

The Structure Plan Map found within 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. For this property, the Structure Plan Map indicates opportunity for the “Mixed Neighborhood” and “Parks and Natural/Protected Lands” place types for the annexing site and surrounding properties to the east, south, and north.

The land use characteristics of the Mixed Neighborhood Place Types include:

- **Principal Land Use:** Single-family detached homes, duplexes, triplexes, and townhomes.
- **Density:** Between 5 and 20 principal dwelling units per acre (typically averaging 7–12 dwelling units per acre)
- **Supporting Land Use:** ADUs, small-scale multifamily buildings, small-scale retail, restaurants/cafes, community and public facilities, parks and recreational facilities, schools, and places of worship.

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 Suburban Neighborhoods Designations. The Structure Plan future land use designations represent general citywide policy guidance.

C. Land Use Code

Zoning

The requested zoning for the property is Low Density Mixed-Use Neighborhood District (LMN) and Medium Density Mixed-Use Neighborhood (MMN) which is consistent with the City of Fort Collins Structure Plan Map. The Land Use Code, Article 2, describes the districts as follows:

LMN Purpose: *The Low Density Mixed-Use Neighborhood District is intended to be a setting for a variety of housing, providing diverse opportunities for single unit and accessory dwellings to attached units and small and medium-sized multi-unit structures. The District also encourages complementary commercial and institutional land uses and amenities that serve the everyday needs of a residential neighborhood. Parks and neighborhood centers are integrated into new and existing development and the broader community through the pattern of streets, blocks, and other linkages, providing an attractive and walkable focal point for services, open space, and recreation.*

MMN Purpose: *The Medium Density Mixed-Use Neighborhood District is intended to be a setting for a diverse range of higher intensity housing and complementary services and amenities within close proximity to transit and/or commercial districts. This District is intended to function together with adjacent commercial development and/or transit to provide a transition to lower density neighborhoods. Together, the MMN district and its adjacent commercial core and low density neighborhoods are intended to form an integral, town-like pattern of development with a unifying pattern of walkable streets and blocks.*

Per Land Use Code (LUC), Division 6.25, the Planning and Zoning Commission can recommend approval of the requested zoning only if the proposed zoning is:

- (a) in general alignment with the principles and policies of the City's Comprehensive Plan, and/or
- (b) warranted by changed conditions in the neighborhood surrounding and including the subject property.

Meeting either of these criteria is sufficient. As noted above, staff finds that the proposed zone districts are in alignment with the Structure Plan Place Types and City Plan policies and this required criterium is met.

The Commission may also consider three additional factors:

- (1) Compatibility with existing and surrounding uses, and whether the proposed district is appropriate for the land;
 - a. Examples: residential zoning is placed next to existing residential neighborhoods; commercial and industrial zoning is located along arterial streets; transitional zones buffer heavier uses from lighter ones; or the proposal avoids spot zoning that may be out of character with its surroundings.
- (2) Potential adverse impacts on the natural environment (water, air, noise, stormwater, wildlife, vegetation, wetlands, etc.)
 - a. Example: The rezoning would significantly and adversely impact floodplains, wetlands, wildlife habitat, or water quality, and whether appropriate buffers, setbacks, and stormwater controls could be employed to adequately mitigate those impacts.
- (3) Whether the rezoning results in a logical and orderly development pattern.
 - a. Example: The property is contiguous with existing City limits, existing or planned infrastructure such as streets, water, sewer, and stormwater are already in place or planned for the near future.

The extension of LMN zoning east to this parcel is compatible with adjacent residential neighborhoods, and the MMN zoning provides the opportunity for a broader mix of housing types. Staff acknowledges that this site is within the broader Cache la Poudre River corridor and adjacent neighbors have enjoyed several years, since active mining on the site ceased, of fallow land serving as a visual open space with some wildlife activity; however, with the railroad tracks located as they are, the tracks create a physical barrier

from the larger, natural setting to the north along the river that largely fall under state and local ownership. More detailed review of natural features and consideration for needed buffers or mitigation will be further reviewed and analyzed with future development plans. The location of the site along two arterial streets, and within proximity to substantial existing infrastructure, the site does integrate into the desired “logical and orderly development pattern” for the City.

Additionally, with the City Council’s stated priority of advancing the construction of additional housing within the City, the zoning of this property for a residential neighborhood creates the opportunity for development of a variety of needed residential housing types.

Future Development & Land Use

A project development plan has not been submitted although an Overall Development Plan is under review for the site. Future development plans and land uses will be subject to the list of permitted land uses in Section 2.2.1 – Low Density Mixed-Use Neighborhood District and 2.2.2 - Medium Density Mixed-Use Neighborhood District, as well as all other applicable development codes and standards.

Residential Sign District

Staff recommends that the property be placed within the Residential Neighborhood Sign District. The Sign Districts are established in the Fort Collins Land Use Code 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

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 Area.

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 area, commercial or industrial areas with limited nighttime activity, and the developer areas in parks and other natural settings.

7. REVIEW PROCESS & PROCEDURES

Strauss Lakes Annexation was processed as an Annexation per the Land Use Code in effect on the application submittal date of December 18, 2024.

Annexation requires a hearing before and recommendation from the Planning & Zoning Commission and then proceeds to the City Council for a hearing on the Ordinances for Annexation and establishment of Zoning.

A Preliminary Design Review meeting was held prior to submittal, with the applicant team, to discuss the proposed annexation and associated development plan on May 8, 2024.

Annexation of this property will bring the site under the City's jurisdiction for future development. An associated Overall Development Plan (ODP) has been submitted and is currently in review – which provides a high-level overview of the proposed development of the entire site, anticipating future, more detailed, development plans for phased development and construction.

8. STAFF FINDINGS

In evaluating Strauss Lakes Annexation (ANX240002), to annex and zone the project site, staff makes the following findings of fact:

- A. The property meets the state's eligibility requirements to qualify for a voluntary annexation to the City of Fort Collins.
- B. The requested placement into the Low Density Mixed-Use Neighborhood (LMN) and Medium Density Mixed-Use Neighborhood (MMN) zone districts is consistent with the City of Fort Collins Structure Plan Map.
- C. The annexation of this area is consistent with the policies and agreements between Larimer County and the City of Fort Collins contained in the Intergovernmental Agreement for the Fort Collins Growth Management Area.
- D. On September 1, 2026, City Council accepted the annexation petition and began annexation proceedings by approving a resolution determining the annexation petition is in compliance with Colorado Revised Statutes.
- E. The placement into the Residential Neighborhood Sign District as well as the LC1 Lighting Context Areas, is consistent with the City of Fort Collins sign and lighting standards as it relates to Low Density Mixed-Use Neighborhood and Medium Density Mixed-Use Neighborhood zoning.

9. RECOMMENDATION

Staff recommends forwarding a **Recommendation for Approval** to City Council for the annexation and the requested zoning of Low Density Mixed-Use Neighborhood District (LMN) and Medium Density Mixed-Use Neighborhood (MMN), consistent with the Structure Plan Map.

Staff recommends that the property be placed within the Residential Neighborhood Sign District.

Staff recommends that the property be placed into the LC1 Lighting Context Area.

10. EXHIBITS

Exhibit #	Document Description
Exhibit 01	Vicinity Map
Exhibit 02	Annexation Petition
Exhibit 03	Applicant Narrative
Exhibit 04	Annexation Map
Exhibit 05	Zoning Map
Exhibit 06	Neighborhood Meeting Summary / Public Comments
Exhibit 07	Staff Presentation



Strauss Lakes Annexation

Strauss Lakes Zoning

October 6, 2026 – City Council

Strauss Lakes Annexation & Zoning

- 147.499 acres generally located at the northeast corner of Ziegler Road and Horsetooth Road.
- In the GMA and contiguous with municipal boundaries.
- Property meets eligibility for annexation based on State annexation requirements.
- Zoning proposed as Low Density Mixed-Use Neighborhood District (LMN), and Medium Density Mixed-Use Neighborhood District (MMN).
- Concurrent Overall Development Plan (ODP) in review.

Process

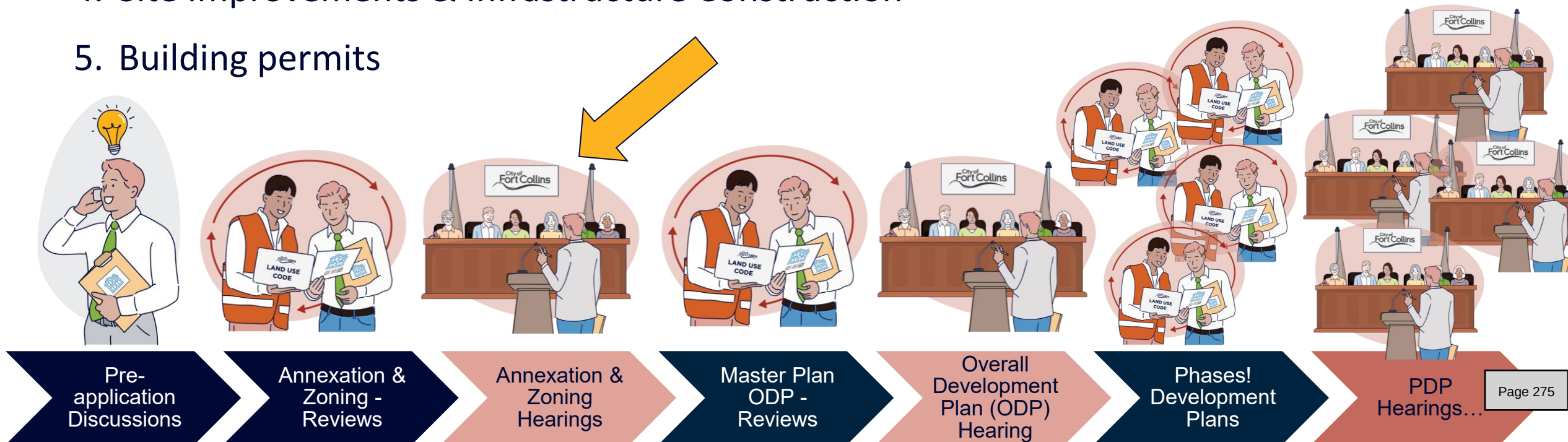
- Owner-initiated annexation.
- Planning & Zoning Commission makes a Recommendation to City Council.
- Sept. 1st - City Council passed Initiating Resolution
- Oct 6th - City Council will hold Hearings and First Readings

The Development Process is quite complex and requires several steps and stages:

1. Annexation & Establish Zoning
2. Master Planning – Overall Development Plan (ODP)
3. Development Plans by phase – Project (PDP) & Final (FDP)
4. Site Improvements & Infrastructure Construction
5. Building permits

How we inform the public:

- Letters are sent to neighbors when a public hearing is scheduled.
- Yellow signs are posted on the site.
- A “Strauss Lakes” webpage is updated on ourcity.fcgov.com



Municipal Annexation Act of 1965 – Two Items:

Annexation (legislative). Council is deciding whether the area should become part of the City.

- Does the property meet 1/6 contiguity?
- Is there community of interest?
- Will it be urbanized?
- Is the city capable of serving?

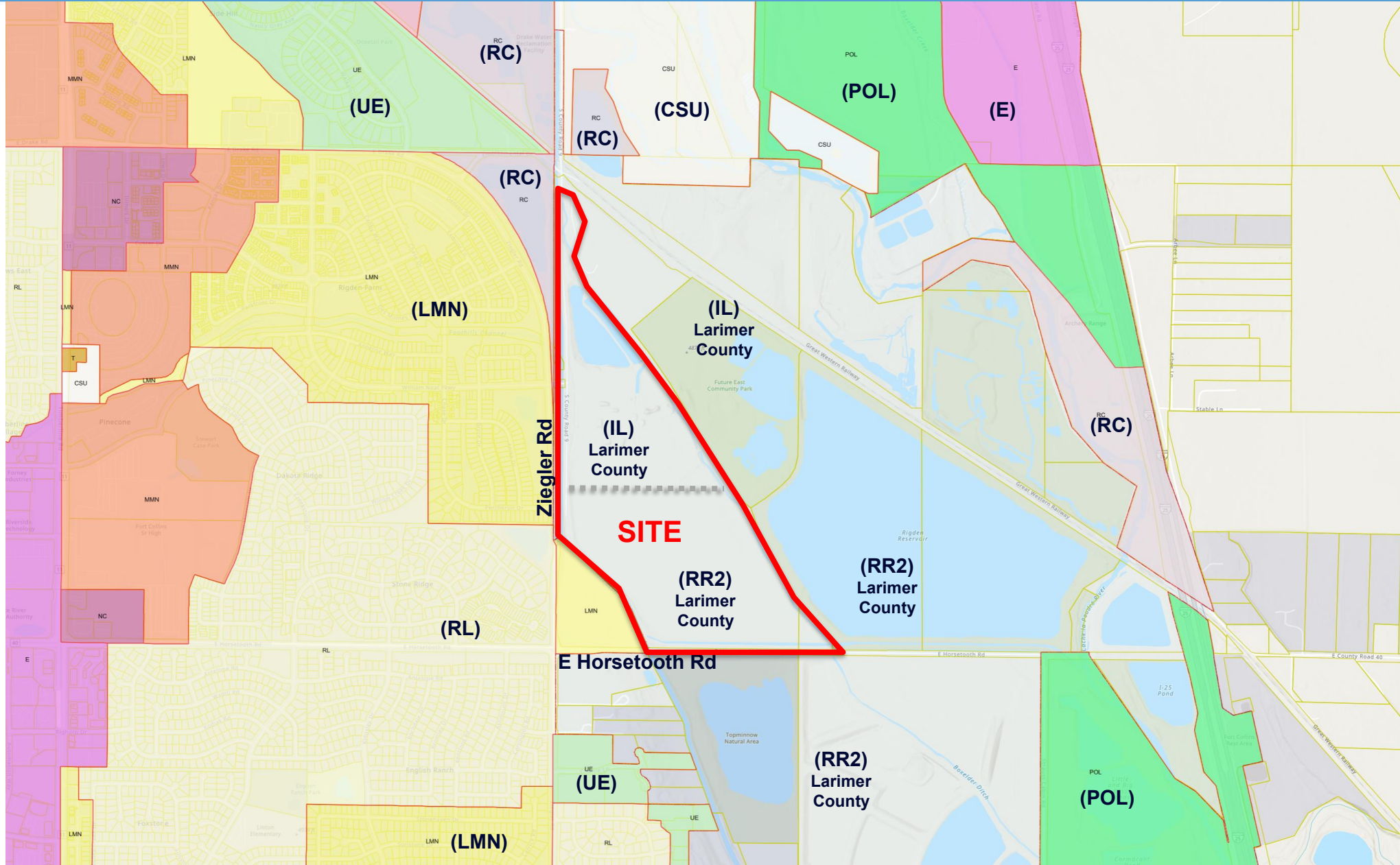
Council may impose additional terms and conditions on the annexation through an annexation agreement covering things like infrastructure, fees, dedications (not typical).

Zoning (quasi-judicial). Council determines what zone districts (here LMN & MMN) to assign, once annexed.

- Decision is based on consistency with the comprehensive plan, compatibility with surrounding uses, and additional info.

Council has discretion to impose a variety of conditions or assign different districts because zoning is a policy determination about appropriate use.





**S Edge
(View N)**



**NW Corner
(View SE)**

**SW Corner
(View NE)**







Staff Analysis & Recommendation

1. Meets 1/6 (16.6%) Contiguity Requirements by providing 40.5% contiguity with City Limits.
2. A community of interest existing between the property and the City.
3. The area is urban or will be urbanized in the near future.
4. The area is integrated with and capable of being integrated with the City.
5. The annexation will not result in the creation of an enclave or detached parcel of unincorporated land.
6. The annexation is located in the Growth Management Area (GMA) and is consistent with the policies and agreements (IGA) between the City and Larimer County provisions directing urban-level development to occur within the City rather than the unincorporated county.

Council may approve zoning if either:

- (a) generally aligned with City Comprehensive Plan principles and policies, or
- (b) warranted by changed conditions in the surrounding neighborhood.

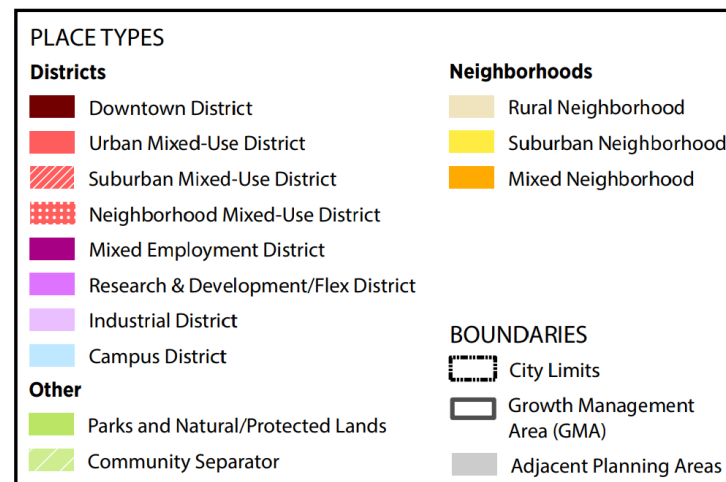
Council may also consider:

- Compatibility with surrounding uses
- Potential adverse impacts on the natural environment
- Whether rezoning results in a logical and orderly development pattern

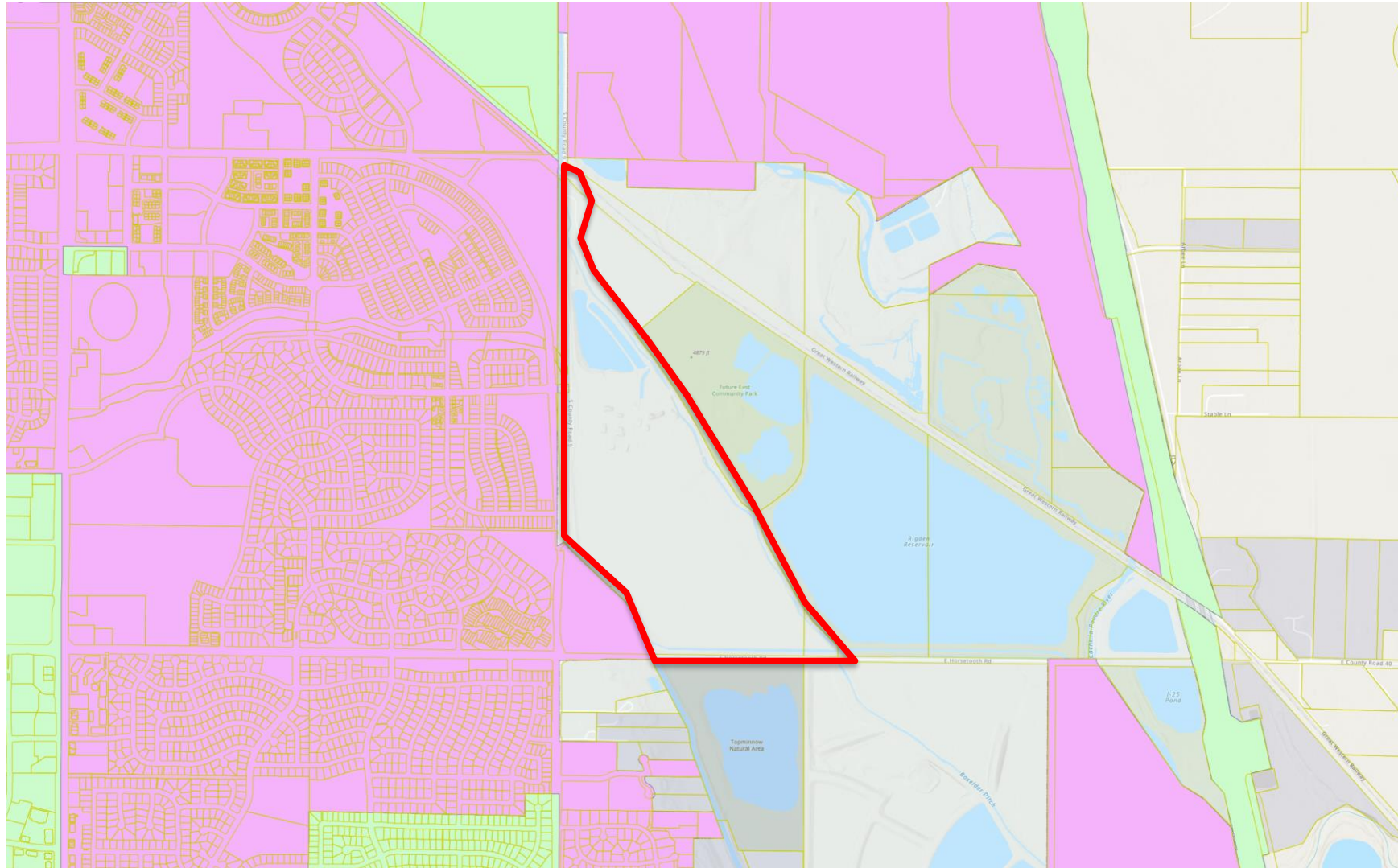
1. Proposed zone districts (LMN & MMN) are consistent with the City Plan / Structure Plan designations for this area.
2. Districts are compatible with surrounding zoning and existing land use patterns in this area.
3. The proposed zoning results in a logical and orderly development pattern.
4. Planning & Zoning Commission unanimously voted to support conditionally zoning consistent with staff recommendations

Mixed Neighborhood Place Type

- **Principal Land Use:** Single-family detached homes, duplexes, triplexes, and townhomes.
- **Density:** Between 5 and 20 principal dwelling units per acre (typically averaging 7–12 dwelling units per acre)
- **Supporting Land Use:** ADUs, small-scale multifamily buildings, small-scale retail, restaurants/cafes, community and public facilities, parks and recreational facilities, schools, and places of worship.



Staff recommends inclusion in the Residential Sign District.



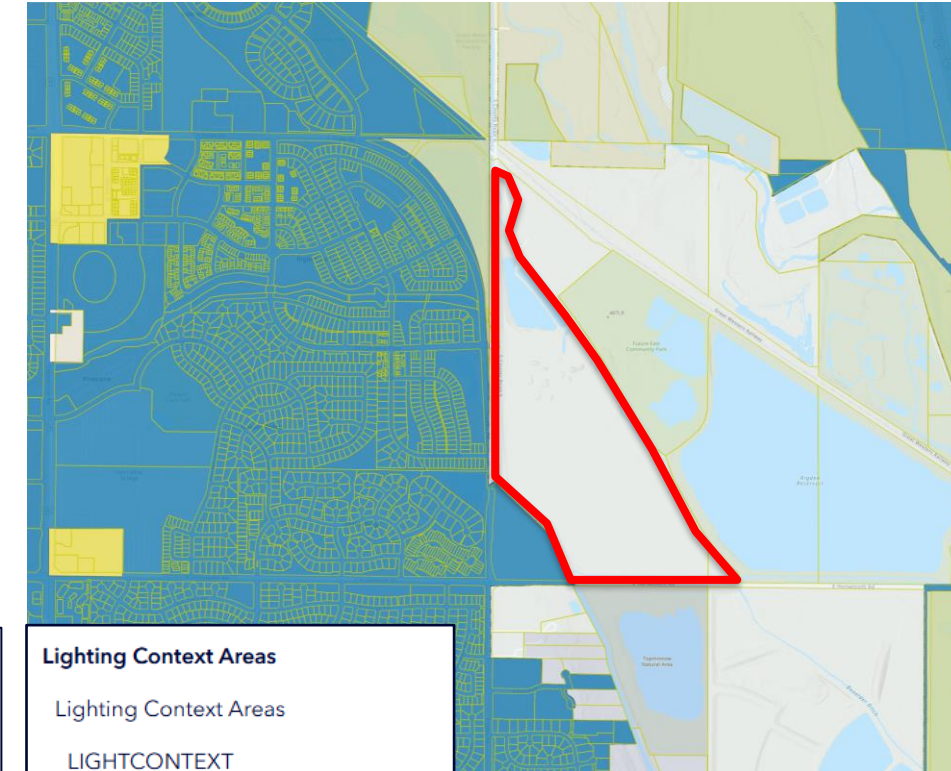
Residential Sign District

-  Out of District
-  In District

Staff recommends inclusion in Lighting Context Area LC1

Lighting Context Area	Land Use	Corresponding Zone Districts
LC0	Natural Area/Conservation Easement	P-O-L (City Natural Areas)
LC1	Single Family/Multi-Family/Light Industrial/Employment/ Portions of Harmony District	P-O-L (City Parks); R-U-L; U-E, R-F; N-C-L; R-C; L-M-N; M-M-N ; I; E; T
LC2	Commercial/Industrial/ Portions of Harmony District/High Density Residential	C-N; C-C; C-C-N; C-C-R; C-G; C-L; H-C; I; R-D-R, D, H-M-N
LC3	Portions of Downtown, 24-Hour Emergency Medical Sites	D, M-M-N

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.



Lighting Context Areas

Lighting Context Areas

LIGHTCONTEXT

- LC0 - No ambient lighting
- LC1 - Low ambient lighting
- LC2 - Moderate ambient lighting
- LC3 - Moderately high ambient lighting

Annexation

Approve: The Annexation meets all statutory criteria under C.R.S. § 31-12-110 and conforms with the City-County IGA.

Zoning

Approve: LMN and MMN, and place the property in the Residential Neighborhood Sign District and LC1 Lighting Context Area.



ORDINANCE NO. 137, 2026
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 STRAUSS LAKES 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 October 20, 2026, City Council adopted on second reading Ordinance No. 135, 2026, annexing to the City of Fort Collins the property known as the Strauss Lakes Annexation (the "Property").

B. Division 6.1 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 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 September 17, 2026, unanimously on a 5-0 (Peel and York absent) vote recommended zoning the Property to be known as the Strauss Lakes Annexation (the "Property") as Low Density Mixed-Use Zone District ("LMN"), and Medium Density Mixed-Use Neighborhood Zone District ("MMN") as more particularly described below and determined that the proposed zonings are consistent with the City's Comprehensive Plan. The City Planning and Zoning Commission also unanimously recommended that the site be placed in the Residential Neighborhood 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. City Council has determined that the proposed zonings of the Property are consistent with the City's Comprehensive Plan, including the Structure Plan Map. Additionally, the proposed zoning is compatible with existing and proposed uses surrounding the Property, would not result in significant adverse impacts on the natural environment, and would result in a logical and orderly development pattern.

F. City Council has further determined that placement of the Property in the Residential Neighborhood Sign District and the LC1 Lighting Context Area are consistent with the Land Use Code.

G. In accordance with the foregoing, City Council has considered the zonings 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 hereafter provided.

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 the following portion of the Property in the Low Density Mixed-Use Neighborhood Zone District as more particularly described as:

A parcel of land being part of Section Twenty-eight (28) and part of the North Half (N1/2) of Section Thirty-three (33), both in Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ⅜" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 1158.93 feet to the POINT OF BEGINNING, said point lying on the Easterly line of Webster Second Annexation, recorded July 20, 1992 as Reception No. 92041897 of the records of the Larimer County Clerk and Recorder;

THENCE continuing North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 and along the Easterly line of said Webster Second Annexation and along the Easterly line of Rigden Farm Annexation, recorded August 23, 1988 as Reception No. 88039690 of the records of the Larimer County Clerk and Recorder, a distance of 1492.15 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 and along the Easterly line of said Rigden Farm Annexation a distance of 2159.30 feet;

THENCE North 89°49'30" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28 and the Easterly line of said Rigden Farm Annexation, a distance of 114.66 feet;

THENCE South 15°04'45" East a distance of 229.68 feet;

THENCE South 21°36'28" West a distance of 108.13 feet;

THENCE South 10°32'42" East a distance of 115.89 feet;

THENCE South 24°37'47" East a distance of 522.26 feet;

THENCE South 46°01'34" East a distance of 284.23 feet;

THENCE South 42°28'26" East a distance of 371.08 feet;

THENCE South 38°25'34" East a distance of 345.50 feet;
 THENCE South 34°19'19" East a distance of 367.14 feet;
 THENCE South 31°19'46" East a distance of 461.85 feet;
 THENCE South 27°58'39" East a distance of 474.36 feet;
 THENCE South 33°07'21" East a distance of 473.54 feet;
 THENCE South 52°30'40" East a distance of 198.11 feet;
 THENCE South 19°48'54" East a distance of 318.67 feet;
 THENCE South 29°45'20" East a distance of 461.31 feet;
 THENCE South 30°25'11" East a distance of 283.52 feet;
 THENCE South 35°02'30" East a distance of 249.02 feet;
 THENCE South 44°01'29" East a distance of 131.65 feet;
 THENCE South 46°36'26" East a distance of 232.41 feet;
 THENCE South 00°00'00" East a distance of 170.07 feet to the South Right-of-way line of Horsetooth Road, said South Right-of-way line being Thirty (30) feet, as measured at a right angle, South of and parallel with the South line of the Southeast Quarter (SE1/4) of said Section 28;
 THENCE North 89°39'32" West along said South Right-of-way line a distance of 358.46 feet to the East line of the Northwest Quarter (NW1/4) of said Section 33;
 THENCE South 00°14'11" East along the East line of the Northwest Quarter (NW1/4) of said Section 33 a distance of 8.00 feet to the Northeast corner of Lot 2, Amended Plat of the Amended Plat of the Roselle - Shields M.L.D. No. 99-S1466, recorded July 6, 2016 as Reception No. 20160042793 of the records of the Larimer County Clerk and Recorder;
 THENCE North 89°38'13" West along said the North line of said Lot 2, which is Thirty-eight (38) feet, as measured at a right angle, South of and parallel with the North line of the Northwest Quarter (NW1/4) of said Section 33, a distance of 1627.13 feet to the Northeasterly line of Tract "A," 2nd Amended Plat of Morgan's Ridge, P.U.D., recorded November 18, 1980 as Reception No. 388340 of the records of the Larimer County Clerk and Recorder;
 THENCE North 25°40'04" West along the Northeasterly line of said Tract "A" a distance of 3.34 feet to the Northeast corner of said Tract "A," said point being a Southerly corner of Strauss Lakes Development Annexation, recorded May 1, 2003 as Reception No. 2003-0052891 of the records of the Larimer County Clerk and Recorder;
 The following Seven (7) courses and distances are along the Southerly, Northeasterly and Northwesterly lines of said Strauss Lakes Development Annexation:
 THENCE continuing North 25°40'04" West a distance of 5.56 feet;
 THENCE South 89°38'13" East a distance of 31.31 feet;
 THENCE North 23°15'56" West a distance of 513.99 feet;
 THENCE North 37°49'36" West a distance of 188.78 feet;
 THENCE North 46°56'06" West a distance of 839.47 feet;
 THENCE North 32°02'34" West a distance of 60.00 feet;
 THENCE South 57°57'25" West a distance of 93.99 feet to the POINT OF BEGINNING.
 EXCEPTING THEREFROM:

A parcel of land being part of the West Half (W1/2) of Section Twenty-eight (28), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 ½" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 ⅜" pipe with a 3 ¼" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 2651.08 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 a distance of 143.27 feet;

THENCE North 86°52'25" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 108.83 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the South, a distance of 63.38 feet to the POINT OF BEGINNING, said curve having a radius of 310.00 feet, a central angle of 11°42'52" and a long chord bearing South 87°16'09" East a distance of 63.27 feet;

THENCE continuing along the arc of said curve, which is concave to the South, a distance of 58.06 feet a Point of Tangency (PT), said curve having a radius of 310.00 feet, a central angle of 10°43'53" and a long chord bearing South 76°02'46" East a distance of 57.98 feet;

THENCE South 70°40'50" East a distance of 500.39 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the North, a distance of 32.49 feet, said curve having a radius of 625.00 feet, a central angle of 02°58'41" and a long chord bearing South 72°10'11" East a distance of 32.48 feet;

THENCE South 09°12'31" West, non-tangent to aforesaid curve, a distance of 548.55 feet;

THENCE North 89°33'45" West a distance of 475.26 feet;

THENCE North 00°17'08" East a distance of 727.33 feet to the POINT OF BEGINNING.

Said resulting parcel of land contains 139.835 acres, more or less (±), and may be subject to any rights-of-way or other easements of record or as now existing on said resulting parcel of land.

Section 2. 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 the following portion of the Property in the Medium Density Mixed-Use Neighborhood Zone District as more particularly described as:

A parcel of land being part of the West Half (W1/2) of Section Twenty-eight (28), Township Seven North (T.7N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 28 and assuming the West line of the Southwest Quarter (SW1/4) of said Section 28, being monumentalized by a #6 rebar with a 2 1/2" aluminum cap stamped "LS34993, 2008" at the South end and by a 2 3/8" pipe with a 3 1/4" aluminum cap stamped "LS17497, 1987" at the North end, as bearing North 00°10'30" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2651.08 feet, with all other bearings contained herein relative thereto:

THENCE North 00°10'30" West along the West line of the Southwest Quarter (SW1/4) of said Section 28 a distance of 2651.08 feet to the West Quarter (W1/4) corner of said Section 28;

THENCE continuing North 00°10'30" West along the West line of the Northwest Quarter (NW1/4) of said Section 28 a distance of 143.27 feet;

THENCE North 86°52'25" East, departing from the West line of the Northwest Quarter (NW1/4) of said Section 28, a distance of 108.83 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the South, a distance of 63.38 feet to the POINT OF BEGINNING, said curve having a radius of 310.00 feet, a central angle of 11°42'52" and a long chord bearing South 87°16'09" East a distance of 63.27 feet;

THENCE continuing along the arc of said curve, which is concave to the South, a distance of 58.06 feet a Point of Tangency (PT), said curve having a radius of 310.00 feet, a central angle of 10°43'53" and a long chord bearing South 76°02'46" East a distance of 57.98 feet;

THENCE South 70°40'50" East a distance of 500.39 feet to a Point of Curvature (PC);

THENCE along the arc of a curve, which is concave to the North, a distance of 32.49 feet, said curve having a radius of 625.00 feet, a central angle of 02°58'41" and a long chord bearing South 72°10'11" East a distance of 32.48 feet;

THENCE South 09°12'31" West, non-tangent to aforesaid curve, a distance of 548.55 feet;

THENCE North 89°33'45" West a distance of 475.26 feet;

THENCE North 00°17'08" East a distance of 727.33 feet to the POINT OF BEGINNING.

Said parcel of land contains 7.664 acres, more or less ($\pm$), and may be subject to any rights-of-way or other easements of record or as now existing on said described parcel of land.

Section 3. 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 4. 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 included in the LC1 Lighting Context Area.

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

Introduced, considered favorably on first reading on October 6, 2026, and approved on second reading for final passage on October 20, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 30, 2026
Approving Attorney: Brad Yatabe

Exhibit: None

File Attachments for Item:

14. Resolution 2026-115 Making an Appointment to the Board of Directors of Housing Catalyst.

The purpose of this item is to fill one vacancy on the Board of Directors of Housing Catalyst.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Davina Lau, Public Engagement Specialist

SUBJECT

Resolution 2026-115 Making an Appointment to the Board of Directors of Housing Catalyst.

EXECUTIVE SUMMARY

The purpose of this item is to fill one vacancy on the Board of Directors of Housing Catalyst.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

This Resolution makes an appointment to fill the remainder of one vacancy on the Housing Catalyst Board of Directors. Ann Green resigned from the Board of Directors of Housing Catalyst creating the vacancy.

City Code Section 2-474 provides that the Housing Authority (Housing Catalyst) Board shall consist of seven Commissioners appointed as set forth in Section 29-4-205, C.R.S. One of such Commissioners may be a City official. Under this method of appointment, each Commissioner shall serve without compensation for a term of five years. No Commissioner shall serve more than two full, consecutive terms.

On September 24, 2026, Councilmember Anne Nelsen interviewed applicants for the Housing Catalyst Board.

This term will begin immediately upon adoption of this Resolution and end on the expiration of the original term. The name of the individual recommended to fill this vacancy is listed below.

Housing Catalyst Board

Appointments	Term Effective Date	Expiration of Term
Yaz Haldeman (Seat E)	Immediately upon adoption of this Resolution	December 31, 2029

CITY FINANCIAL IMPACTS

None.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

Public outreach to seek applicants for boards and commissions included a spotlight and press release on the City of Fort Collins website, media releases for earned coverage in local media sources, and social media promotion of opportunities.

ATTACHMENTS

1. Application
2. Resolution 2026-115

VOLUNTEER APPLICATION

Yaz Haldeman

8/20/2026 3:49 PM

Application: **HC - Housing Catalyst**

Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: Masters degree

Address: [REDACTED] Phone: [REDACTED] <<

Volunteer Groups Applied For

Housing Catalyst

Job Description

☒ I have read the job description

Questions

Which Council District do you live in? Please refer to the map at: <https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&layerTheme=Council%20Districts> 6

I acknowledge I am available when the Housing Catalyst meets: 3rd Thursday of each month at 7:30 a.m.

YES

Current Occupation:

I am currently unemployed but looking for work.

Current Employer:

N/A

Prior work experience (please include dates):

After living and working in Fort Collins for 5 years, I relocated to New Mexico where I worked for the City of Santa Fe and the New Mexico Finance Authority.

Volunteer experience (please include dates):

While in New Mexico (2024) I volunteered for the Human Rights Alliance (HRA) as well as for the Free Indian Market. Upon returning to Fort Collins (Summer 2025), I volunteered with Mulberry Community Gardens. Prior to living in Fort Collins, I had a history of volunteering in HIV/AIDS communities both in Portland, Oregon at Cascade AIDS Project and in Santa Fe, New Mexico at Southwest Care Center.

Are you currently serving on a City board or Commission? If so, which one?

No

Why do you want to become a member of this particular board or commission?

I have lived at two Housing Catalyst properties, Village on Horsetooth (5 years) and Village on Impala (1.5 years). I care about the communities where I live and would like to be an advocate for residents and continue my prior work in affordable housing.

Have you already had any formal public housing authority commissioners training? (This is not a requirement)

NO

Have you had any exposure to the board or commission you are applying for? If yes, please explain:

Yes;
While working on the Home2Health grant funded project at the City of Fort Collins, I was able to sit on occasional board meetings for affordable housing initiatives.

Specify any activities which might create a serious conflict of interest if you are appointed:

Even if I begin working fulltime, I believe I can still attend the early morning meetings.

Are you willing to complete the required training if appointed?

YES

How did you learn of a vacancy on this board or commission?

Other (please specify);
Housing Catalyst email to residents.

Yasmine “Yaz” Haldeman

- ▣ Empathetic program support with skills in client care.
- ▣ Nonprofit orgs, public service, and community service.
- ▣ Specializing in bringing people to services while making sure all voices heard, included, and supported.
- ▣ Focused on improving external/internal communications and leaving organizations with noticeable improvement through relationship building.

Education

- Master’s of Arts, Creative Writing, Bath Spa University (Bath, United Kingdom)
- Bachelor’s of Arts, Liberal/Visual Arts, Art History, College of Santa Fe (Santa Fe, NM)
- Teaching English as a Second Language (TESOL) Certification, School for International Training (SIT)
- College Courses in Studio Art/Art History: Studio Art Centers International (Florence, Italy)

Experience

2025 | Volunteerism and In-Home Caregiving

- Relocation for a parent and supportive care.
- Volunteered at a local community garden, part time volunteer duties to integrate into the community while seeking employment.

2024 | Temporary Project Specialist City of Santa Fe Arts & Culture Dept, Santa Fe, NM (hybrid/temporary)

- Cross-functional team coordination through a DEI lens.
- Grant management, budgeting, disbursement of funds for grants and sponsorships and procurement.
- On-site event coordination and logistics.
- Arts Commission, the department’s governing board meeting attendance. General office management, grants management, vendor management.

2023 | Temporary Infrastructure Coordinator

Trailhead Institute, Denver CO (remote)

- Federally funded CDC project.
- Strengthening the internal and external healthcare infrastructure.
- Supporting leadership, external partners and grantees.
- Providing technical assistance aimed at improving public health outcomes.

2019-2021 | Grant Program Assistant

City of Fort Collins, Fort Collins CO (hybrid/2 year contract)

- Colorado State funded grant position(health & affordable housing).
- Compiling and synthesizing data to inform the City's Affordable Housing Strategic Plan.
- Collaborated and supported community members, partnerships and stakeholders.
- Data collecting, grant reporting, community events and various board meetings.
- Co-founded employee resource group for City employees of color with strong equity focus.

2017-2018 | Grants Program Assistant

Regional Arts & Culture Council, Portland OR (501C3 Arts Organization)

- Supported the grants team and grant applicants through a competitive award process for community-based art projects.
- Reviewed applications, vetted community panels for award selection, managed award follow up and payments with recipients.
- General coordination, engagement and outreach with local artists, extensive communication, database maintenance, catering and hosting for regularly held community panels.

2015-2016 | Temporary Health Assistant

Multnomah County Health Department, Communicable Diseases, Portland, OR

- Lead coordinator for 3 nursing teams and immunization clinic with high level triaging of community outbreaks.
- Appointment scheduling, creating and filing medical records, community outreach, phone triage, supply room organization.
- CMR database management, data entry, reporting and budgeting support.
- Mail distribution, cross department collaboration, notetaking and internal communication with all department staff.

Hard Skills

- Administration | Project Coordination | Management
- Strategic analysis | Planning | Implementation
- Capacity/Relationship Building | Engagement | Interpersonal Skills | Outreach
- Office Systems | Data Management | File Sharing
- Customer/Client Care | Diversity, Equity & Inclusion Training and Implementation

RESOLUTION 2026-115
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING AN APPOINTMENT TO THE BOARD OF DIRECTORS OF HOUSING
CATALYST

A. The Housing Catalyst Board of Directors has a vacancy in the resident commissioner seat due to the resignation of Ann Green.

B. City Council desires to make an appointment to fill this vacancy on the Housing Catalyst Board.

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 that the following named person is hereby appointed to fill the open vacancy on the Housing Catalyst Board with a term to begin and expire as noted below next to the appointee's name:

Housing Catalyst		
Appointments	Term Effective Date	Expiration of Term
Yaz Haldeman (Seat E)	Immediately upon adoption of this Resolution	December 31, 2029

Passed and adopted on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 6, 2026
Approving Attorney: Carrie Daggett

Exhibit: None

File Attachments for Item:

16. Second Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.

This Ordinance, adopted on First Reading on September 15, 2026, by a split vote of 5-2 (Nays: Hoeven, Potyondy) brings an amendment to the Land Use Code. At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.**

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review (“BDR”) in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff’s recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

Clay Frickey, Planning Director
Noah Beals, Development Services Manager

SUBJECT

Second Reading of Ordinance No. 118, 2026, Amending the Land Use Code of the City of Fort Collins to Change the Type of Review for Certain Residential Uses.

EXECUTIVE SUMMARY

This Ordinance, adopted on First Reading on September 15, 2026, by a split vote of 5-2 (Nays: Hoeven, Potyondy) brings an amendment to the Land Use Code. At the Ad Hoc Committee on Affordable and Sustainable Growth meetings on July 8, 2026, and August 5, 2026, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review. The Committee requested staff make these amendments to the Land Use Code in alignment with the Council priority related to affordable, sustainable growth. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session. **Staff recommends that Council adopt an alternative to what the Ad Hoc Committee requested and this recommended alternative is included in the Ordinance.**

The recommended alternative changes the Land Use Code level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review ("BDR") in most zone districts that currently permit these uses. However, different from what the Ad Hoc Committee directed, staff recommends not changing the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. The Planning & Zoning Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with comments.

If Council wishes to adopt the staff recommended Land Use Code changes, the Ordinance as presented should be adopted. This option does not change the level of review to BDR for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units in the commercial and employment zone districts.

If Council wishes to adopt the version the Ad Hoc Committee requested which would change the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to BDR in all zone districts as shown in Attachment 2, Council will need to adopt the Ordinance with Attachment 2 substituted for the table currently in the Ordinance.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

Council established priorities for their two-year term in February 2026. One of these priorities is:

Promote affordability and sustainable growth by making development predictable, efficient and cost-effective:

City Plan sets forth a bold vision of livable and sustainable growth for Fort Collins. This priority will remove, replace or fix the systems and regulatory layers creating the biggest challenges to build. We will evaluate programs, incentives, and costs and fees through a lens of a simplified customer experience, to provide growth and development that supports community resilience, creates jobs, provides housing choices, and contributes to cleaner air.

To support this priority, Council created a sub-committee to focus on this Council priority. This sub-committee is called the Ad Hoc Committee on Affordable and Sustainable Growth. At the July 8, 2026, and August 5, 2026, meetings of the Ad Hoc Committee, the Committee directed Staff to bring an amendment to the Land Use Code that moves the level of review for single-unit dwelling, single-unit attached dwelling, two-unit dwelling, multi-unit dwelling, and mixed-use dwelling units to Basic Development Review.

Overview of Proposed Code Changes

The proposed Land Use Code changes modify the Land Use Table in Article 4 as shown in the Ordinance. The version of the Table within the Ordinance does not change the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts since City Plan envisions denser development in these corridors. This will provide a process incentive for denser development in these corridors. Staff recommends adoption of the Land Use Code changes that do not change the level of review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts. An alternative version of the Land Use Table, which changes the level of review to Basic Development Review for single-unit dwelling, single-unit attached dwelling, and two-unit dwelling in commercial and employment districts, is shown in Attachment 2 in case Council decides that adopting the alternative version is appropriate. City Council also discussed potential changes to permitted uses at the July 14, 2026, work session.

Alignment with Adopted Plans:

City Plan (2019)

City Plan contains a section of policies pertaining to Neighborhood Livability and Social Health that contains a wide range of policies dealing with housing and the character of development. Neighborhood Livability and Social Health contains a wide range of housing related policies that acknowledges the various contexts that exist within Fort Collins and a desire to densify in mixed-use, commercial, and downtown districts. What follows is an overview of policies most pertinent to the proposed Land Use Code changes and why they support Staff's recommendation to only lower the review level for single-unit detached, single-unit attached, and two-unit dwellings in residential and mixed-use districts.

- *Principle LIV 1 — Compact pattern of growth / efficient use of land.* Lower density housing types are most appropriate at the edges of the community. Lowering the level of review for these land uses creates a process incentive for housing types that are not ideal for achieving a compact pattern of growth.

- *Policy LIV 3.6 – Context-sensitive Development.* City Plan envisions denser housing along transit, Downtown, and near the CSU campus. While permitting single-unit detached, single-unit attached, and two-unit dwellings are appropriate for neighborhoods, these housing types are not most appropriate in commercial, downtown, and employment districts. As such, these land uses should be subject to heightened review to ensure alignment with the vision of City Plan.
- *Policy LIV 4.1 — New Neighborhoods.* Staff's recommendation better calibrates the review level for lower density housing in new neighborhoods where these land uses are most appropriate.
- *Policy LIV 5.1 — Housing Options.* The proposed Code changes retain the ability for developers to build a wide range of housing throughout Fort Collins while calibrating the level of review to the desired outcomes for each neighborhood context.
- *Policy LIV 5.2 — Supply of Attainable Housing.* Permitting these uses helps ensure a mix of housing that helps lead to more attainable housing. Calibrating the review levels for each type of housing according to the vision of City Plan helps ensure that new development contributes to achieving the goals of City Plan. Staff's recommendation will help to ensure that there is not an incentive to build lower density housing where City Plan calls for higher density housing.

Housing Strategic Plan (2021)

Council adopted the Housing Strategic Plan in 2021 to address the housing affordability challenges facing Fort Collins. The Housing Strategic Plan has a vision that everyone has healthy, stable housing they can afford and puts forth 26 strategies to help achieve this vision. These Land Use Code changes best align with Strategy 16 – Remove barriers to allowed densities through Code revisions. This strategy intended to make it easier to build denser housing and permit a wider variety of housing types in the Land Use Code. The proposed Code changes will better calibrate the level of review for these housing types based on the context in alignment with Strategy 16.

CITY FINANCIAL IMPACTS

Changing the review level for these projects will result in less development review fee collections for these projects. The table below shows the difference in fees between different submittal types.

Application Type	Fee
Basic Development Review	\$16,900
Project Development Plan and Final Plan	\$49,250
Combined Project Development Plan and Final Plan	\$27,675
Limited Scope Review	\$6,925

Most residential projects currently submit both a Project Development Plan and Final Plan. This means that the proposed Land Use Code changes could result in a decrease in fee collections of \$32,350 per project. Some applicants elect to submit a combined Project Development Plan and Final Plan. This option is appealing for applicants with smaller, more straightforward projects that require less utility and engineering review. In an instance where an applicant would currently elect to submit a combined Project Development Plan and Final Plan, the fee differential with Basic Development Review is \$10,775. Staff may also charge projects the Limited Scope Review fee for smaller projects. This fee can apply to projects under 10 residential units.

To understand the financial impact of these changes, staff analyzed all development projects submitted from 2022-2026 (Attachment 1). Staff then applied the new BDR fee to all projects that did not receive the Limited Scope Review fee that are currently a different review level in the Land Use Code. Staff excluded affordable housing projects from this analysis since these submit as Basic Development Review per recent changes to the Land Use Code. Staff found the following:

- Staff found 31 projects that would have had lower fees
 - 25 projects that submitted both a Project Development Plan and Final Plan
 - 4 Project Development Plan submittals that did not proceed to Final Plan
 - 2 combined Project Development Plan/Final Plan applications
- If these projects would have been submitted as Basic Development Review, the City would have received \$873,400 less in development review fees.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Planning & Zoning Commission considered these proposed Land Use Code changes at their regular meeting on August 20, 2026. The Commission voted 5-0 to recommend that Council adopt staff's recommended Land Use Code changes with the following comments: The Land Use Code retain Type 2 review for large multifamily and mixed-use developments while allowing Basic Development Review for smaller, less complex housing projects. Large projects can have substantial, long-term effects on transportation, infrastructure, neighborhood connectivity, building form, and surrounding properties. Neighborhood meetings and public hearings provide transparency and meaningful engagement that written comments during administrative review cannot fully replace, and they create an important opportunity to address concerns at the Project Development Plan stage before final engineering limits the ability to make changes. A tiered review framework should establish reasonable thresholds based on unit count, acreage, building size, or anticipated community impact. This recommendation is in addition to the Staff limiting the less intense dwellings in commercial zone districts.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments available in September 15, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Presentation
2. Ordinance No. 118, 2026



Land Use Code Updates

Moving Certain Residential Uses to BDR

Clay Frickey | Planning Director
Noah Beals | Development Review Manager

- Better align levels of review to Council priority
 - Promote affordability and sustainable growth by making development predictable, efficient and cost-effective
- Change levels of review to BDR for:
 - Single-unit detached
 - Single-unit attached
 - Two-unit dwelling
 - Multi-unit dwelling
 - Mixed-use dwelling
- Council Ad Hoc Committee requested changes for consideration in September

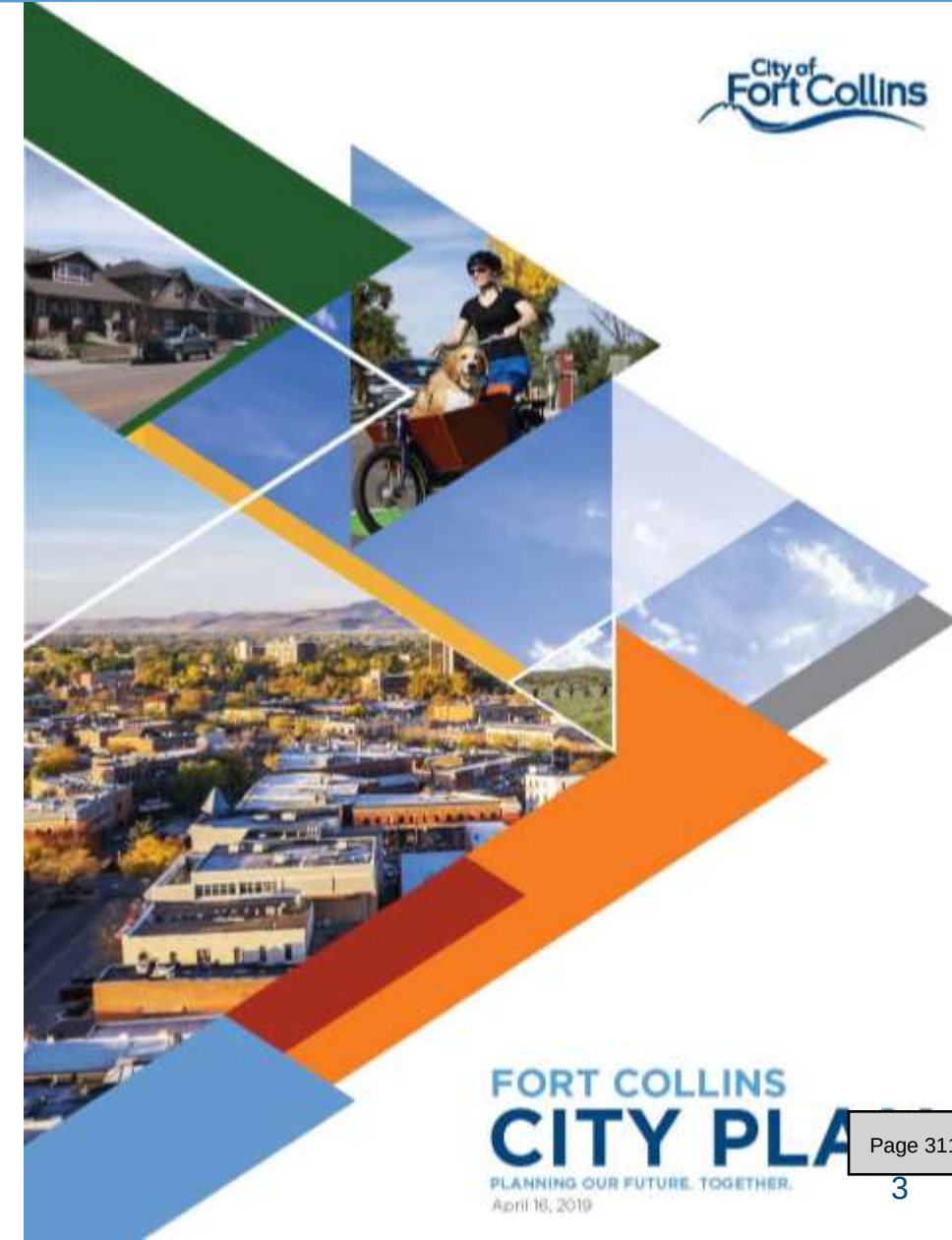


City Plan

- Principle LIV 1 — Compact pattern of growth / efficient use of land
- Policy LIV 3.6 – Context-sensitive Development
- Policy LIV 4.1 — New Neighborhoods
- Policy LIV 5.1 — Housing Options
- Policy LIV 5.2 — Supply of Attainable Housing

Housing Strategic Plan

- Strategy 16 – Remove barriers to allowed densities through Code revisions



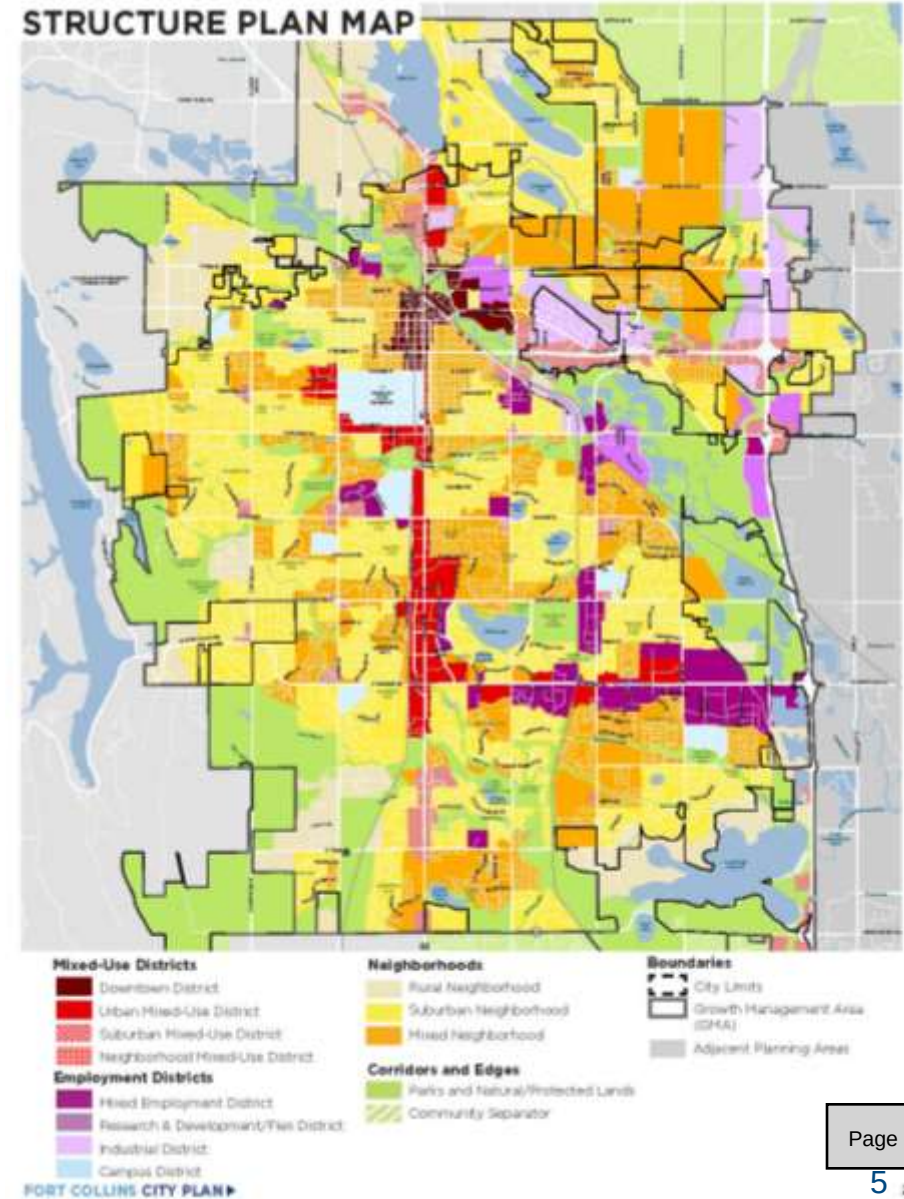
Staff Recommended Code Changes

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS							EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H CORE	CA/C/ NM	I/R	RC	CN	EC	E	I	POL	T		
RESIDENTIAL USES																																	
Single Unit Dwelling																																	
Single Unit Attached Dwelling																																	
Two Unit Dwelling																																	
Multi-Unit Dwelling																																	
Mixed-Use Dwelling Units																																	
Accessory Dwelling Unit																																	
Short Term Primary Rentals																																	
Short Term Non-Primary Rentals																																	
Fraternity & Sorority Houses																																	
Manufactured Housing Community																																	
Shelter for victims of domestic violence																																	

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER				
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H CORE	CA/C/NM	I/R	RC	CN	EC	E	I	POL	T	
RESIDENTIAL USES																																
Single Unit Dwelling	■	■	■	■	■		■	■		■	■		■	■			■		■	■	■						■	■				
Single Unit Attached Dwelling	■	■	■				■	■		■	■	■	■	■			■	■	■	■	■			■	■		■	■	■			
Two Unit Dwelling	■	■	■				■	■		■	■	■	■	■			■	■	■	■	■			■			■	■	■			
Multi-Unit Dwelling							■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Mixed-Use Dwelling Units							■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Accessory Dwelling Unit	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Short Term Primary Rentals		■					■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■		■	■	■	■	■	■
Short Term Non-Primary Rentals														■	■	■	■		■	■	■	■	■	■		■	■	■	■	■	■	
Fraternity & Sorority Houses								■	■		■	■		■					■	■												
Manufactured Housing Community						■	■																						■			
Shelter for victims of domestic violence	■	■	■	■	■	■	■	■	■	■	■	■	■	■					■	■	■	■	■	■		■	■	■	■			

Key Considerations

1. Align review type with vision of City Plan
 - Process incentive for dense development in key locations
 - Downtown
 - Near CSU
 - Near transit
 - More scrutiny for lower intensity development where City Plan envisions denser development
2. Shift in philosophy
 - Review level less tied to complexity and impact
 - Role of community
 - Role of P&Z
 - Fees





- \$10,775 - \$32,350 less revenue per application
- \$873,400 impact if applied 2022-2026

Planning & Zoning Commission Recommendation



- Recommended adopting staff's recommendations with conditions
- Retain Type 2 review for large multi-unit and mixed-use dwelling projects

ORDINANCE NO. 118, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE LAND USE CODE OF THE CITY OF FORT
COLLINS TO CHANGE THE TYPE OF REVIEW FOR CERTAIN
RESIDENTIAL USES

A. The City of Fort Collins, as a home-rule municipality, is authorized by Article XX, Section 6 of the Colorado Constitution, the provisions of state statutes, and its City Charter to develop and implement policies and ordinances regulating the development of land within the City.

B. In 2024, City Council approved Ordinance No. 055, 2024, with an effective date of May 27, 2024, to adopt the current Land Use Code by reference to replace the previous Land Use Code originally adopted in 1997.

C. When the current Land Use Code was adopted, City Council and staff understood that the Land Use Code would be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document responsive to community needs and changing conditions.

D. City Council Ad Hoc Committee on Affordable and Sustainable Growth is exploring ways to support housing affordability while guiding responsible and sustainable development. To facilitate residential development, the Committee directed City staff to prepare for Council review Land Use Code changes to the level of review of certain residential uses to become basic development review.

E. On August 20, 2026, the Planning and Zoning Commission recommended to City Council on a 5 - 0 vote (Stackhouse and Bruxvoort absent) that City Council adopt with certain proposed changes the Land Use Code amendments set forth in this Ordinance.

F. City Council has determined that adoption of the amendments set forth in this Ordinance is in the best interests of the City and promote the general public health, safety, and welfare.

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 Residential Use Table contained in Division 4.2 of the Land Use Code is hereby amended to read as follows:

	RESIDENTIAL DISTRICTS						MIXED-USE DISTRICTS					COMMERCIAL DISTRICTS										DOWNTOWN DISTRICTS						EMPLOYMENT, INDUSTRIAL, OTHER							
	RUL	UE	RF	RL	OT-A	MH	LMN	MMN	HMN	OT-B	OT-C	CC	CCN	CCR	CG	CG-CAC	CS	NC	CL (RA)	CL (OA)	HC	H CODE	CA/C /NM	I/R	RC	CN	EC	E	I	POL	T				
RESIDENTIAL USES																																			
Single Unit Dwelling	■	■	■	■	■		■	■		■	■		■	■	■	■	■	■	■	■	■	■					■	■						△	
Single Unit Attached Dwelling	■	■	■				■	■		■	■	■	■	■	■	■	■	■	■	■	■	■		■	■		■	■	■	■	■	■		△	
Two Unit Dwelling	■	■	■				■	■		■	■	■	■	■	■	■	■	■	■	■	■	■		■	■		■	■	■	■	■	■			
Multi-Unit Dwelling							■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
Mixed-Use Dwelling Units							■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
Accessory Dwelling Unit	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	△	
Short Term Primary Rentals		■					■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		
Short Term Non-Primary Rentals														■	■	■	■		■	■	■	■	■	■	■	■	■	■	■	■	■	■			
Fraternity & Sorority Houses								■	■		■	■		■					■	■														△	
Manufactured Housing Community						■	■																							■				△	
Shelter for victims of domestic violence	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■		△

Introduced, considered favorably on first reading on September 15, 2026, and approved on second reading for final passage on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 16, 2026

Approving Attorney: Brad Yatabe

Exhibit: None

File Attachments for Item:

17. Resolution 2026-116 Approving an Agreement Between Avago Technologies Wireless Manufacturing, LLC and the City to Provide Business Investment Assistance.

The purpose of this item is to consider a Business Expansion Economic Incentive Agreement between the City and Avago Technologies Wireless Manufacturing, LLC (dba "Avago"). The Avago project will consist of the remodeling and modernizing of Building 2, expansion of Building 4, and capital investment of approximately \$950 million in machinery, automation, research and development, abatement equipment and construction materials.

October 6, 2026

AGENDA ITEM SUMMARY

City Council



STAFF

SeonAh Kendall, Economic Development Director
Caleb Weitz, Chief Financial Office

SUBJECT

Resolution 2026-116 Approving an Agreement Between Avago Technologies Wireless Manufacturing, LLC and the City to Provide Business Investment Assistance.

EXECUTIVE SUMMARY

The purpose of this item is to consider a Business Expansion Economic Incentive Agreement between the City and Avago Technologies Wireless Manufacturing, LLC (dba "Avago"). The Avago project will consist of the remodeling and modernizing of Building 2, expansion of Building 4, and capital investment of approximately \$950 million in machinery, automation, research and development, abatement equipment and construction materials.

STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

BACKGROUND / DISCUSSION

Avago delivers semiconductors and infrastructure software for global organizations' complex, mission-critical needs. Avago has been operating wafer fabrication processes in Colorado since the early 1980s. The original Fort Collins wafer fab (B2 West) was completed in 1981, then part of Hewlett Packard. Through spin-offs, mergers, and acquisitions, HP became Agilent, Avago and is now doing business as Broadcom.

Headquartered in San Jose, CA, Avago is a designer and wafer fabricator of semiconductor technology. Avago has three Colorado sites, Broomfield, Colorado Springs, and Fort Collins. Fort Collins has 1,350 employees, excluding remote workers. Avago's Wireless Service Division ("WSD") facility currently fabricates wireless radio frequency ("RF") semiconductors for nearly all leading-edge 5G and soon 6G devices for commercial application.

Avago plans to invest approximately \$1.5 billion in modernization of Building 2 ("Bldg 2"), expansion of Building 4 ("Bldg 4B"), and capital expenditures in manufacturing, automation, and research and development ("R&D") between 2026 and 2036 (together, the "Project"). This Project will replace aging and end of life manufacturing space, while sustaining, supporting, and upskilling the direct employment of roughly 1,000 high-quality manufacturing jobs, while adding approximately 100 new jobs to the WSD team.

BUSINESS ASSISTANCE PACKAGE INCENTIVE POLICY

At its meeting on June 2, 2026, Council updated the City's business assistance policy, by adoption of Resolution 2026-076 (the "Business Assistance Policy"), which provides guidance and a framework in which business assistance proposals may be evaluated to align incentives with adopted economic development goals that encourage high-impact projects to generate quality employment opportunities, expand the tax base, stimulate private investment, and reinforce Fort Collins' position as a leading regional economy.

This Resolution would approve an agreement that was drafted to meet the economic development goals of the Policy, including performance-driven incentives that support economic growth, reinvestment, redevelopment, and revitalization.

PROPOSED AGREEMENT BETWEEN AVAGO AND THE CITY

The proposed Business Expansion Economic Incentive Agreement Between Avago Technologies Wireless Manufacturing, LLC and the City (the "Agreement"), attached as an exhibit to the Resolution, if approved by Council, authorizes a partial rebate of City sales or use tax paid for certain investments made by Avago on the Project.

The Agreement would authorize the following business incentives:

- a 25% rebate on eligible portions related sales and use tax, applicable to Bldg 2 retrofit, Bldg 4B new core and shell construction, and Bldg 4B clean room buildout;
- a 100% rebate of the base tax rate paid for purchases of equipment specific to air quality abatement; and
- a 25% rebate on the base rate portions of purchases of manufacturing and automation equipment, as well as eligible research and development expenses.

Table 1 (below) summarizes the estimated sales and use tax revenues from the planned investments by Avago, as well as the maximum eligible rebates authorized in the Agreement. The rebates summarized in Table 1 reflect the rebate percentages above and are calculated on the undedicated and unrestricted portions of the City's sales and use tax. Construction and manufacturing, automation, and research and development equipment are subject to the City's 4.35% sales and use tax; however, only the base rate portion of the sales or use tax are rebate-eligible, 2.85% for construction related purchases and 3.00% for equipment related purchases.

Table 1
Summary of Investments

Broadcom

New Revenue to City	Total
Construction Use/Sales Tax	\$ 12,049,500
Permit Fees	2,213,879
Mfg, Automation, R&D, Abatement Tools Use/Sales Tax	37,997,250
Total Estimated City 1X Revenue	\$ 52,260,629
Incentives	Total
City: Construction Use/Sales Tax Rebates	\$ 1,974,000
City: Manufacturing or Research & Dev Eqpt Use/Sales Tax Rebates	6,417,000
City: Abatement Tools Use Tax Rebates	540,000
Less Total City Incentive	\$ 8,931,000
Net New Estimated City 1X Revenue	\$ 43,329,629

Source: City of Fort Collins - Economic Health

ENVIRONMENTAL FOOTPRINT

Avago has included several initiatives to reduce the environmental footprint of the Fort Collins campus, all while adding production and high-quality jobs. Avago has reduced Scope 1 emissions by 89% between 2015 and 2025 and are committed to continuing to purchase point-of-use global warming gas abatement equipment that is specially designed to destroy potential climate-impacting and toxic process gases directly at the manufacturing tool exhaust interface before they enter general atmospheric or facility lines.

CITY FINANCIAL IMPACTS

Net new sales and use tax to the City for this project of approximately \$43 million over a 10-year period.

Staff will return to Council Finance Committee to discuss a proposed \$250,000 appropriation to support the operational needs associated with this work, including the economic impact analysis, compliance requirements, and other related implementation costs associated with the project.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

None.

ATTACHMENTS / LINKS

1. Economic Impact Analysis Project Go II
2. Presentation
3. Resolution 2026-116

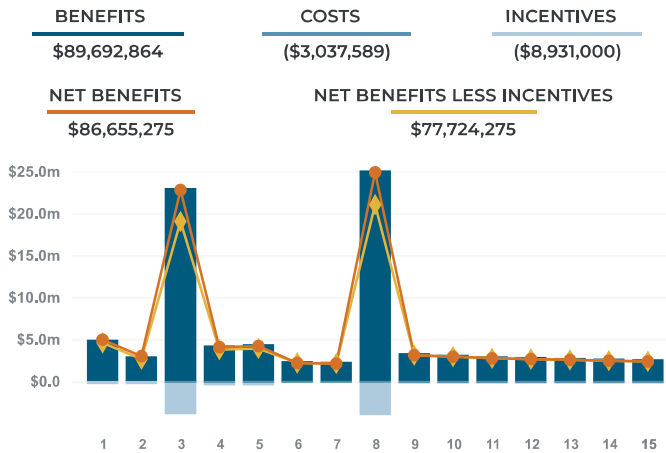


IMPACT REPORT

PROJECT GO II

September 2, 2026

City of Fort Collins



JOB



168.6 Total
103.0 Direct
65.6 Spin-off

SALARIES



\$65,061 Avg
\$79,806 Direct
\$41,894 Spin-off

CAPITAL INVEST.



\$1.5B
Buildings + FF&E

RESIDENTIAL DEV.



3.4 Homes
22.8 Relocations

NET BENEFITS LESS INCENTIVES \$77,724,275

Present Value \$57,110,581

NET BENEFITS \$86,655,275

Present Value \$64,118,268

BENEFITS

Sales Taxes	\$51,956,110
Real Property Taxes	\$20,149,011
FF&E Property Taxes	\$12,462,274
New Residential Property Taxes	\$15,310
Lodging Taxes	\$0
Building Permits and Fees	\$2,213,879
Utility Revenue	\$2,506,376
Miscellaneous Taxes and User Fees	\$389,903

Benefits Subtotal \$89,692,864

COSTS

Cost of Government Services	(\$614,077)
Cost of Utility Services	(\$2,423,511)

Costs Subtotal (\$3,037,589)

INCENTIVES

Sales Tax Rebate - Capital Investment	(\$8,931,000)
---------------------------------------	---------------

Incentives Subtotal (\$8,931,000)

INCENTIVE ANALYSIS

\$8,931,000

Total Incentive

\$86,709

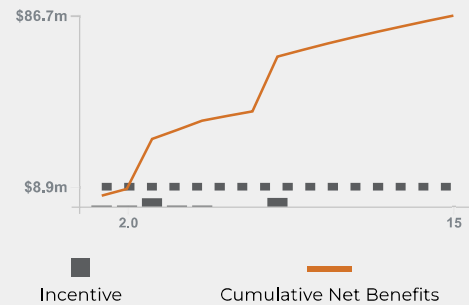
Per Job

64.7%

Rate of Return

2.0 Yrs

Payback Period



NET BENEFITS LESS INCENTIVES OVER 15 YEARS

CITY \$77,724,275

COUNTY \$87,919,730

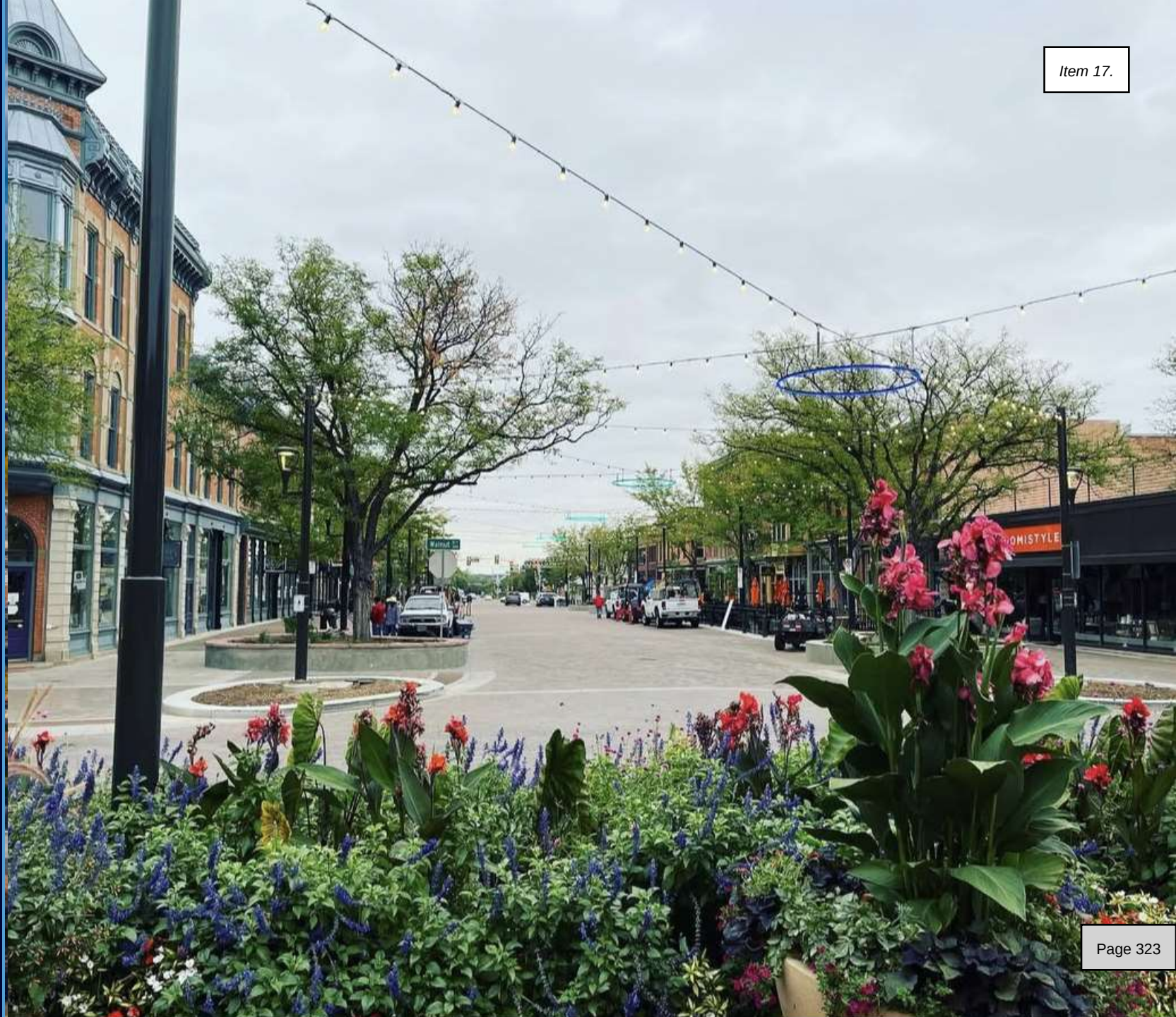
SCHOOL DISTRICT \$180.16M

OTHER \$20,954,316

*Avago Technologies
dba Broadcom
Business Expansion
Economic Incentive*

SeonAh Kendall, CPA

Director, Economic Development





Fort Collins: a healthy, equitable , and resilient community
where people and businesses can thrive

WE ARE ALL FOUNDERS

hp

Established 1939. Reinvented 2015.

SHARE YOUR ASPIRATIONS

ROCK ON!

HPI OF BUST

GO HPI!

HP Inc

WE Will Rock Your

Page 324

U.S. CHIPS Act, 2022

- Rebuild domestic microchip manufacturing
- U.S. invented semiconductor but global production shared has plummeted to roughly 10%
- Bolster national security, counter global supply chain disruptions, and reduce reliance on East Asian supply chains

WHY NOW?

Advanced Manufacturing Investment Credit (AMIC) to Secure Long-Term Chip Manufacturing

- Apple's American Manufacturing Program Commitment to Manufacturing in the U.S.
- Apple's multiyear commitment with Broadcom announcement
- Current AMIC sunsets at the end of 2026

Hewlett Packard came to Fort Collins in 1978

The original Fort Collins wafer fab (Building 2 West) was complete in 1981

Through spin-offs, mergers and acquisitions, HP became Agilent, Avago, and now Broadcom

Broadcom Today

- ❖ Headquartered in San Jose, CA
- ❖ Designer and wafer fabricator of semiconductor technology
- ❖ Has three Colorado sites: Broomfield, Colorado Springs, and Fort Collins
 - Fort Collins has 1,350 employees, across 15 divisions
 - 1,015 employees within the Wireless Services Division (“WSD”)
 - On-campus community college education program with Front Range Community College

PROJECT HISTORY

May 29, 2026	First Time Staff Hear about Potential Expansion
June 4, 2026	Economic Development Director Meets with Broadcom Leadership to Learn More
July 6, 2026	Broadcom Form 8-K Filed with Security and Exchange Commission
July 8, 2026	Apple Announces Broadcom Multiyear Commitment
July 23, 2026	Conceptual Review
September 17, 2026	State of Colorado Economic Development Commission Consideration of CHIPS Zone Tax Incentives
October 6, 2026	Council Consideration - Adoption of Resolution 26-XYZ
XXX	Larimer County Commission Consideration of Business Personal Property Tax Rebates
December 31, 2026	Must Meet AMIC “Significant Physical Work Test”

ECON 3.1: Foster diverse and attractive employment opportunities that support and enhance economic mobility

Retention of 1,000+ quality manufacturing jobs

- ❖ Creation of 100 net-new, benefited, permanent positions
 - Average annual salary (excluding bonus and equity) \$72,000
- ❖ Other estimated jobs
 - 200 indirect and contractor roles (construction and tool moves)

Workforce Development Partnership with Front Range Community College (FRCC)

- ❖ Internal pipeline and skills advancement
- ❖ Associates of Applied Science, Electronic Engineering
 - 57% technicians were hired by internal opportunity

ECON 3.2: Create conditions that support small business, foster economic activity and drive additional sales tax revenue.

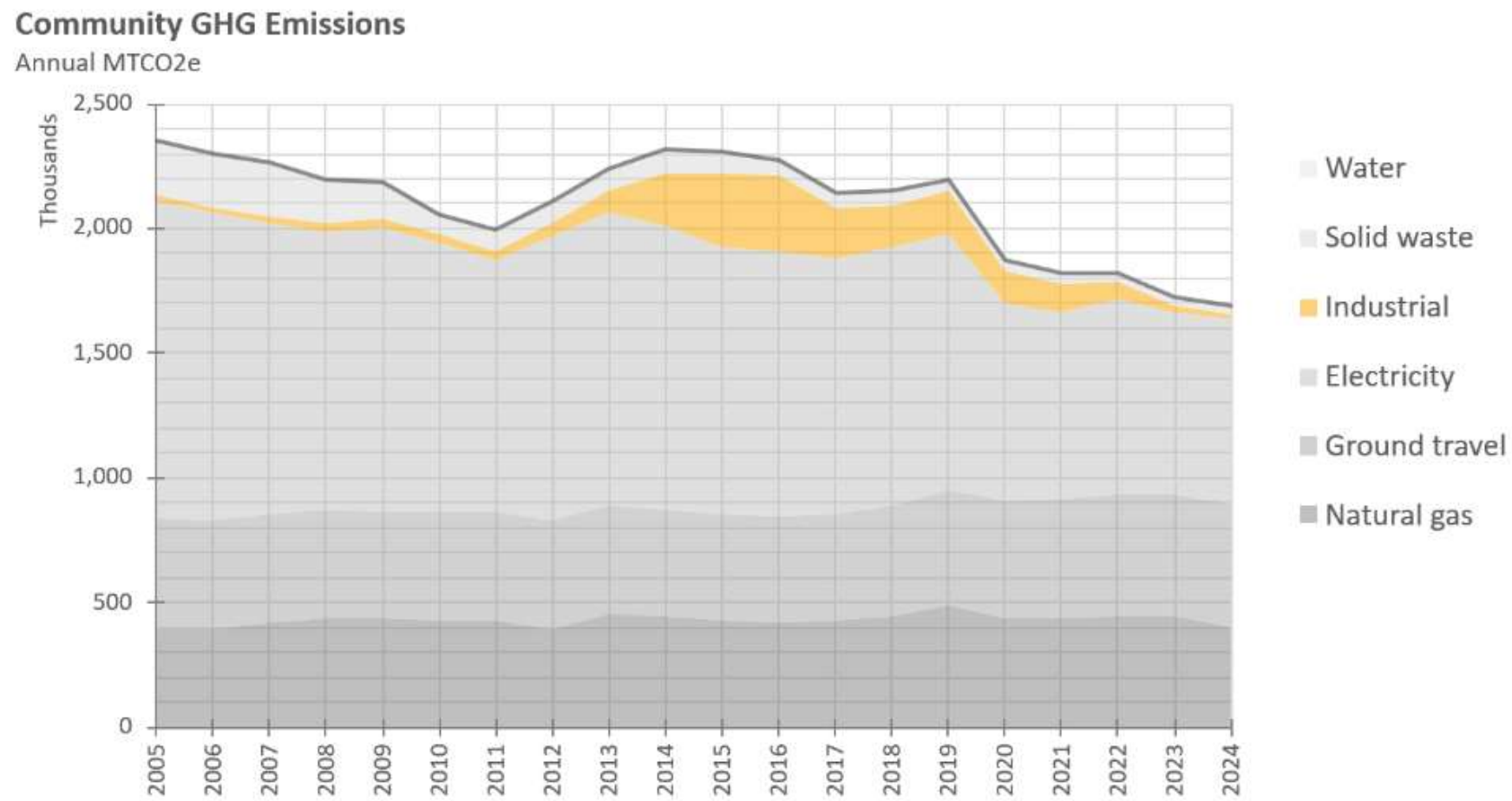
\$1.5 Billion Commitment to the Fort Collins Manufacturing Facility

- Approx. \$554 Million on Clean Room Modernization (Bldg 2) and Building Expansion (Bldg 4)
- Approx. \$946 Million on Manufacturing Equipment, Automation, Research & Development, and Abatement Tools

❖ Potential Sales/Use Tax Revenues to City, Excluding Fees: ~ \$50 Million

- Over a 10-year period (2026 – 2036)
- Potential acceleration dependent on future technology and performance

ENV 4.1: Prioritize and resource actions in the Our Climate Future Plan to advance the City’s greenhouse gas, energy and waste goals; reduce air pollution; and improve community resilience.



Broadcom

New Revenue to City	Total
Construction Use/Sales Tax	\$ 12,049,500
Permit Fees	2,213,879
Mfg, Automation, R&D, Abatement Tools Use/Sales Tax	37,997,250
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Net New Estimated City 1X Revenue	\$ 43,329,629

Source: City of Fort Collins - Economic Health

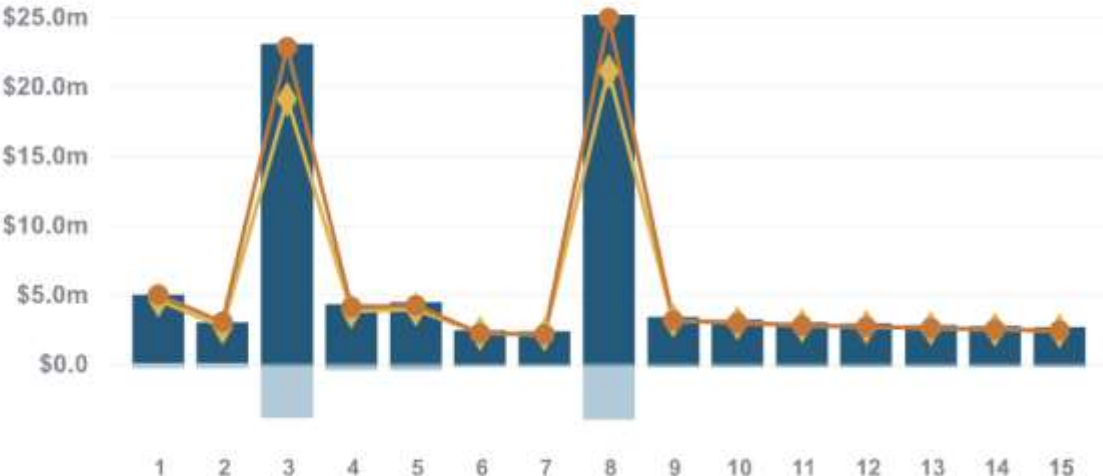
REMINDER: All incentives would be rebates; performance based and require negotiated compliance.
 Numbers reflected under "Incentives" would be an "Up-To" Maximum
 Incentive is only on General Fund (GF) Sales Tax Rate of 2.85% and GF Use Tax Rate of 3%



IMPACT REPORT
PROJECT GO II
September 2, 2026

City of Fort Collins

BENEFITS	COSTS	INCENTIVES
\$89,692,864	(\$3,037,589)	(\$8,931,000)
NET BENEFITS	NET BENEFITS LESS INCENTIVES	
\$86,655,275	\$77,724,275	



JOB



168.6 Total
103.0 Direct
65.6 Spin-off

SALARIES



\$65,061 Avg
\$79,806 Direct
\$41,894 Spin-off

CAPITAL INVEST.



\$1.5B
Buildings + FF&E

RESIDENTIAL DEV.



3.4 Homes
22.8 Relocations

- ❖ U.S. Advanced Manufacturing Investment Credit
- ❖ Colorado Office of Economic Development and International Trade (OEDIT)
 - CHIPS Zone Refundable Tax Credits
- ❖ Larimer County Business Personal Property Tax 50% Rebate over 5 Years
- ❖ Larimer County Economic and Workforce Development Department, Front Range Community College, and Colorado State University Workforce Training



Staff recommends approving the Resolution.



Questions & Thank You

RESOLUTION 2026-116
OF THE COUNCIL OF THE CITY OF FORT COLLINS
APPROVING AN AGREEMENT BETWEEN
AVAGO TECHNOLOGIES WIRELESS MANUFACTURING, LLC AND THE CITY
TO PROVIDE BUSINESS INVESTMENT ASSISTANCE

A. Avago Technologies Wireless Manufacturing, LLC (“Avago”) will be modifying its business campus by remodeling approximately 26,000 square feet in Building 2 and expanding Building 4 by approximately 38,000 square feet for use as a wafer fabrication facility (the “Project”).

B. Avago plans to invest approximately \$1.5 billion in the Project.

C. Avago anticipates that the Project will create approximately 100 jobs earning salaries ranging from \$66,000 to \$135,000 annually, which would provide significant economic development benefit to the community at large.

D. According to preliminary estimates, Avago will also pay City fees and taxes related the Project investment in the approximate amount of \$52,000,000.

E. City staff has been working with Avago to discuss ways in which the City can provide financial assistance to the Project that will enhance the likelihood that the Project will be pursued.

F. City staff applied the City’s Business Assistance Package Incentive Policy, approved by Council on June 2, 2026, by adoption of Resolution 2026-076, providing guidance and a framework in which business assistance proposals may be evaluated to align incentives with adopted economic development goals that encourage high-impact projects to generate quality employment opportunities, expand the tax base, stimulate private investment, and reinforce Fort Collins’ position as a leading regional economy.

G. City staff has prepared for City Council's consideration a proposed agreement between the City and Avago (the “Agreement”), which Agreement sets forth the terms and conditions upon which financial assistance will be provided to Avago by the City and is attached as Exhibit A.

H. City Council finds that this Agreement meets the goals of the Policy by authorizing performance-driven incentives for this Project that support economic growth, reinvestment, redevelopment, and revitalization.

I. Further, City Council has determined that providing financial assistance to the Project is in the best interests of the City and will serve the important public purposes of increasing employment in the City, stabilizing and improving the long-term tax base of the City, and providing additional economic development benefits to the City.

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 hereby finds that providing financial assistance to Avago, upon the terms and conditions contained in the Agreement, is in the best interests of the City and serves the important public purposes of increasing employment within the City, stabilizing and improving the long-term tax base of the City, and promoting economic development within the City.

Section 2. The Agreement, in substantially the form contained in Exhibit A attached hereto and incorporated herein by this reference, is hereby approved by the City Council, subject to such modifications as may be deemed necessary by the City Manager, in consultation with the City Attorney, in order to further the purposes of the Agreement.

Section 3. The City Manager is hereby authorized to execute the Agreement on behalf of the City.

Passed and adopted on October 6, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: October 6, 2026

Approving Attorney: Dianne Criswell

Exhibit: Exhibit A – Business Incentive Agreement for Economic Development
Related to Avago Technologies Building 2 Remodel and Building 4B
Expansion

BUSINESS INVESTMENT AGREEMENT
FOR ECONOMIC DEVELOPMENT
RELATED TO AVAGO TECHNOLOGIES BUILDING 2 REMODEL AND BUILDING 4B
EXPANSION

THIS AGREEMENT is entered into this _____ day of _____, 2026, by and between the City of Fort Collins, Colorado, a home rule municipal corporation (the “City”), and Avago Technologies Wireless (USA) Manufacturing, LLC, a Delaware Company (“Avago”).

RECITALS

WHEREAS, Avago is the owner of property located at 4380 Ziegler Road in the City that is more fully described in Exhibit A and incorporated herein by this reference (the “Property”); and

WHEREAS, Avago has committed to redeveloping the Property by retrofitting Building 2 on the Property to include a 26,000 square foot clean room remodel and the expansion of Building 4, a 38,000 square foot expansion wafer fabrication facility (“Building 4B”) within that building (the “Project”); and

WHEREAS, the building on the Property to be retrofitted is known as Building 2 and the building on the Property to be expanded is known as Building 4B are both identified on Exhibit A as BLDG 2 and BLDG 4B; and

WHEREAS, this Project, which consists of the retrofitting of Building 2 and the expansion of Building 4B, will enable the City to better maintain its place as the regional business and manufacturing center of Northern Colorado in the face of competing facilities that could otherwise draw significant employment opportunities away from the Fort Collins community; and

WHEREAS, Avago estimates that its total investment in the Project will be \$1.5 billion (including both construction and equipment purchases) and will create approximately 100 jobs earning salaries ranging from \$66,000 to \$135,000 annually, and which will provide significant economic benefit to the community at large; and

WHEREAS, the City’s Economic Development Department estimates that the Project will generate a substantial increase in tax revenue for the City with the capital expansion consisting of approximately: (i) \$554,000,000 in taxable construction purchases subject to sales and use tax; and (ii) \$946,000,000 in taxable manufacturing, automation, and research and development equipment purchases subject to sales and use tax; and

WHEREAS, according to the research and analysis of the Economic Development Department, the successful construction of this Project will prevent high-paying primary jobs from leaving Fort Collins to other sites; and

WHEREAS, according to the Economic Development Department, the Project will bring a type of chip manufacturing to the City that has primarily occurred off-shore; and

WHEREAS, Avago has requested that the City enter into a business investment agreement for economic development; and

WHEREAS, based on Avago's representations that the Project will (i) expand the current high-quality wafer fabrication facility that will be owned and operated by Avago, (ii) generate new primary jobs, and (iii) have a reasonable expectation of long-term operations in the City; and

WHEREAS, in order to encourage the Project, the City Council has determined, through the adoption of Resolution 2026-116 on October 6, 2026, that it is in the best interests of the City to provide a package of financial assistance for the Project consisting of two components: the rebate by reimbursement of new sales and/or use tax revenues generated by the Project to retrofit and expand Buildings 2 and 4B by purchase or acquisition of Eligible Construction materials, to install Eligible Equipment therein, and to incur Eligible Expenses for the Project; and

WHEREAS, the City Council has further determined, through the adoption of Resolution 2026-116, that providing financial assistance described in this Agreement to Avago will serve the important public purposes of increasing employment in the City, stabilizing and improving the long-term tax base of the City, and providing additional economic development benefits to the City; and

NOW, THEREFORE, in consideration of the promises contained in this Agreement, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereto agree as follows.

SECTION 1. DEFINITIONS

Abatement Equipment means any equipment used to eliminate, prevent, or reduce air or water pollutants emitted resulting from the manufacturing process. This includes, but is not limited to, acid scrubbers, thermal oxidizers, volatile organic compounds ("VOC") abatement systems, point-of-use abatement, and industrial wastewater neutralization systems.

Application for Project Rebates means the application process for Project Rebates using City approved forms consistent with the form attached as Exhibit B. An Application for Project Rebates is the exclusive process for Project Rebates, in lieu of any application per Code Section 25-65.

Automation Equipment means control systems, sensors, software, robotic arms, and other technologies and systems to perform a specific function or task with minimal human intervention.

Avago means Avago Technologies Wireless (U.S.A.) Manufacturing, LLC, a Delaware Company.

Building 2 and Building 4B mean those buildings identified as BLDG 2 and BLDG 4B on Exhibit A, attached hereto.

Charter means the Home Rule Charter of the City.

City means the City of Fort Collins, Colorado, a home rule municipal corporation.

Climate Control Systems means heating, ventilation, and air conditioning systems to regulate the indoor environment.

Code means the Code of the City of Fort Collins.

Development Agreement means, as applicable, that agreement which is required when plans, profiles and specifications have been approved by the City pursuant to the Land Use Code.

Eligible Construction Materials has the same meaning as “construction materials” is defined in Code Section 25-71 that are necessary for the Project.

Eligible Equipment and Expenses means Manufacturing Equipment installed or delivered to the Property no later than December 31, 2036, R&D Expenses, Abatement Equipment, Climate Control Systems, and Automation Equipment that are necessary for the Project.

Land Use Code means the Fort Collins Land Use Code.

Manufacturing has the same meaning as “manufacturing” is defined in Code Section 25-71.

Manufacturing Equipment has the same meaning as “manufacturing equipment” is defined in Code Section 25-71.

Project means Avago’s retrofit of the existing Building 2 and the expansion of Building 4B for use as Wafer Fabrication Facilities.

Project Rebate means the amount of remitted or paid Project Taxes to be rebated by the City to Avago, pursuant to Section 3 of the Agreement for Eligible Equipment and Expenses and Section 4 of the Agreement for Eligible Construction Materials, and applies only to those Project Taxes that are collected from unrestricted and undedicated rates, per Code Section 25-75; Project Rebates are provided, by definition, as being in lieu of rebates or payments per Code Section 25-67 and 25-68.

Project Taxes means the amount of sales and use tax owed to the City for purchases or acquisitions by Avago of Eligible Construction Materials or Eligible Equipment and Expenses.

Wafer Fabrication Facilities means an approximately 26,000 square foot Wafer fabrication facility retrofitted in Building 2 and an approximately 38,000 square foot Wafer fabrication facility expansion in Building 4B as a result of the Project.

Research and Development Expenses (“R&D Expenses”) means the purchase or acquisition of tangible personal property by Avago for the purposes of the development, refinement, testing, marketing, and commercialization of Wafers before commercial sales thereof have begun.

Wafer means a semiconductor disc.

SECTION 2. REPRESENTATIONS AND COVENANTS

2.1. The City represents and covenants that:

- 2.1.1. The City is a home rule municipal corporation of the State of Colorado.
- 2.1.2. There is no litigation or administrative proceeding pending or, to the knowledge of the City, threatened, seeking to question the authority of the City to enter into or perform this Agreement.
- 2.1.3. The City reasonably believes that it has the authority, and assuming such authority, the City Council has properly and regularly authorized the City to enter into the Agreement.

2.2. Avago represents and covenants that:

- 2.2.1. Avago is a company, duly organized and validly existing under the laws of the State of Colorado, is authorized to do business in the State of Colorado, is not in violation of any provisions of its organizational documents or, to its knowledge, the laws of the State of Colorado.
- 2.2.2. Avago has the power and legal right to enter into the Agreement and has duly authorized the execution, delivery and performance of this Agreement by proper action, which Agreement will be enforceable against Avago in accordance with its terms.
- 2.2.3. The consummation of transaction contemplated by this Agreement will not violate any provision of the governing documents of Avago or, to its knowledge, constitute a default or result in the breach of any term or provision of any contract or agreement to which Avago is a party or by which it is bound.
- 2.2.4. To its knowledge, there is no litigation, proceeding, or investigation contesting the power of authority of Avago with respect to the Project or this Agreement, and Avago is unaware of any such litigation, proceeding, or investigation has been threatened.

- 2.2.5. Avago acknowledges that the Project Rebates in this Agreement are the exclusive manufacturing equipment use tax rebate for the Project, in lieu of the City's rebate program pursuant to Division 5 of Article II, Chapter 25 of the Code.
- 2.2.6. Avago will submit a Site Plan to the City in accordance with all applicable procedures set forth in the Land Use Code. Avago will redevelop the Property with appropriate care and diligence and cause the Project to be constructed in a manner consistent with the Site Plan, as approved in accordance with the Land Use Code.
- 2.2.7. In retrofitting and expanding Building 2 and Building 4B, Avago will comply with all applicable zoning and land use requirements and other applicable federal, state, county, and City statutes, rules, regulations and ordinances.
- 2.2.8. Avago intends to operate, or cause to operate, Building 2 and Building 4B as a high-quality Wafer Fabrication Facilities for a period of not less than ten years following the earlier date of the issuance of a certificate of occupancy or letter of completion of a phase of construction from the City for each Building 2 and Building 4B or December 31, 2036.
- 2.2.9. Avago will cooperate with the City in taking reasonable actions to defend against any litigation brought by a third party concerning the Project or this Agreement.

SECTION 3. PROJECT REBATES FOR ELIGIBLE EQUIPMENT AND EXPENSES

- 3.1. The City will collect the sales and use taxes for Eligible Equipment and Expenses purchased or acquired by Avago for the Project in the same manner as the City collects other sales and use taxes owed to the City. Nothing in this Agreement will be construed as imposing upon the City any obligation to exert special efforts in the collection of these revenues.
- 3.2. To the extent permitted by the constitution and laws of the State of Colorado and the Charter, the City will rebate to Avago a portion of the Project Taxes remitted or paid for the purchase or acquisition of Eligible Equipment and Expenses as Project Rebates under the terms and conditions of this Section 3 and Agreement. Project Rebates for Eligible Equipment and Expenses may only be made from the portions of Project Taxes collected from the unrestricted and undedicated City sales and tax rates, per Code Section 25-75.

3.3. The City will provide Avago maximum Project Rebates of twenty-five percent (25%) of Project Taxes remitted or paid (unrestricted and undedicated portions) for Manufacturing, R&D Expenses, Climate Control Systems, and Automation Equipment that are necessary for the Project, and one hundred percent (100%) for Abatement Equipment that is necessary for the Project, in an amount not to exceed a total of six million nine hundred fifty-seven thousand (\$6,957,000) for Eligible Equipment and Expenses purchased or acquired for the period beginning the date of execution of this Agreement and ending on December 31, 2036: the "Maximum EE&E Rebate."

3.4. Avago shall apply for Project Rebates for Eligible Equipment and Expenses in accordance with the provisions of this Agreement and this Section 3, including this Subsection 3.4.

3.4.1. Project Rebates are based, in part, on Avago meeting its targeted employment, which will increase and maintain employment opportunities within the City. Specifically, Avago has agreed that it will meet a minimum target for employment for Avago's Wireless Services Division (WSD), within the City, of 1,115 employees, including External Temporary Workers ("Employees"). Until Avago's WSD employment levels have reached its pledge of meeting 1,115 Employees within the City in accordance with paragraph 3.4.2., by December 31, 2033, the City shall retain a total amount not to exceed \$500,000 (the "Retention") from Project Rebates for Eligible Equipment and Expenses for purchases or acquisitions thereof. Avago and the City agree that the Retention is a one-time cumulative holdback applied across initial rebate claims until satisfied, and is not a recurring or annual deduction.

3.4.2. The Retention for paragraph 3.4.1. is \$500,000; the City may not release the Retention to Avago until employment pledges have been met; provided, however, that the Retention shall be released to Avago on a pro-rata basis in increments of One Hundred Thousand Dollars (\$100,000) for each twenty percent (20%) increment achieved toward the net increase required to reach 1,115 Employees from the baseline headcount as of the execution date of this Agreement. Any remaining balance of the Retention shall be released immediately to Avago upon achieving 1,115 Employees.

3.4.3. A sample application form for Project Rebates for Eligible Equipment and Expenses is attached hereto as Exhibit B. The City will also provide an employment report form to Avago, which must be filed with any Application for Project Rebates for Eligible Equipment and Expenses.

3.4.4. Avago must file Applications for Project Rebates for Eligible Equipment and Expenses, and supporting documentation, on forms provided by the City, per the schedule below.

EE&E: Purchased or Acquired by Avago	Avago Application & Documentation Deadline	City Verification	First Reading of Appropriation to begin Payment Process
Signed agreement – December 31, 2026	March 31, 2027	March 31, 2027 – October 31, 2027	First Reading of appropriation Ordinance by October 31, 2027
January 1, 2027 – December 31, 2027	March 31, 2028	March 31, 2028 – October 31, 2028	First Reading of appropriation Ordinance by October 31, 2028
January 1, 2028 – December 31, 2028	March 31, 2029	March 31, 2029 – October 31, 2029	First Reading of appropriation Ordinance by October 31, 2029
January 1, 2029 – December 31, 2029	March 31, 2030	March 31, 2030 – October 31, 2030	First Reading of appropriation Ordinance by October 31, 2030
January 1, 2030 – December 31, 2030	March 31, 2031	March 31, 2031 – October 31, 2031	First Reading of appropriation Ordinance by October 31, 2031
January 1, 2031 – December 31, 2031	March 31, 2032	March 31, 2032 – October 31, 2032	First Reading of appropriation Ordinance by October 31, 2032
January 1, 2032 – December 31, 2032	March 31, 2033	March 31, 2033 – October 31, 2033	First Reading of appropriation Ordinance by October 31, 2033
January 1, 2033 – December 31, 2033	March 31, 2034	March 31, 2034 – October 31, 2034	First Reading of appropriation Ordinance by October 31, 2034
January 1, 2034 – December 31, 2034	March 31, 2035	March 31, 2035 – October 31, 2035	First Reading of appropriation

			Ordinance by October 31, 2035
January 1, 2035 – December 31, 2035	March 31, 2036	March 31, 2036 – October 31, 2036	First Reading of appropriation Ordinance by October 31, 2036
January 1, 2036 – December 31, 2036	March 31, 2037	March 31, 2037 – October 31, 2037	First Reading of appropriation Ordinance by October 31, 2037

The City shall make reasonable efforts to make payment of all approved Project Rebates to Avago, per Section 3 and the Agreement by initiating an Automated Clearing House (ACH) payment within thirty (30) calendar days after the effective date of a Project Rebate appropriation Ordinance. Per Article II, Section 7 of the City Charter, the effective date of an ordinance is ten days after second reading and final passage by Council. To facilitate expedited payment, Avago will take the typical actions necessary to process expedited payments from the City, including the establishing payment by ACH, registering as a “vendor” with the City, and filing Form W-9.

SECTION 4. PROJECT REBATES FOR ELIGIBLE CONSTRUCTION MATERIALS

4.1 The City will collect the sales and use taxes for the Eligible Construction Materials purchased or acquired by Avago for the Project in the same manner as the City collects other sales and use taxes owed to the City. Nothing in this Agreement will be construed as imposing upon the City any obligation to exert special efforts in the collection of these revenues.

4.2 To the extent permitted by the constitution and laws of the State of Colorado and the Charter, the City will rebate to Avago a portion of the Project Taxes remitted or paid for the purchase or acquisition of Eligible Construction Materials as Project Rebates under the terms, conditions, and application processes of this Section 4 and the Agreement. Project Rebates for Eligible Construction Materials may only be made from the portions of Project Taxes collected from the unrestricted and undedicated City sales and tax rates, per Code Section 25-75.

4.3 The City will provide Avago maximum Project Rebates of twenty-five percent (25%) of Project Taxes remitted or paid (unrestricted and undedicated portions only) for Eligible Construction Materials, not to exceed a total of One Million Nine Hundred Seventy-Four Thousand (\$1,974,000) for Eligible Construction Materials purchased or acquired for the period beginning the date of execution of this Agreement and ending on the earlier of issuance of evidence from the City approval or certification of completion by Avago of a construction for core, shell, and build-out phases: the “Maximum ECM Rebate.”

4.4 Avago acknowledges that the issuance of certificate of occupancy or letter of completion for a construction phase for Building 2 and Building 4B is a condition precedent to be eligible for Project Rebates for Eligible Construction Materials for each building, respectively. The City is not obliged to pay Project Rebates for Project Taxes collected for purchases or acquisitions of Eligible Construction Materials if a certificate of occupancy or letter of completion for a construction phase for Building 4B or Building 2 for each building is not issued by December 31, 2036.

4.5 Avago must file Applications for Project Rebates for Eligible Construction Materials, with sample forms for Project Taxes remitting or paid for Eligible Construction Materials attached hereto as Exhibit C, and supporting documentation, per the schedule below when a construction phase for each building is completed, when a certificate of occupancy or letter of completion is issued. An Application is not necessary for period in which a construction phase has not been completed. In addition to the schedule below, upon final construction project reconciliation for all phases, Avago may file a final Application for Project Rebates for Eligible Construction Materials by March 31st following the year in which the City finishes the final project reconciliation.

Construction Materials – if a construction phase is completed within the period specified	Avago Application & Documentation Deadline	City Verification & Appropriation	Payment Issuance
Signed agreement – December 31, 2026	March 31, 2027	March 31, 2027 – October 31, 2027	First Reading of appropriation Ordinance by October 31, 2027
January 1, 2027 – December 31, 2027	March 31, 2028	March 31, 2028 – October 31, 2028	First Reading of appropriation Ordinance by October 31, 2028
January 1, 2028 – December 31, 2028	March 31, 2029	March 31, 2029 – October 31, 2029	First Reading of appropriation Ordinance by October 31, 2029
January 1, 2029 – December 31, 2029	March 31, 2030	March 31, 2030 – October 31, 2030	First Reading of appropriation Ordinance by October 31, 2030
January 1, 2030 – December 31, 2030	March 31, 2031	March 31, 2031 – October 31, 2031	First Reading of appropriation

			Ordinance by October 31, 2031
January 1, 2031 – December 31, 2031	March 31, 2032	March 31, 2032 – October 31, 2032	First Reading of appropriation Ordinance by October 31, 2032
January 1, 2032 – December 31, 2032	March 31, 2033	March 31, 2033 – October 31, 2033	First Reading of appropriation Ordinance by October 31, 2033
January 1, 2033 – December 31, 2033	March 31, 2034	March 31, 2034 – October 31, 2034	First Reading of appropriation Ordinance by October 31, 2034
January 1, 2034 – December 31, 2034	March 31, 2035	March 31, 2035 – October 31, 2035	First Reading of appropriation Ordinance by October 31, 2035
January 1, 2035 – December 31, 2035	March 31, 2036	March 31, 2036 – October 31, 2036	First Reading of appropriation Ordinance by October 31, 2036
January 1, 2036 – December 31, 2036	March 31, 2037	March 31, 2037 – October 31, 2037	First Reading of appropriation Ordinance by October 31, 2037

The City shall make reasonable efforts to make payment of all approved Project Rebates to Avago, per Section 4 and the Agreement, by initiating an Automated Clearing House (ACH) payment within thirty (30) calendar days after the effective date of a Project Rebate appropriation Ordinance. Per Article II, Section 7 of the City Charter, the effective date of an ordinance is ten days after second reading and final passage by Council. To facilitate expedited payment, Avago will take the typical actions necessary to process expedited payments from the City, including the establishing payment by ACH, registering as a “vendor” with the City, and filing Form W-9.

SECTION 5. GENERALLY APPLICABLE REQUIREMENTS OR CONDITIONS

5.1 The City will collect the sales and use taxes for Eligible Equipment and Expenses or Eligible Construction Materials purchased or acquired by Avago or on behalf of Avago for the Project in the same manner as the City collects other sales and use taxes owed to the City. Nothing in this Agreement will be construed as imposing upon the City any obligation to exert special efforts in the collection of these revenues.

5.2 To the extent permitted by the constitution and laws of the State of Colorado and the Charter, the City will rebate to Avago a portion of the Project Taxes remitted or paid for the purchase or acquisition of Eligible Equipment and Expenses or Eligible Construction Materials as Project Rebates under the terms and conditions of this Agreement.

5.3 The City may only provide Avago with Project Rebates for purchases and acquisitions of Eligible Equipment and Expenses and Eligible Construction Materials for which Avago files a complete and timely Application, including supporting documentation. The City will not consider incomplete Applications and supporting documentation to be properly and timely filed; however, the City may not unreasonably reject an Application and supporting documentation as incomplete.

5.4 Project Taxes must have been paid or remitted to the City prior to Avago submitting an Application for the period specified, as evidenced by supporting documentation, to be eligible for Project Rebate. If Project Taxes are not paid or remitted, the City is not obliged under this Agreement to make associated Project Rebate payments.

5.4.1 To the extent the City determines, during subsequent verification of the Application, that a vendor failed to remit sales tax billed to Avago, the City will deny those unverifiable Project Taxes to Avago, as detailed on forms provided to Avago by the City, and Avago may then request Project Rebates for those unverified Project Taxes during the following year's rebate Application and the City, if verified and meet the other provisions of Sections 3 or 4 of this Agreement, will provide an out-of-cycle Project Rebate therefore, if sales taxes for those previously unverified Project Taxes are remitted to the City prior to the deadline for that subsequent Application.

5.5 To the extent that matters arise that are outside the control of Avago which impact its ability to meet the Application for Project Rebate deadlines specified in Sections 3 and 4 of this Agreement, Avago may submit a request for an extension for the Application filing deadlines to the City. Avago shall submit such extension requests by the Application deadline in Sections 3 and 4 of this Agreement for that specified period, as well as providing context for the circumstances necessitating the late filing. The City may not unreasonably deny Avago's request to extend a deadline to file an Application. Any extension the City grants for a late filing similarly extends the City's period to verify a late Application and to make payments after appropriation. Depending on the length of an extension granted to Avago, longer extension will also extend the City's verification and payment deadlines for the next period.

5.6 Notwithstanding the Maximum EE&E Rebate in Section 3 and the Maximum ECM Rebate in Section 4 of this Agreement, the City will not be required to pay to Avago any Project Rebates greater than Project Taxes actually remitted or paid to the City for the Project. Avago acknowledges that the generation of Project Taxes is entirely dependent on Avago investment of Eligible Equipment and Equipment and Eligible Construction Materials in the Project and Building 2 and Building 4B and agrees that the City is in no way responsible for the amount of Project Taxes actually collected.

5.7 The City, in its sole discretion, may pre-pay any amount of Project Rebates without prepayment penalties.

5.8 Interest earned, if any, on Project Taxes held by the City until payment of the Project Rebates is made to Avago will belong to the City.

5.9 Avago agrees to comply with all City codes, ordinances, resolutions and regulations, and to pay all taxes, fees and expenses due to the City under the Code, the City's Land Use Code or this Agreement, subject to any variances or modifications of standards that may be granted to Avago under the Code or the City's Land Use Code, and to comply with the terms and conditions of any Development Agreement. If Avago is in violation of the provisions of the Code, the City's Land Use Code, this Agreement or the Development Agreement pertaining to the Project, the City will provide written notice to Avago of such violation, and allow the Avago a period of ninety (90) days in which to cure such violation. The City may thereafter withhold any payments of Project Rebates due to Avago under this Agreement until such time as the violations are cured or abated. Notwithstanding anything to the contrary in this Agreement or any prior agreement, the City agrees that routine maintenance, repair, inspection, or operational matters arising under separate site, utility, or prior development agreements shall be addressed and resolved exclusively under the remedies provided in those respective underlying agreements and shall not constitute a default or violation under this Agreement, nor serve as grounds for withholding, conditioning, or delaying any Project Rebates hereunder.

5.10 In addition to the foregoing, the City, at its option, may, after the notice and after the expiration of the cure period if such violations have not been cured or abated, apply any Project Rebates that would otherwise be payable to Avago under this Agreement to any unpaid amounts theretofore due and payable to the City by Avago under this Agreement, the Code, the Land Use Code, or the Development Agreement, in which event Avago will be credited with the full amount of any such payments; provided, however, that the City shall not exercise any right of offset under this Section 5.8 for unliquidated, disputed, or routine maintenance claims arising under separate or prior agreements.

5.11 The parties agree that the obligations of the City do not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation or provision. The obligations of the City for payment of the Project Rebates under this Agreement are from year to year only and are subject to annual appropriation; these obligations do not constitute a mandatory payment obligation of the City in any fiscal year beyond the present fiscal year. This Agreement does not directly or indirectly obligate the City to make any payments of Project Rebates beyond those for which funds have been appropriated for any fiscal year in which this Agreement is in effect. The City Manager (or any other officer or employee at the time charged with the responsibility of formulating budget proposals) is hereby directed to include in the budget proposals and appropriation ordinances submitted to the City Council, in each year prior to expiration of this Agreement, amounts sufficient to meet its obligations hereunder, but only if it receives such amounts in the form of Sales and Use Tax Revenues, it being the intent, however, that the decision as to whether to appropriate such amounts is in the discretion of the City Council.

SECTION 6. RECORDS AND AUDITS

6.1. Avago must keep true, accurate and complete records of all Eligible Equipment and Expenses and Eligible Construction Materials purchased or used, which records will be available for inspection by the City without unreasonable delay and without expense. Further, the City will require Avago to submit all evidence of purchases for which sales tax has been collected and remitted by a retailer or vendor to the City; the City will not accept any rebate requests for which records of sales are not submitted, nor will it seek any records from third parties. Avago agrees that the City has the right, through its duly authorized agents or representatives, to examine all such records relating to a submitted Application upon ten (10) days' notice at all reasonable times, for the purpose of determining the accuracy and propriety of the financial representations which have been made by Avago. This right of review terminates three (3) years after the termination of the later of the City's payments of Project Rebates as provided in Sections 3 and 4 of this Agreement. In the event that the City becomes the custodian of any such records which may contain trade secrets or confidential or proprietary information, and are so marked, the City will, to the extent permitted by law, protect the confidentiality of such information and deny any request for inspection of such records.

6.2. The City will keep, or cause to be kept, true, accurate and complete records of all calculations relating to Project Taxes; interest credited to these amounts; the Project Rebates and

such other calculations, allocations and payments required by this Agreement, and will make such records available for inspection by Avago upon ten (10) days' notice at all reasonable times, to the extent permitted by law.

SECTION 7. RESTRICTIONS ON ASSIGNMENT

7.1. The qualifications of Avago are of particular concern to the City. Therefore, no voluntary or involuntary successor in interest of Avago shall acquire any rights or powers under this Agreement except as expressly set forth herein and Avago will not assign all or any part of this Agreement except as follows:

- 7.1.1. with the prior written approval of the City Council upon acquisition or sale of substantially all assets of Avago;
- 7.1.2. as collateral to a lender in connection with the financing of the Project;
- 7.1.3. after the City's payment obligations as described in Sections 3 and 4 of this Agreement have terminated; or
- 7.1.4. after notice to the City, per paragraph 7.2, from a parent company, subsidiary, affiliate, or successor entity resulting from a corporate reorganization or merger of such assignment, provided that such entity acknowledges in its notice to the City that it will assume all obligations of Avago under this Agreement..

7.2. Avago must notify the City within fifteen (15) days of any and all changes whatsoever in the identity of the parties in control of Avago, or the degree thereof, of which it or any of its officers have been notified or otherwise have knowledge or information.

SECTION 8. EVENTS OF DEFAULT; REMEDIES

8.1. Default or an event of default by Avago mean one or more of the following events:

- 8.1.1. Any representation or warranty made in this Agreement by Avago was materially inaccurate when made or shall prove to be materially inaccurate;
- 8.1.2. Avago assigns or attempts to assign this Agreement in violation of Section 7 of this Agreement; or
- 8.1.3. Avago fails to substantially observe or perform any other material covenant, obligation or agreement required under this Agreement.

8.2. Upon the occurrence of any event of default, the City shall provide written notice to Avago. Avago must immediately proceed to cure or remedy such default, and in any event, such default shall be cured within thirty (30) days after receipt of the notice, or such longer time

as the City and Avago agree in writing. Upon the failure of Avago to so cure any such default, the City shall have all remedies available to it, in law or in equity, excluding specific performance.

8.3. Default or an event of default by the City shall mean one or more of the following events:

- 8.3.1. Any representation or warranty made in this Agreement by the City was materially inaccurate when made or shall prove to be materially inaccurate;
- 8.3.2. The City fails to pay the Project Rebates as and when provided in this Agreement (except to the extent such failure is the result of the action, inaction or failure of Avago to document liability for, collect, account for or pay the Project Taxes or other taxes or fees due to the City).
- 8.3.3. The City fails to pay or perform any other material covenant, obligation or agreement required of it under this Agreement.

8.4. Upon the occurrence of any event of default, Avago will provide written notice to the City. The City must immediately proceed to cure or remedy such default, and in any event, such default shall be cured within thirty (30) days after receipt of the notice, or such longer time as the City and Avago agree in writing. Upon the failure of the City to so cure any such default, Avago will have all remedies available to it, in law or in equity, including, but not limited to, specific performance.

SECTION 9. NOTICES

9.1. All notices required or permitted hereunder shall be in writing and shall be effective upon mailing, deposited in the United States Mail, postage prepaid, and addressed to the intended recipient as follows. Any party can change its address by written notice to the other given in accordance with this paragraph.

- 9.1.1. City of Fort Collins: City of Fort Collins
Attention: City Manager
300 LaPorte Avenue
Fort Collins, CO 80522-0580
- 9.1.2. With a copy to: City of Fort Collins
Attention: City Attorney
300 LaPorte Avenue
Fort Collins, CO 80522-0580
- 9.1.3. Avago: Avago Technologies
Attention: General Counsel
350 W. Trimble Road

San Jose, California 95131

9.1.4. With a copy to: Carrie Pelton
Avago Technologies
4380 Ziegler Rd.
Fort Collins, CO 80525

SECTION 10. MISCELLANEOUS

10.1. Binding Effect. This Agreement inures to the benefit of and is binding upon the City and Avago and Avago's assignees which are permitted pursuant to Section 7 of this Agreement.

10.2. No Third-Party Beneficiaries. The City is not obligated or liable under the terms of this Agreement to any person or entity not a party hereto except any assignee permitted pursuant to Section 7 of this Agreement. Further, the City is not bound by any contracts or conditions that Avago may negotiate with third parties related to the Project.

10.3. Interpretation, Jurisdiction and Venue. This Agreement is being executed and delivered and is intended to be performed in the State of Colorado, and the laws of Colorado govern the validity, construction, enforcement and interpretation of this Agreement. Exclusive jurisdiction and venue for resolution of any dispute arising hereunder will be in the Larimer County, Colorado District Court.

10.4. Entire Agreement. This Agreement embodies the whole agreement of the parties concerning financial assistance by the City for the Project. Although it is anticipated there will be at least one other agreement governing general development issues related to the Project, there are no promises, terms, conditions, or obligations other than those contained herein exist with respect to the financial assistance package. This Agreement supersedes all provisions, communications, representations, or agreement, either verbal or written, between the parties with respect to the financial assistance package.

10.5. Waiver of Breach. A written waiver by either party to this Agreement of the breach of any term or provision of this Agreement will not operate or be construed as a waiver or any subsequent breach by another party.

10.6. Article and Section Captions. The captions of the articles and sections of this Agreement are set forth only for the convenience and reference of the parties and are not intended in any way to define, limit, or describe the scope or intent of this Agreement.

10.7. City and Avago Not Partners. Notwithstanding any language in this Agreement, the City is not a member, partner, or joint venturer of Avago, and the City shall not be responsible for any debt or liability of Avago or its contractors or agents. Avago is not responsible for any debt or liability of the City or their contractors or agents.

10.8. Severability. If any portion or portions of this Agreement are determined to be illegal or unenforceable, the remainder of this Agreement will not be affected thereby and will remain in full force and effect as if such illegal or unenforceable portion or portions did not exist. If all or any portion of the payments required by the terms of this Agreement are determined, by a court of competent jurisdiction in a final non-appealable judgment, to be contrary to public policy or otherwise precluded, and if the decision of such court clearly indicates how the payments may be made differently and in a manner that is legal, valid and enforceable, then the Parties will utilize their reasonable, best, good faith efforts to promptly restructure and/or amend this Agreement in accordance with such court decision, or to enter into a new agreement, to assure, to the extent legally permissible, that all payments are made to Avago as contemplated by this Agreement.

10.9. Originals. This Agreement may be simultaneously executed in any number of counterparts, each of which will be deemed original but all of which constitute one and the same Agreement.

10.10. Joint Draft. The parties agree they drafted this Agreement jointly with each having the advice of legal counsel and an equal opportunity to contribute to its content.

IN WITNESS WHEREOF, the City and Avago have executed this Agreement as of the date first above written.

Signatures on following page.

CITY OF FORT COLLINS, COLORADO
a municipal corporation

By: _____
City Manager

Attest:

City Clerk

Approved as to form:

Deputy City Attorney

Manufacturing LLC

Avago Technologies Wireless (USA)
a Delaware corporation

By: _____
Name and title

EXHIBIT A

PROPERTY DESCRIPTION:

LOT 2, PRESTON—KELLEY 2ND SUBDIVISION, AS PER THE PLAT THEREOF RECORDED OCTOBER 28, 1999 AT RECEPTION NO. 99093260, COUNTY OF LARIMER, STATE OF COLORADO.

A TRACT OF LAND BEING PART OF PRESTON—KELLEY SUBDIVISION AND BEING LOCATED IN THE SOUTHWEST QUATER OF SECTION 33, TOWNSHIP 7 NORTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE WEST LINE OF THE SOUTHWEST QUATER OF SECTION 33, BEING MONUMENTED AT THE SOUTHWEST CORNER BY A LARIMER COUNTY BRASS CAP, AND AT THE WEST QUATER CORNER BY A ALUMINUM CAP STAMPED (LS 17497) WITH A LINE BETWEEN ASSUMED TO BEAR SOUTH 00°00'11" WEST, AND WITH ALL BEARINGS HEREIN RELATIVE THERETO.

COMMENCING AT THE WEST QUATER CORNER OF SAID SECTION 33, THENCE ALONG THE WEST LINE OF SAID SOUTHWEST QUATER SOUTH 00°00'11" WEST 381.60 FEET, THENCE DEPARTING SAID WEST LINE, NORTH 89°50'11" EAST 50.00 FEET TO A POINT ON THE EAST RIGHT OF WAY FOR SOUTH COUNTY ROAD 9 (AKA: ZIEGLER ROAD) SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 2, PRESTON—KELLEY 2ND SUBDIVISION, AND THE **POINT OF BEGINNING**; THENCE ALONG THE NORTH LINE OF SAID LOT 2 THE FOLLOWING THREE (3) COURSES: 1) NORTH 89°50'11" EAST 1152.66 FEET; 2) SOUTH 45°09'49" EAST 70.71 FEET; 3) NORTH 89°50'11" EAST 150.25 FEET TO THE NORTHEAST CORNER OF LOT 2, ALSO BEING THE NORTHWEST CORNER OF LOT 1, SAID PRESTON—KELLEY 2ND SUBDIVISION, THENCE ALONG THE WEST LINE OF SAID LOT 1 AND THE EAST LINE OF SAID LOT 2, THE FOLLOWING EIGHTEEN (18) COURSES: 1) SOUTH 00°09'49" EAST 510.80 FEET; 2) NORTH 90°00'00" EAST 206.87 FEET; 3) SOUTH 00°15'16" WEST 197.99 FEET; 4) SOUTH 38°46'40" EAST 43.84 FEET; 5) SOUTH 00°19'44" WEST 34.65 FEET; 6) SOUTH 89°35'37" EAST 56.33 FEET; 7) SOUTH 00°19'44" WEST 74.32 FEET; 8) SOUTH 89°38'43" EAST 73.00 FEET; 9) SOUTH 00°21'35" WEST 276.48 FEET; 10) NORTH 89°27'02" WEST 132.76 FEET; 11) SOUTH 39°23'29" WEST 95.28 FEET; 12) NORTH 89°40'59" WEST 47.66 FEET; 13) SOUTH 00°23'51" WEST 180.46 FEET; 14) NORTH 90°00'00" WEST 64.17 FEET; 15) SOUTH 00°08'54" WEST 135.19 FEET; 16) SOUTH 87°12'54" WEST 86.71 FEET; 17) SOUTH 22°02'40" WEST 345.23 FEET; 18) SOUTH 00°01'49" EAST 262.22 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR HARMONY ROAD AS DESCRIBED AT BOOK 1814 PAGE 777 OF THE CLERK AND RECORDERS OFFICE OF LARIMER COUNTY, THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING FOUR (4) COURSES, 1) SOUTH 89°58'11" WEST 533.97 FEET, THENCE 2) NORTH 87°50'49" WEST 131.20 FEET TO THE BEGINNING OF A CURVE, THENCE 3) WESTERLY 502.23 FEET ALONG THE ARC OF A CURVE, CONCAVE TO THE SOUTH, SAID CURVE HAVING A RADIUS OF 5,810.00 FEET, A CENTRAL ANGLE OF 4°57'11", AND BEING SUBTENDED BY A CHORD BEARING SOUTH 87°29'41" WEST 502.10 FEET, THENCE 4) NORTH 47°42'49" WEST 34.67 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT OF WAY FOR SOUTH COUNTY ROAD 9, THENCE ALONG SAID EAST RIGHT OF WAY LINE NORTH 00°00'11" EAST 2143.51 FEET TO THE **POINT OF BEGINNING**.

SAID DESCRIBED PARCEL CONTAINS 70.101 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR EXISTING.

EXHIBIT B
[Eligible Equipment and Expenses – Form]



Finance & Strategic Services
 Sales Tax Dept.
 215 North Mason St., 2nd Floor
 PO Box 580
 Fort Collins, CO 80522

**Economic Development - Sales & Use Tax Rebate Application
 Project Rebates for Eligible Equipment and Expenses
 2026 Incentive Agreement between the City and Avago**

For Year:	<u>2026</u>	Application Due Date	<u>March 31, 2027</u>
Company Name	_____	Fort Collins Account Number	_____
Mailing Address	_____	Contact Person	_____
	_____	Phone Number	_____
	_____	Email Address	_____

APPLICATION INFORMATION

1. The following information is required for the rebate process. Per the 2026 Business Incentive Agreement, incomplete or untimely forms, and supporting documentation, are considered not properly submitted and will not be processed.
2. All financial information contained in this application will be confidential pursuant to City Code § 25-166 and applicable law.
3. All definitions, terms, and conditions for Project Rebates for Eligible Equipment and Expenses from the 2026 Business Incentive Agreement, which establishes and governs these Project Rebates, are incorporated herein by reference.
4. Avago has agreed to submit documentation, whether sales tax was remitted to the City on its behalf by third-parties, or whether Avago made payment on its own behalf for any use tax obligations to the City.

Project Information:
Briefly describe project operations (if manufacturing activity has not commenced, please enter "N/A"):
Square footage for the Project facility (if construction is not complete, please enter "N/A"):
Square footage of entire Fort Collins facility (if construction is not complete, please enter "N/A"):

Employee Information:	
Number of full time equivalent employees as of January 1, 2026:	Median Annual Wage:
Number of full time equivalent employees as of December 31, 2026:	Median Annual Wage:
Number of temp., seasonal & contract employees of December 31, 2026:	Median Annual Wage:

Rebate Information:
Purchase price of Eligible Equipment purchased in 2026:
Amount of Rebate requested:

**Economic Development - Sales & Use Tax Rebate Application
Project Rebates for Eligible Equipment and Expenses
2026 Incentive Agreement between the City and Avago**

OTHER INFORMATION

- This application is for new equipment purchases per the 2026 Avago Incentive Agreement.
- Consumable supplies should not be included in the submission, unless the definition of Eligible Equipment and Expenses from the 2026 Avago Incentive Agreement applies.
- You are required to submit copies of the invoices for which the rebate is requested. However, in the event there are questions regarding the eligibility of certain equipment, additional supporting documentation will be required.
- Documentation to submit :
 - 1 Completed project rebate application form
 - 2 Completed equipment declaration form provided by the City (Excel format)
 - 3 Equipment purchase invoices that detail what was purchased and the amount paid, including separately
 - 4 Use tax return schedules that tie to the return(s) including a clear indicator of the use tax paid to the City on eligible equipment, if applicable.
- You must provide a list of the manufacturing equipment purchased that includes the following:
 - 1 Eligible Equipment and Expenses: Manufacturing, R&D, Abatement Tools
 - 2 Description of Eligible Equipment and Expenses; must be clear on each invoice or separate documentation
 - 3 Detailed explanation of how the Eligible Equipment and Expenses are used for the Project, based on the type listed.
 - 4 Invoice date
 - 5 Invoice number
 - 6 Vendor name
 - 7 Purchase price of the equipment
 - 8 Amount of purchase subject to Fort Collins tax
 - 9 Amount of Fort Collins sales tax paid to vendors, separately stated (legally imposed)
 - 10 Amount of Fort Collins use tax paid on company's Fort Collins sales/use return
 - 11 Return period Fort Collins use tax was paid to the City of Fort Collins (if applicable)
- Applications must be submitted no later than March 31, 2027.
- Submit applications and supporting documentation to: salestax@fcgov.com
- For specific questions regarding this rebate, contact the Program Administration at salestax@fortcollins.com
- For general sales and use tax questions, contact the Sales Tax Office at salestax@fcgov.com or (970) 221-6780.

**Economic Development - Sales & Use Tax Rebate Application
Project Rebates for Eligible Equipment and Expenses
2026 Incentive Agreement between the City and Avago**

I hereby authorize the City to review and consider sales and use tax records, vendor records, contracts and other information available regarding the company's eligibility for a rebate under this program. I further authorize the City to publish or release the information contained in this application to the public, as well as information regarding any rebates issued to the company under this rebate program.

I certify to the best of my actual knowledge, after reasonable investigation, that the company requesting this rebate is in compliance with all Federal, State, and local laws and regulations for the manufacturing facility located in Fort Collins. I also certify, to the best of my actual knowledge, after reasonable investigation, that the company is current with all City contractual, payment, and sales and use tax obligations.

I declare under penalty of perjury that this claim (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is true and made in good faith for the purposes stated in the 2026 Avago Incentive Agreement. Further, I represent and warrant that I have the necessary authority to execute this application on behalf of the company, and to make the above certifications, authorizations, and declaration.

I acknowledge that, per City Code, and without taxpayer action other than providing email addresses for a taxpayer representative or contact, the City is authorized to communicate with and provide notice to taxpayers by electronic mail.

Signature of Taxpayer

Title

Date

EXHIBIT C
[Eligible Construction Materials – Form]

CONSTRUCTION MATERIALS TAX REBATE APPLICATION

Project Rebates for Eligible Construction Materials
2026 Incentive Agreement between the City and Avago

Application Due Date: _____

General Contractor: _____ Sales Tax License #: _____

Contact: _____ Phone: _____

Project Title/Description: _____ Email: _____

Project Address: _____ Building Permit _____

Application Information

1. The following information is required for the rebate process. Per the 2026 Business Incentive Agreement, incomplete or untimely forms, and supporting documentation, are considered not properly submitted and will not be processed.
2. All financial information contained in this application will be confidential pursuant to City Code § 25-166 and applicable law.
3. All definitions, terms, and conditions for Project Rebates for Eligible Construction Materials from the 2026 Business Incentive Agreement, which establishes and governs these Project Rebates, are incorporated herein by reference.
4. Avago has agreed to submit documentation, whether sales tax was remitted to the City on its behalf by third-parties, or whether Avago made payment on its own behalf for any use tax obligations to the City.

Documentation to submit:

1. Completed project Construction Materials Tax Application form
2. Completed project cost reconciliation form (Excel format).
3. Invoices that detail what was purchased and Fort Collins taxes paid directly to the vendor (for credit). In the event there are questions regarding the eligibility of a rebate request for certain Construction Materials, additional supporting documentation will be required.
4. Use tax return schedules that tie to the return(s) including a clear indicator of the use tax remitted to the City on construction materials and copy of the invoice that details what was purchased.

Other Information

Avago is required to provide documentation to support all figures reported on the Project Cost Report including the final contract amount (Contractor final AIA or similar documentation). All questions on the project will be to Avago directly, not the contractor or any other parties involved in the project.

If multiple permits are included in the project, a list of permits including original valuations, Fort Collins use tax deposit amount, and certificate of occupancy or letter of completion dates (if applicable) should be provided.

Items purchased for use on this project (such as rentals, tools and supplies) are subject to City sales and use tax. If a City sales tax was not paid on these items at the time of purchase, the end user of these items is required to remit a use tax to the City of Fort Collins.

Instructions for Construction Materials Tax Application

Line 1: Job valuation listed on the building permit(s).

Line 2: The total amount billed on this project should include profit and overhead.

Line 3: Final material costs

- Actual cost of materials purchased by all parties (general contractor, owner, and subcontractor). This figure should include any materials in which Fort Collins sales tax has already been paid.
- [Affidavits](#) are required from subcontractors.

Line 4: Actual amount of tax due for materials used on project.

Line 5: Amount of City of Fort Collins use tax paid on the building permit.

Line 6: Amount of City of Fort Collins sales tax paid directly to the vendor by general contractor, owner, or subcontractor. Invoices must be provided in order to verify City of Fort Collins sales tax was paid. These materials should be included in Line 3 above.

Line 7: Add line 5 and 6 together.

Line 8: If line 7 (amount of City of Fort Collins tax paid) is greater than line 4 (actual tax due), enter the difference between the two lines to determine if a refund is due from the project.

Line 9: If line 4 (actual tax due) is greater than line 7 (amount of City of Fort Collins tax paid), enter the difference between the two lines to determine the additional amount of tax due for the project.

Final Construction Project Information

1. Original job valuation listed on permit(s)	\$ _____
2. Total final contract amount	\$ _____
3. Final construction material costs (net of taxes)	\$ _____
4. Actual tax due - line 3 x 4.35%	\$ _____

5. City of Fort Collins use tax deposit(s) paid on permit	\$ _____
6. City of Fort Collins sales tax paid directly to vendor	\$ _____
7. City of Fort Collins use tax remitted to the City directly	\$ _____
8. City of Fort Collins sales tax remitted to the City directly	\$ _____
9. Amount of City of Fort Collins tax paid: Add line 5 through	\$ _____

If line 9 is greater than line 4, proceed to line 10. If line 9 is less than line 4, proceed to line 11.

10. Overpayment of tax	
Line 9	\$ _____
Line 4	\$ _____
Difference – Refund due	\$ _____

11. Underpayment of tax	
Line 4	\$ _____
Line 9	\$ _____
Difference – Additional tax due	\$ _____

Rebate Calculation

12. Line 4 x 2.85% / 4.35%	\$ _____
Final Rebate Amount - Line 12 x 25%	\$ _____

Other Information

The project cost reconciliation must include the following:

1. The Permits Tab must list all permits included in the project and provide the following detail by permit:
 - a) Permit #
 - b) Certificate of occupancy or letter of completion date (C/O date)
 - c) Project valuations
 - d) City taxes paid on permit
 - e) Description of work completed
2. The Details Tab must include the following:
 - a) Contractor or Subcontractor Name
 - b) Scope of work completed
 - c) Full contract amount, including change orders
 - d) Labor, not including fabrication labor
 - e) Fabrication labor
 - f) Construction materials amount
 - g) Any other items included in the full contract amount (e.g. tools, rentals, temporary fencing...)

Additionally, if requesting credit for Fort Collins taxes paid to a vendor or use tax remitted on a Fort Collins sales/use tax return, including:

- a) Total tax paid to vendor or remitted on Fort Collins returns
- b) Fort Collins taxes paid to vendors directly or remitted on Fort Collins returns
- c) Vendor Name
- d) Vendor name
- e) Copy of detailed receipt which includes the construction materials purchased and tax paid.
- f) Use tax return schedules that tie to the return(s) including a clear indicator of the use tax remitted to the City on construction material (if applicable)

Include a copy of a job cost summary report outlining total costs for the project.

If additional tax is due, payment must be mailed along with a project payment form (provided by the City).

Submit applications and supporting documentation to: salestax@fcgov.com

Final project certificate of occupancy or letter of completion date included in rebate Application submissions.

For specific questions regarding this rebate, contact the Program Administration: salestax@fortcollins.com

Project Rebates for Eligible Construction Materials
2026 Incentive Agreement between the City and Avago

I hereby authorize the City to review and consider sales and use tax records, vendor records, contracts and other information available regarding the company's eligibility for a rebate under this program. I further authorize the City to publish or release the information contained in this application to the public, as well as information regarding any rebates issued to the company under this rebate program.

I certify to the best of my actual knowledge, after reasonable investigation, that the company requesting this rebate is in compliance with all Federal, State, and local laws and regulations for the manufacturing facility located in Fort Collins. I also certify, to the best of my actual knowledge, after reasonable investigation, that the company is current with all City contractual, payment, and sales and use tax obligations.

I declare under penalty of perjury that this claim (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is true and made in good faith for the purposes stated in the 2026 Avago Incentive Agreement. Further, I represent and warrant that I have the necessary authority to execute this application on behalf of the company, and to make the above certifications, authorizations, and declaration.

I acknowledge that, per City Code, and without taxpayer action other than providing email addresses for a taxpayer representative or contact, the City is authorized to communicate with and provide notice to taxpayers by electronic mail.

Signature

Title

Date