

# Fort Collins City Council Agenda

Regular Meeting

6:00 p.m., Tuesday, October 21, 2025

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

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

## NOTICE:

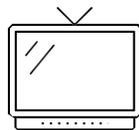
Regular meetings of the City Council are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

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

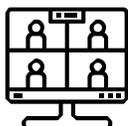
## How to view this Meeting:



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



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



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



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

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

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



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

### Comment in real time:

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



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



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

Full instructions for online participation are available at [fcgov.com/councilcomments](http://fcgov.com/councilcomments).

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

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

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

Call in number: 720 928 9299

Meeting ID: 982 4141 6497

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

### Submit written comments:



Email comments about any item on the agenda to [cityleaders@fcgov.com](mailto:cityleaders@fcgov.com)



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

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

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



# City Council Regular Meeting Agenda

October 21, 2025 at 6:00 PM

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

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

Carrie Daggett  
City Attorney

Kelly DiMartino  
City Manager

Delynn Coldiron  
City Clerk

## PROCLAMATIONS & PRESENTATIONS 5:00 PM

### A) PROCLAMATIONS AND PRESENTATIONS

- [PP 1.](#) Declaring the October 22, 2025, as Community Media Day.
- [PP 2.](#) Declaring October 16, 2025, as Imagine a Day without Water Day.
- [PP 3.](#) Declaring the Month of October 2025 as Arts and Humanities Month.
- [PP 4.](#) Declaring the Month of October 2025 as Narconon Colorado - A Life Worth Saving Month.

## REGULAR MEETING 6:00 PM

### 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**  
(Including requests for removal of items from Consent Calendar for individual discussion.)

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

- Those who wish to speak are required to sign up using the online sign-up system available at:

[fcgov.com/council-meeting-participation-signup/](https://fcgov.com/council-meeting-participation-signup/)

- Each speaker will be allowed to speak one time during public comment. If a speaker comments on a particular agenda item during general public comment, that speaker will not also be entitled to speak during discussion on the same agenda item.
- All speakers will be called to speak by the presiding officer from the list of those signed up. After everyone signed up is called on, the presiding officer may ask others wishing to speak to identify themselves by raising their hand (in person or using the Raise Hand option on Zoom), and if in person then will be asked to move to one of the two lines of speakers (or to a seat nearby, for those who are not able to stand while waiting).
- The presiding officer will determine and announce the length of time allowed for each speaker.
- Each speaker will be asked to state their name and general address for the record, and, if their comments relate to a particular agenda item, to identify the agenda item number. Any written comments or materials intended for the Council should be provided to the City Clerk.
- A timer will beep one time and turn yellow to indicate that 30 seconds of speaking time remain and will beep again and turn red when a speaker's time has ended.

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

**H) PUBLIC COMMENT FOLLOW-UP**

**I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION**

**CONSENT CALENDAR**

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

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

**1. Consideration and Approval of the Minutes of the October 7, 2025, Regular meeting.**

The purpose of this item is to approve the minutes of the October 7, 2025, Regular meeting.

**2. Second Reading of Ordinance No. 160, 2025, Authorizing a Non-Exclusive Franchise by the City of Fort Collins to Comcast of California/Colorado/Florida/Oregon, Inc. and its Successors and Assigns for the Right to Make Reasonable Use of, and Erect, Construct, Operate and Maintain Through, the Public Rights-of-Way, Easements and other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Residents Within the City.**

This Ordinance, unanimously adopted on First Reading on October 7, 2025, renews the Cable Franchise Agreement from the City to Comcast of California/Colorado/Florida/Oregon, Inc. LLC. The current agreement will expire on October 31, 2025. With the assistance of outside legal counsel, staff has negotiated a proposed 10-year agreement with Comcast.

**3. Second Reading of Ordinance No. 161, 2025, Repealing Sections 12-110 through 12-112 of the Code of the City of Fort Collins Regarding the Disclosure of Radon Information in Real Estate Transactions.**

This Ordinance, unanimously adopted on First Reading on October 7, 2025, repeals Chapter 12, Article VI of the City Code, which requires that a seller of residential real estate in the City of Fort Collins provide radon information to the buyer of the residential real estate.

Colorado Revised Statutes Section 38-35.7-112 also requires the disclosure of radon information to buyers of residential real estate, and the repeal of Chapter 12, Article VI of the City Code will eliminate overlapping requirements for sellers in residential real estate transactions with respect to radon disclosures.

**4. Second Reading of Ordinance No. 162, 2025, Amending Section 23-302 of the Code of the City of Fort Collins to Amend the Definition of “Construction Project”.**

This Ordinance, unanimously adopted on First Reading on October 7, 2025, amends the definition of “Construction Project” in Code. The City’s Art in Public Places ordinance currently includes language that requires a 1% allocation from construction projects that will cost more than \$250,000 to fund the acquisition and maintenance of public art. “Construction project” is defined as “the construction, rehabilitation, renovation, remodeling or improvement of any building, structure, street, sidewalk, park, utility or other public improvement by or for the City, including all associated landscaping, parking, design, engineering, equipment or furnishings for such improvement, and all other costs, but excluding the cost of real property acquisition, vehicles, equipment not affixed to public property and any improvements made by any special improvement district.” Staff seeks to amend this definition to expressly exclude maintenance from the definition of “construction project”.

**5. First Reading of Ordinance No. 163, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give and Authorizing Transfers of Appropriations.**

The purpose of this item is to request an appropriation of \$16,325 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.

**6. First Reading of Ordinance No. 164, 2025, Making a Supplemental Appropriation for 2025 Transfort Operational Expenses.**

The post-pandemic Transit industry has experienced unprecedented levels of cost increases resulting in estimated operating cost increases of 50%-70% across the industry for 2025. Transfort is experiencing similar expense impacts with significant cost increases across the three largest segments of its budget: personnel, vehicle repair services, and contracted transportation services. Compounding the impact of Transfort specific expense overruns are citywide fiscal pressures that require a reduction in the previously allocated General Fund support of the Transit Fund. As a result, Transfort is requesting a supplemental appropriation of \$2.8M from the 2050 Tax Parks Rec Transit OCF Fund (“2050 Transit Tax”) to support Transfort’s 2025 operational expenses.

**7. First Reading of Ordinance No. 165, 2025, Declaring Certain City-Owned Property at Fossil Creek Wetlands Natural Area as Right-of-Way.**

The purpose of this item is to declare approximately 0.2 acres of Fossil Creek Wetlands Natural Area as Right-of-Way for the Trilby Road Bridge Replacement project.

The Trilby Road Bridge Replacement project is one element of Utilities’ comprehensive stream rehabilitation along Fossil and Stanton Creeks. This portion of the project will facilitate the installation of a replacement bridge and culvert and permit future bicycle and pedestrian infrastructure. The existing culvert is structurally deficient and blocks fish passage and stream habitat connectivity. The bridge replacement will restore passage for native fish and macroinvertebrates and connect a soon-to-be restored reach of Fossil Creek (slated for Fall 2025/early-2026) to an upstream reach slated for restoration in the next few years. This portion of the project will also support future bicycle and pedestrian infrastructure. The additional right-of-way proposed for the bridge replacement encompasses 8,890.61 square feet or 0.2 acres.

**8. Resolution 2025-087 Approving Fort Fund Program Support Grant Disbursements.**

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Program Support Grant – August Deadline category, based upon the recommendations of the Cultural Resources Board.

**9. Resolution 2025-088 Making Extensions to Youth Advisory Board Member Terms.**

The purpose of this item is to extend the terms of three members of the Youth Advisory Board through their graduation year.

**10. Resolution 2025-089 Making an Appointment to the Board of Directors of Housing Catalyst.**

The purpose of this item is to fill one vacancy that has existed due to the resignation of Heather Clemenshaw.

**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.

**11. Resolution 2025-090 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the Cities of Loveland and Fort Collins Regarding the Joint Operation of the Northern Colorado Regional Airport in Furtherance of a Transition to an Airport Authority.**

The purpose of this item is to consider a Resolution updating the current Intergovernmental Agreement ("IGA") regarding the Loveland/Fort Collins Airport, eliminating the Airport Commission and reverting to the pre-2015 model in furtherance of the goals of continuing to successfully jointly operate the airport while working towards the formation of an airport authority.

**12. Items Relating to Amendments to the Land Use Code, Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.**

A. First Reading of Ordinance No. 166, 2025, Amending the Land Use Code of the City of Fort Collins Regarding Commercial Corridors and Centers.

B. First Reading of Ordinance No. 167, 2025, Updating the Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.

The purpose of this item is to seek Council approval of the proposed code changes. These code changes are intended to:

- Enable more housing and mixed-use buildings, especially near existing and future transit.
- Allow for more flexibility and adaptability, especially within the Harmony Corridor and Employment areas.
- Create clearer building and site design standards to promote transit use and pedestrian access.
- Improve predictability of the Land Use Code, especially to support small business owners.
- Align the Harmony Corridor plan to the proposed Land Use Code changes.

Staff is proposing second reading of this Ordinance to take place on December 2, 2025, in order to allow sufficient time for any suggested changes between first and second reading.

**13. First Reading of Ordinance No. 168, 2025, Amending Chapter 7.5 of the Code of the City of Fort Collins to Update the Capital Expansion Fees and the Transportation Expansion Fees. (Option #1 or Option #2)**

The purpose of this item is to propose revisions to the methodologies of calculating the capital expansion fees for updated fees that are set in better alignment with City land use laws and policy. Studies conducted in 2023 for Code updates were not adopted and inflationary-only fee adjustments were implemented in 2024 and 2025. At Council’s request, staff has brought forward four options for adoption of the revised fees to be effective January 1, 2026:

- 1. Fees with continued, inflation-only adjustments (“Status Quo Option” or “Option #1”);
- 2. Fees as proposed September 9, 2025 (“Proposed Option” or “Option #2”);
- 3. Fees that are a phased-in implementation of the Proposed Option – two versions (“Phased-In Option” or “Option #3”); and
- 4. Fees that are a fractional implementation of the Proposed Option – three versions (“Fractional Option” or “Option #4”).

**14. Items Relating to Tree Policy.**

- A. Ordinance No. 169, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.
- B. Ordinance No. 170, 2025, Amending Chapter 27, Article 32 of the Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.
- C. Ordinance No. 171, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring Additional Enhanced Tree Protection Measures During Construction.
- D. Ordinance No. 172, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Establishing a Three-Year Establishment Period for Street Trees.
- E. Ordinance No. 173, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Updating Tree Mitigation Exemptions.
- F. Ordinance No. 174, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Enhancing Tree Mitigation.
- G. Ordinance No. 175, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins Amending Tree Planting Spacing Requirements and Tree Maintenance.

The purpose of this item is to present seven ordinances that provide five tree policies for potential adoption in City Municipal and Land Use Codes, including an ordinance for tree spacing and Code maintenance. The five policies intend to update best management practices around tree preservation and mitigation, thus improving predictability and simplification of the current code.

**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.)*

**OB 2. Consideration of Motion for Executive Session for potential acquisition and sale of real property for potential affordable housing projects in the downtown area:**

"I move that Council go into executive session to discuss with appropriate City staff potential acquisition and sale of real property for potential affordable housing projects in the downtown area, as permitted under:

- City Charter Article Roman Numeral Two, Section 11(3),
- City Code Section 2-31(a)(3) and
- Colorado Revised Statutes Section 24-6-402(4)(a)."

## 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.

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**File Attachments for Item:**

**PP 1. Declaring the October 22, 2025, as Community Media Day.**

## PROCLAMATION

**WHEREAS**, the sharing of ideas and information helps to build common understanding and common values within a community; and

**WHEREAS**, access to information in today’s media environment is critical for the healthy functioning of our community; and

**WHEREAS**, community media organizations provide a means for diverse communities to tell their stories, hear each other’s stories, and create new stories together; and

**WHEREAS**, community media organizations provide information to the community that is not covered by mainstream commercial media; and

**WHEREAS**, community media organizations provide people with the skills necessary for the creation, sharing, and consumption of knowledge and ideas through media; and

**WHEREAS**, community media is an important resource for participating in local democratic policy and processes, connecting local organizations, schools, and governments to constituents; and

**WHEREAS**, in many places, people are not aware of diverse and valuable programming on public, education, and government access channels or community radio channels; and

**WHEREAS**, communities will benefit from increased general awareness of, viewing audiences for, and creators of media content created by and for the community.

**NOW, THEREFORE**, I, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim October 22, 2025, as

## COMMUNITY MEDIA DAY

and FC Public Media, our non-profit community access media center, plays a vital role in the building our community by encouraging conversations about our common interests, increasing discourse around policy issues, fostering understanding of local cultures, and sharing information to improve our lives;

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 21st day of October, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

**File Attachments for Item:**

**PP 2. Declaring October 16, 2025, as Imagine a Day without Water Day.**



## 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, Jeni Arndt, Mayor of the City of Fort Collins, do hereby proclaim October 16, 2025, 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 21st day of October 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

**File Attachments for Item:**

**PP 3. Declaring the Month of October 2025 as Arts and Humanities Month.**



## PROCLAMATION

**WHEREAS**, National Arts & Humanities Month encourages art appreciation and cultural exploration as the largest celebration of arts and culture in the U.S.; and

**WHEREAS**, Colorado Creative Industries believe in creativity to inspire connections, create change, and support fiscal vibrancy, and focuses on strengthening vitality of art. Arts and humanities play a unique role in the lives of families, communities, and the country; and

**WHEREAS**, cities and states have celebrated the value of culture in the health and lives of thriving communities during National Arts and Humanities Month for years; and

**WHEREAS**, the humanities help communities explore history and culture with support from National Endowment for the Humanities, 55 humanities councils, and local institutions; and

**WHEREAS**, the arts and cultural industry contributed 4.2% of GDP or approximately \$1.17 trillion in 2023. This includes a range of industries, from performing arts, museums, design services and publishing. Arts and cultural employment recovered to pre-pandemic levels, with nearly 5.2 million employed to produce arts and cultural goods and services, for \$540.9 billion in total compensation. Strong arts presence is associated with social and civic engagement; and

**WHEREAS**, Matt Robenalt, DDA Director stated, “Storytelling through art is a powerful form of interpersonal communication, particularly when communicating an authentic experience of a city. The Living Her Legacy’s historic public outdoor art/education project, which will be highly visible to local visitors of Old Town, imparts the spontaneity of publicly displayed art and place-making with the importance of reflecting on the stories of people that have made Fort Collins an intriguing place to visit, live, work and play.”

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

### NATIONAL ARTS AND HUMANITIES MONTH

and call upon our community to celebrate and participate in the arts and culture in our nation.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 21st day of October, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

**File Attachments for Item:**

**PP 4. Declaring the Month of October 2025 as Narconon Colorado - A Life Worth Saving Month.**

## PROCLAMATION

**WHEREAS**, drug and alcohol addiction is a tragedy that has touched hundreds of thousands of Coloradans, with effects which extend far beyond the addicted individual, reaching their family, friends, workplace and society itself; and

**WHEREAS**, the staff of “Narconon Colorado – A Life Worth Saving” dedicate themselves to freeing individuals from the trap of addiction, to help recovering addicts achieve the ability to take responsibility for and recover all the sectors of their lives; and

**WHEREAS**, over forty percent of those who complete their program at Narconon Colorado – A Life Worth Saving, having attained their own sobriety, train to help other addicts free themselves of addiction; and

**WHEREAS**, “Narconon Colorado – A Life Worth Saving” has helped hundreds and hundreds of addicts fully recover their lives which in turn unburdened and enhanced the thousands of their personal connections helping to make a growing island of sanity and recovery.

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

### **NARCONON COLORADO – A LIFE WORTH SAVING MONTH**

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Fort Collins this 21<sup>st</sup> day of October 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

**File Attachments for Item:**

**1. Consideration and Approval of the Minutes of the October 7, 2025, Regular meeting.**

The purpose of this item is to approve the minutes of the October 7, 2025, Regular meeting.

October 21, 2025



# AGENDA ITEM SUMMARY

City Council

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## STAFF

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Delynn Coldiron, City Clerk

## SUBJECT

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**Consideration and Approval of the Minutes of the October 7, 2025, Regular meeting.**

## EXECUTIVE SUMMARY

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The purpose of this item is to approve the minutes of the October 7, 2025, Regular meeting.

## STAFF RECOMMENDATION

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Staff recommends approval of the minutes.

## ATTACHMENTS

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1. Draft Minutes, October 7, 2025

**COUNCIL OF THE CITY OF FORT COLLINS, COLORADO**

**Council-Manager Form of Government**

**Regular Meeting – 6:00 PM**

**PROCLAMATIONS AND PRESENTATIONS**

**5:00 PM**

**A) PROCLAMATIONS AND PRESENTATIONS**

- PP 1. **Declaring the Week of October 5-11, 2025, as Fire Prevention Week.**
- PP 2. **Declaring the Month of October, 2025, as Conflict Resolution Month.**
- PP 3. **Declaring the Month of October, 2025, as American Archives Month.**
- PP 4. **Declaring the Month of October, 2025, as Cybersecurity Awareness Month.**

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

**REGULAR MEETING**

**6:00 PM**

**B) CALL MEETING TO ORDER**

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

**C) PLEDGE OF ALLEGIANCE**

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

**D) ROLL CALL**

PRESENT

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

STAFF PRESENT

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

**E) CITY MANAGER'S AGENDA REVIEW**

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

- Items 1-17 on the Consent Calendar are recommended for adoption.
- Following consideration of a motion to adjourn the regular meeting until after completion of the Electric Utility Enterprise Board meeting, Council will consider a motion to adjourn into Executive Session to discuss the capital expansion fees with no further action following that.

**F) COMMUNITY REPORTS – None.****G) PUBLIC COMMENT ON ANY TOPICS OR ITEMS OR COMMUNITY EVENTS**  
*(Including requests for removal of items from Consent Calendar for individual discussion.)*

Kimberly Connor spoke on the genocide occurring in Gaza and urged Council to take a stand. She noted an all-day march is occurring on Saturday related to this and encouraged people to join. She concluded with a poem from a Palestinian writer.

Jerry Gavaldon shared concerns about the emergency exit at EPIC that staff want to open. He referred Council to an Ordinance from 1985 and noted concerns the neighborhood has related to this. He urged Council to ensure the roadway remains an emergency exit only.

Claire Kopp spoke on the genocide occurring in Gaza and noted Fort Collins exists due to genocide. She commented on instances wherein people have tried to quiet her due to pressure from Israeli supporters. She stated people buy the security of the American government stated she will continue speaking the truth.

Barbara Krupnik-Goldman spoke on the Platte River Power Authority (PRPA) organic contract and power supply agreement. She commented on a meeting she had with Councilmember Ohlson and Deputy City Manager Tyler Marr regarding additional questions. She stated a restriction should be added to ensure that PRPA does not burn gas on high ozone days beyond what is needed for the four member cities. She urged Council to get definitive answers on this topic.

Jamie Blanchard-Poling, Compost Queen, announced that her company and the City of Fort Collins are launching a new composting pilot program this month. She noted the program is open and is already over 50% full. She urged interested parties to reach out and provided some related specifics. She requested assistance in getting the word out about the new program.

Margit Hentschel spoke about issues related to wood smoke. She thanked all fire responders and provided information about fire prevention. She provided information about health impacts from fire and wood smoke and commented on the need to restrict outdoor/backyard burning. She discussed the importance of creating healthy neighborhoods and requested a ban on recreational burning.

Madeleine Grigg urged Council to support efforts to eliminate the genocide in Gaza and commented on an example when Council took a position on apartheid in South Africa. She recommended passage of a cease fire resolution stating it would send a message to all community members that Council takes these issues seriously.

Sterling spoke about the genocide occurring in Gaza and provided some statistics on the number of people who have died. He noted that Israel has been found guilty of genocide, and stated all governments are required to take action. He urged Council to not do business with companies such as Woodward. He also expressed concern about continuing to criminalize the poor and the current

state of our federal government. He asked what plan the City has to resist President Trump and his regime.

Rich Stave asked questions about the PRPA organic contract and power supply agreement. He noted he was unsure about the item because he could not find the Electric Utility Enterprise agenda online. He also expressed concern about the battery storage that is being suggested and discussed the issue of PRPA not being responsible for related maintenance. He stated he is not comfortable with the contract and believes the City is pushing too hard to achieve too little at too high a cost.

Hope Lightner spoke representing the Jewish community members who could not be present due to the holiday and memorials that are occurring. She spoke about her knowledge of the agitators that would be addressing Council tonight and provided an alternative perspective related to this. She stated divestment from local companies send the wrong message and risks the City's investment portfolio. She urged Council to oppose that request. She encouraged unity and respect for all community members and for people to pray for those who have been hurt and have lost loved ones. She encouraged Council to stay focused on the local community.

Laura stated Fort Collins stole this land and continues not to address giving the land back. She spoke about the Gaza genocide and noted similarities to things that are occurring here. She urged Council to pull money out of companies that are involved and stated that if we want justice here, we must demand it everywhere. She urged Council not to be war criminals.

Patricia Babbitt commented on wondering two years ago how she might address the war locally if she were Mayor. She stated she is saddened that Council has not taken action in the way constituents expected. She spoke of division that has been created in the community and provided Hughes as an example with the City providing a competing ballot measure. She urged voters to vote yes on 303 and no on 2H.

#### **H) PUBLIC COMMENT FOLLOW-UP**

Mayor Arndt thanked the Compost Queen and the City for the new partnership. She also acknowledged outdoor wood burning and suggested more work should be done related to this. She encouraged Mr. Stave to reach out to Tyler Marr or Travis Walker with his questions.

Councilmember Gutowsky requested the City work to address the issue raised by Mr. Gavaldon regarding the EPIC emergency exit onto Stuart.

Councilmember Ohlson asked if there was any issue with posting the EUE agenda. City Clerk Coldiron replied the agenda was posted at the same time the Council agenda was posted and has been available.

#### **I) COUNCILMEMBER REMOVAL OF ITEMS FROM CONSENT CALENDAR FOR DISCUSSION**

None.

#### **J) CONSENT CALENDAR**

##### **1. Consideration and Approval of the Minutes of the September 16, 2025, Regular meeting.**

*The purpose of this item is to approve the minutes of the September 16, 2025, Regular meeting.*

***Approved.***

2. **Second Reading of Ordinance No. 146, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give for Various Programs and Services as Designated by the Donors.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, requests an appropriation of \$152,669.11 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 Second Reading.***

3. **Second Reading of Ordinance No. 147, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the William Neal and Ziegler Intersection Improvements Project and Related Art in Public Places.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, appropriates and transfers additional funds for the William Neal and Ziegler Intersection Improvements project (Project). The funds will be used for construction services. If approved, this item will: 1) appropriate \$388,773 in Transportation Capital Expansion Fee (TCEF) funds to the Project; 2) appropriate \$77 in Transportation Services funds to the Project; 3) transfer \$85,000 in Conservation Trust funds to the Project; 4) transfer \$45,000 in Community Capital Improvement Program (CCIP) Pedestrian Sidewalk funds to the Project; and transfer \$3,850 of Project funds to the Art in Public Places (APP) program.*

***Adopted on Second Reading.***

4. **Second Reading of Ordinance No. 148, 2025, Making Supplemental Appropriation of Colorado Office of Economic Development and International Trade for the Colorado CHIPS Community Support Program Marketing Grant Funds in the General Fund.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, appropriates \$25,000 of unanticipated revenue from the Colorado Office of Economic Development and International Trade for the Colorado Creating Helpful Incentives to Produce Semiconductors (CHIPS) Community Support Program Marketing grant. This grant provides funding to the Economic Health Office for marketing and promotional activities targeted at semiconductor ecosystem companies and advanced industries.*

***Adopted on Second Reading.***

5. **Items Related to Appropriating Additional Funds for 2025.**

*A. Second Reading of Ordinance No. 149, 2025, Making Supplemental Appropriations in Various City Funds.*

*B. Second Reading of Ordinance No. 150, 2025, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations in Various City Funds.*

*These Ordinances, unanimously adopted on First Reading on September 16, 2025, 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 2025 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.

***Both Ordinances Adopted on Second Reading.***

6. **Second Reading of Ordinance No. 151, 2025, Amending Sections 26-148 and 26-149 of the Code of the City of Fort Collins Regarding Water Supply Requirement Credits for Water Services.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, ensures that City Code (Code) more comprehensively addresses how Fort Collins Utilities (Utilities) credits existing water services when they are changed, typically during redevelopment. Code currently addresses how Utilities credits nonresidential services when they are redeveloped and replaced with a new nonresidential service. However, Code does not currently address how Utilities should credit residential services that are redeveloped into nonresidential services, or when nonresidential services are redeveloped into residential services. This item would fill those gaps.*

***Adopted on Second Reading.***

7. **Second Reading of Ordinance No. 152, 2025, Amending Chapter 24 Article IV of the Code of the City of Fort Collins Relating to Portable Signs.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, updates the City Code (Code) pertaining to portable signs. This ordinance updates the areas where portable signs are allowed to more accurately reflect the designated downtown areas as well as the timeframe of when a portable sign permit is valid and the requirements to obtain a permit.*

***Adopted on Second Reading.***

8. **Second Reading of Ordinance No. 153, 2025, Creating a New Article VI in Chapter 24 of the Code of the City of Fort Collins Relating to Electric Vehicle Charging by Temporary Cord Draping.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, secures and promotes the public health, safety, and general welfare of persons using City sidewalks by regulating the placement, covering over, use, and removal of electric vehicle charging cords located upon certain public sidewalks within the City. To expand charging opportunities for electric vehicles for persons without dedicated off-street parking at their residence, this proposed new City Code (Code) regulates the safe draping of an electric vehicle charging cord across a sidewalk or other public right-of-way at the person's residence for the purpose of providing a charge to a curbside vehicle at the person's residence.*

***Adopted on Second Reading.***

9. **Second Reading of Ordinance No. 154, 2025, Expanding the Boundaries of the Fort Collins, Colorado Downtown Development Authority and Amending the Plan of Development of the Authority.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, expands the boundaries of the Fort Collins Downtown Development Authority (the "DDA") and amends the Plan of Development of the Authority to include a property at 313 North Meldrum Street and adjacent street right-of-way on North Meldrum Street. The property is a commercially zoned lot in the Old Town District and is the location of the historic Emma Malaby Grocery building. The right-*

of-way is being added as a housekeeping step to more efficiently describe the overall DPA boundary. There is no impact to the City from the inclusion of this right-of-way.

**Adopted on Second Reading.**

**10. Items Relating to Platte River Power Authority Organic Contract and Power Supply Contract.**

*A. Second Reading of Ordinance No. 155, 2025, Authorizing an Amended and Restated Organic Contract for Platte River Power Authority.*

*B. Second Reading of Ordinance No. 156, 2025, Authorizing an Amended and Restated Contract with Platte River Power Authority for the Supply of Electric Power and Energy.*

*These Ordinances, unanimously adopted on First Reading on September 16, 2025, extend and amend the Organic Contract between Estes Park, Longmont and Loveland (the member cities) that is the basis for Platte River Power Authority's ("Platte River") existence and purposes and to extend and make modifications to the Power Supply Agreement ("PSA") with Platte River.*

**Both Ordinances Adopted on Second Reading.**

**11. Second Reading of Ordinance No. 157, 2025, Amending Chapter 2, Article VII, Division 2 of the Code of the City of Fort Collins Relating to the Gift Acceptance Restrictions and the Definitions Section of the City's Ethics Rules.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, considers amendments to the City's ethics rules related to gift acceptance restrictions recommended by the Ethics Review Board. Corresponding changes to the definitions section of the ethics rules will also be considered.*

**Adopted on Second Reading.**

**12. Second Reading of Ordinance No. 158, 2025, Amending Chapter 2, Article VIII, Division 2 of the Code of the City of Fort Collins Relating to Financial Disclosure Requirements.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, considers amendments to the City's ethics rules related to financial disclosure requirements recommended by the Ethics Review Board.*

**Adopted on Second Reading.**

**13. Second Reading of Ordinance No. 159, 2025, Amending Chapter 2, Article VIII, Division 3 of the Code of the City of Fort Collins Relating to Gift Reporting Requirements of the City's Financial Disclosure Rules.**

*This Ordinance, unanimously adopted on First Reading on September 16, 2025, considers amendments to the City's ethics rules related to gift reporting requirements recommended by the Ethics Review Board.*

**Adopted on Second Reading.**

**14. First Reading of Ordinance No. 160, 2025, Authorizing a Non-Exclusive Franchise by the City of Fort Collins to Comcast of California/Colorado/Florida/Oregon, Inc. and its**

**Successors and Assigns for the Right to Make Reasonable Use of, and Erect, Construct, Operate and Maintain Through, the Public Rights-of-Way, Easements and other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Residents Within the City.**

*The purpose of this item is to renew the Cable Franchise Agreement from the City of Fort Collins to Comcast of California/Colorado/Florida/Oregon, Inc. LLC. The current agreement will expire on October 31, 2025. With the assistance of outside legal counsel, staff has negotiated a proposed 10-year agreement with Comcast.*

**Adopted on First Reading.**

15. **First Reading of Ordinance No. 161, 2025, Repealing Sections 12-110 through 12-112 of the Code of the City of Fort Collins Regarding the Disclosure of Radon Information in Real Estate Transactions.**

*The purpose of this item is to repeal Chapter 12, Article VI of the City Code, which requires that a seller of residential real estate in the City of Fort Collins provide radon information to the buyer of the residential real estate.*

*Colorado Revised Statutes Section 38-35.7-112 also requires the disclosure of radon information to buyers of residential real estate, and the repeal of Chapter 12, Article VI of the City Code will eliminate overlapping requirements for sellers in residential real estate transactions with respect to radon disclosures.*

**Adopted on First Reading.**

16. **First Reading of Ordinance No. 162, 2025, Amending Section 23-302 of the Code of the City of Fort Collins to Amend the Definition of “Construction Project”.**

*The purpose of this item is to amend the definition of “Construction Project” in Code. The City’s Art in Public Places ordinance currently includes language that requires a 1% allocation from construction projects that will cost more than \$250,000 to fund the acquisition and maintenance of public art. “Construction project” is defined as “the construction, rehabilitation, renovation, remodeling or improvement of any building, structure, street, sidewalk, park, utility or other public improvement by or for the City, including all associated landscaping, parking, design, engineering, equipment or furnishings for such improvement, and all other costs, but excluding the cost of real property acquisition, vehicles, equipment not affixed to public property and any improvements made by any special improvement district.” Staff seeks to amend this definition to expressly exclude maintenance from the definition of “construction project”.*

**Adopted on First Reading.**

17. **Resolution 2025-086 Authorizing the City Manager to Execute an Agreement with Poudre School District R-1 Regarding the Connected Raw Water Irrigation Systems of Certain Parks and Schools.**

*The purpose of this item is to authorize the City Manager to execute an Agreement which memorializes the methods and processes the Poudre School District R-1 (“PSD”) and the Parks Department (“Parks”) operate and pay for repairs/replacement of current shared-site irrigation systems. This Agreement also transfers the use of water from two shares of water that PSD currently owns in the New Mercer Company to Parks.*

**Adopted.**

**END OF CONSENT CALENDAR**

**Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to approve the recommended actions on items 1-17 on the Consent Calendar.**

**The motion carried 7-0.**

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

Councilmember Ohlson commented on Item No. 10, *Items Relating to Platte River Power Authority Organic Contract and Power Supply Contract*, and asked if a memo was sent out regarding the ozone issue. Deputy City Manager Tyler Marr replied in the negative.

Councilmember Ohlson requested some follow-up regarding the ozone issue. Deputy City Manager Marr replied that when one looks at PRPA's energy curves, they are indicative of what the future will look like minus coal and with increased solar and wind, and on days when there is no wind, that gap needs to be filled, and high ozone days tend to lack wind. Additionally, it relates to what the market allows.

Councilmember Pignataro asked why Item No. 17, *Resolution 2025-086 Authorizing the City Manager to Execute an Agreement with Poudre School District R-1 Regarding the Connected Raw Water Irrigation Systems of Certain Parks and Schools*, did not go to the Water Board. Deputy City Manager Marr replied the Water Board has not typically been involved as it pertains to Parks management of its own raw water, though that could change moving forward if desired.

Councilmember Ohlson asked if Item No. 17, *Resolution 2025-086 Authorizing the City Manager to Execute an Agreement with Poudre School District R-1 Regarding the Connected Raw Water Irrigation Systems of Certain Parks and Schools*, went to the Parks and Recreation Board. Deputy City Manager Marr replied in the affirmative.

Mayor Arndt requested additional information regarding Item No. 16, *First Reading of Ordinance No. 162, 2025, Amending Section 23-302 of the Code of the City of Fort Collins to Amend the Definition of "Construction Project."* Deputy City Manager Marr replied it is not a wholesale shift to the Art in Public Places Program, but is simply a definitional clarification related to large asset replacement not triggering an Art in Public Places contribution.

**L) STAFF REPORTS** – None.

**M) COUNCILMEMBER REPORTS**

Councilmember Susan Gutowsky

- Attended the air show
- Attended the architectural awards at the Drake Center

Councilmember Melanie Potyondy

- Commended Clay Frickey on emceeding the architectural awards
- Attended the NoCo Down Syndrome Walk

Councilmember Tricia Canonico

- Toured the Syphon overpass south of Harmony and thanked those involved
- Walked on the new Mail Creek Trail – ribbon cutting for Tail Winds Park on the 15<sup>th</sup>
- Encouraged residents and businesses to get involved in the Compost Queen pilot program
- Attended The Family Center’s annual fiesta at The Lyric

Mayor Jeni Arndt

- Represented Fort Collins on the ICHLI Board related to Climate Week

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

None.

**O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION** - No items planned for discussion.

**P) RESUMED PUBLIC COMMENT**

**Q) OTHER BUSINESS**

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

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

**OB 2. Consideration of a motion to adjourn this meeting until after the completion of the Electric Utility Enterprise Board business:**

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, that Council adjourn this meeting until after the completion of the Electric Utility Enterprise Board business.***

***The motion carried 7-0.***

**OB 3. Consideration of Motion for Executive Session for Legal Advice related to Capital Expansion Fees:**

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, 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.***

***The motion carried 7-0.***

**R) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 7:49 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

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

DRAFT

**File Attachments for Item:**

**2. Second Reading of Ordinance No. 160, 2025, Authorizing a Non-Exclusive Franchise by the City of Fort Collins to Comcast of California/Colorado/Florida/Oregon, Inc. and its Successors and Assigns for the Right to Make Reasonable Use of, and Erect, Construct, Operate and Maintain Through, the Public Rights-of-Way, Easements and other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Residents Within the City.**

This Ordinance, unanimously adopted on First Reading on October 7, 2025, renews the Cable Franchise Agreement from the City to Comcast of California/Colorado/Florida/Oregon, Inc. LLC. The current agreement will expire on October 31, 2025. With the assistance of outside legal counsel, staff has negotiated a proposed 10-year agreement with Comcast.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



## STAFF

Carson Hamlin, Cable Franchise Administrator

## SUBJECT

**Second Reading of Ordinance No. 160, 2025, Authorizing a Non-Exclusive Franchise by the City of Fort Collins to Comcast of California/Colorado/Florida/Oregon, Inc. and its Successors and Assigns for the Right to Make Reasonable Use of, and Erect, Construct, Operate and Maintain Through, the Public Rights-of-Way, Easements and other Public Property Any Equipment Necessary and Appurtenant to the Operation and Maintenance of a Cable System and the Provision of Cable Services to Residents Within the City.**

## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 7, 2025, renews the Cable Franchise Agreement from the City to Comcast of California/Colorado/Florida/Oregon, Inc. LLC. The current agreement will expire on October 31, 2025. With the assistance of outside legal counsel, staff has negotiated a proposed 10-year agreement with Comcast.

## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

## FIRST READING BACKGROUND / DISCUSSION

The current cable franchise agreement (the "Current Agreement") has been in effect since 2015 and expires October 31, 2025. Staff has been in negotiations with Comcast representatives to enter into a new cable franchise agreement (the "New Agreement").

Key elements of the New Agreement are as follows:

- The New Agreement is for 10 years. It will take effect November 1, 2025, and end October 31, 2035.
- The New Agreement requires Comcast to provide a cable system providing the greater of (100) channels or the maximum number of channels of digital video programming services to Subscribers that Grantee provides to any other jurisdiction in Colorado, provided that Comcast reserves the right to seek modification of this obligation based on changes in consumer behavior, programming availability, or response to competition and the City cannot unreasonably deny such a request. The Current Agreement requires Comcast to provide a cable system with not less than 110 channels.
- Consistent with the Current Agreement, the New Agreement requires Comcast to pay the City five percent (5%) of Comcast's gross revenues.

- The New Agreement provides a new calculation for Public, Educational and Governmental (PEG) access fees. Under the New Agreement, Comcast is required to pay 0.725 of one percent (0.00725%) of Comcast's Gross Revenues per month to be used for capital costs related to PEG Access. Under the Current Agreement, Comcast is required to pay the City \$.075 per residential subscribed to support PEG access.
- Both the Current Agreement and the New Agreement provide the City with the ability to audit Franchise Fee payments, however, where the Current Agreement limited the possible reimbursement of audit costs to the City to \$15,000, the New Agreement allows possible reimbursements up to \$10,000 per year of the audit period. Additionally, the New Agreement provides assurances that audit documents will be provided electronically or at the closest physical Comcast office location.

## **CITY FINANCIAL IMPACTS**

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At present, PEG access fees continue to experience a 17% annual decrease. The City is currently receiving 50% less in PEG fees compared to 6 years ago. This will continue to decline at the rate of customers switching from traditional cable to streaming media, which is increasing at the highest rate in recent years.

With this change in how PEG funds are collected, revenues will increase and somewhat stabilize to previous levels, putting less pressure on the City to assist with PEG capital needs and less resources to PSD, CSU, and FCPAN.

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

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None.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

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First Reading attachments available in the October 7, 2025, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>

1. Ordinance No. 160, 2025

ORDINANCE NO. 160, 2025  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 AUTHORIZING A NON-EXCLUSIVE FRANCHISE BY THE CITY OF FORT COLLINS  
 TO COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, INC. AND ITS  
 SUCCESSORS AND ASSIGNS FOR THE RIGHT TO MAKE REASONABLE USE OF,  
 AND ERECT, CONSTRUCT, OPERATE AND MAINTAIN THROUGH, THE PUBLIC  
 RIGHTS-OF-WAY, EASEMENTS AND OTHER PUBLIC PROPERTY ANY  
 EQUIPMENT NECESSARY AND APPURTENANT TO THE OPERATION AND  
 MAINTENANCE OF A CABLE SYSTEM AND THE PROVISION OF CABLE SERVICES  
 TO RESIDENTS WITHIN THE CITY

A. Comcast of California/Colorado/Florida/Oregon, Inc. (“Comcast”) currently holds a cable television franchise (the “Franchise”) with the City granted by Ordinance No. 067, 2015, on July 7, 2015.

B. The Franchise was scheduled to expire by its terms on July 31, 2025.

C. The Franchise was extended by Ordinance No. 116, 2025, and is now set to expire October 31, 2025.

D. Comcast and the City have been negotiating a new cable franchise agreement (the “Franchise Agreement”). The Franchise Agreement is attached hereto as Exhibit A.

E. The Franchise Agreement includes the following major terms and conditions:

- (1) a term of ten years, from November 1, 2025 through October 31, 2035;
- (2) a requirement that Comcast pay the City a franchise fee of five percent of the gross revenues that Comcast receives from the operation of its cable system in the City;
- (3) revised public, educational, and governmental (“PEG”) funding for public access channels compared to the Franchise; and
- (4) provision of three High Definition channels and four Standard Definition channels for PEG use.

F. Section 1 of Article XI of the City Charter and Section 6-3 of the City Code set forth notice and hearing requirements that must be satisfied prior to the City granting a cable television franchise. Such notice requirements have been met prior to first reading of this Ordinance.

G. Section 6-12 of the City Code provides for a performance bond or letter of credit requirement, unless the City Council waives or reduces such requirement for a

franchisee that has faithfully performed its obligations to the City to operate a cable franchise for more than five (5) years.

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 notice and hearing requirements of Section 1 of Article XI of the City Charter and Section 6-3 of the City Code relating to the granting of a cable television franchise have been satisfied as of the completion of first reading of this Ordinance for the Comcast Franchise Agreement.

Section 2. The grant of a cable television franchise to Comcast in accordance with the terms and conditions of the Franchise Agreement is in the best interests of the City and its residents and will meet the future cable related needs of the community.

Section 3. The Comcast has faithfully operated a cable franchise in the City for more than five years consistent with the requirements of the cable franchise and accordingly the City Council reduces the performance bond or letter of credit requirement in Section 6-12 of the City Code to the letter of credit requirement contained in section 5.4 of the Franchise Agreement.

Section 4. The Mayor is hereby authorized to execute the Franchise Agreement with Comcast in substantially the form attached as Exhibit A with such modifications or additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance.

Introduced, considered favorably on first reading on October 7, 2025, and approved on second reading for final passage on October 21, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: October 31, 2025  
Approving Attorney: Ted Hewitt

Exhibit: Exhibit A - Franchise Agreement

**COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, INC. AND  
THE CITY OF FORT COLLINS, COLORADO**

**CABLE FRANCHISE AGREEMENT**

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**COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, INC., AND  
CITY OF FORT COLLINS, COLORADO  
CABLE FRANCHISE AGREEMENT**

**SECTION 1. DEFINITIONS AND EXHIBITS**

**(A) DEFINITIONS**

For the purposes of this Franchise, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning. The word "shall" is always mandatory and not merely directory.

1.1 “Access” means the availability for noncommercial use by various agencies, institutions, organizations, groups and individuals in the community, including the City and its designees of the Cable System to acquire, create, receive, and distribute video Cable Services and other services and signals as permitted under Applicable Law including without limitation:

(A) “Public Access” means Access where community-based, noncommercial organizations, groups or individual members of the general public, on a nondiscriminatory basis, are the primary users.

(B) “Educational Access” means Access where schools are the primary users having editorial control over programming and services. For purposes of this definition, “school” means any State-accredited educational institution, public or private, including, for example, primary and secondary schools, colleges and universities.

(C) “Government Access” means Access where governmental institutions or their designees are the primary users having editorial control over programming and services.

1.2 “Access Channel” means any Channel, or portion thereof, designated for Access purposes or otherwise made available to facilitate or transmit Access programming or services.

1.3 “Activated” means the status of any capacity or part of the Cable System in which any Cable Service requiring the use of that capacity or part is available without further installation of system equipment, whether hardware or software.

1.4 “Affiliate,” when used in connection with Grantee, means any Person who owns or controls, is owned or controlled by, or is under common ownership or control with, Grantee.

1.5 “Applicable Law” means any statute, ordinance, judicial decision, executive order or regulation having the force and effect of law, that determines the legal standing of a case or issue.

1.6 “Bad Debt” means amounts lawfully billed to a Subscriber and owed by the Subscriber for Cable Service and accrued as revenues on the books of Grantee, but not collected after reasonable efforts have been made by Grantee to collect the charges.

1.7 “Basic Service” is the level of programming service which includes, at a minimum, all Broadcast Channels, all PEG SD Access Channels required in this Franchise, and any additional Programming added by the Grantee, and is made available to all Cable Services Subscribers in the Franchise Area.

1.8 “Broadcast Channel” means local commercial television stations, qualified low power stations and qualified local noncommercial educational television stations, as referenced under 47 USC §§ 534 and 535.

1.9 “Broadcast Signal” means a television or radio signal transmitted over the air to a wide geographic audience, and received by a Cable System by antenna, microwave, satellite dishes or any other means.

1.10 “Cable Act” means the Title VI of the Communications Act of 1934, as amended.

1.11 “Cable Operator” means any Person or groups of Persons, including Grantee, who provide(s) Cable Service over a Cable System and directly or through one or more affiliates owns a significant interest in such Cable System or who otherwise control(s) or is (are) responsible for, through any arrangement, the management and operation of such a Cable System.

1.12 “Cable Service” means the one-way transmission to Subscribers of video programming or other programming service, and Subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

1.13 “Cable System” means any facility, including Grantee’s, consisting of a set of closed transmissions paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple Subscribers within a community, but such term does not include: (A) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (B) a facility that serves Subscribers without using any Right-of-Way; (C) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the federal Communications Act (47 U.S.C. §§ 201 *et seq.*), except that such facility shall be considered a Cable System (other than for purposes of Section 621(c) (47 U.S.C. § 541(c)) to the extent such facility is used in the transmission of video programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services; (D) an open video system that complies with federal statutes; or (E) any facilities of any electric utility used solely for operating its electric utility systems.

1.14 “Channel” means a portion of the electromagnetic frequency spectrum which is used in the Cable System and which is capable of delivering a television channel (as television channel is defined by the FCC by regulation).

1.15 “City” is the City of Fort Collins, Colorado, a body politic and corporate under the laws of the State of Colorado.

1.16 “City Council” means the City Council or its successor, the governing body of the City of Fort Collins, Colorado.

1.17 “Colorado Communications and Utility Alliance” or “CCUA” means the non-profit entity formed by franchising authorities or local governments in Colorado or its successor entity, whose purpose is, among other things, to communicate with regard to franchising matters collectively and cooperatively.

1.18 “Commercial Subscribers” means any Subscribers other than Residential Subscribers.

1.19 “Designated Access Provider” means the entity or entities designated now or in the future by the City to manage or co-manage Access Channels and facilities. The City may be a Designated Access Provider.

1.20 “Digital Starter Service” means the Tier of optional video programming services, which is the level of Cable Service received by most Subscribers above Basic Service, and does not include Premium Services.

1.21 “Downstream” means carrying a transmission from the Headend to remote points on the Cable System or to Interconnection points on the Cable System.

1.22 “Dwelling Unit” means any building, or portion thereof, that has independent living facilities, including provisions for cooking, sanitation and sleeping, and that is designed for residential occupancy. Buildings with more than one set of facilities for cooking shall be considered Multiple Dwelling Units unless the additional facilities are clearly accessory.

1.23 “FCC” means the Federal Communications Commission.

1.24 “Fiber Optic” means a transmission medium of optical fiber cable, along with all associated electronics and equipment, capable of carrying Cable Service by means of electric lightwave impulses.

1.25 “Franchise” means the document in which this definition appears, *i.e.*, the contractual agreement, executed between the City and Grantee, containing the specific provisions of the authorization granted, including references, specifications, requirements and other related matters.

1.26 “Franchise Area” means the area within the jurisdictional boundaries of the City, including any areas annexed by the City during the term of this Franchise.

1.27 “Franchise Fee” means that fee payable to the City described in Section 3.1.

1.28 “Grantee” means Comcast of California/Colorado/Florida/Oregon, Inc., or its lawful successor, transferee or assignee.

1.29 “Gross Revenues” means, and shall be construed broadly to include all revenues derived directly or indirectly by Grantee or an Affiliated Entity that is the cable operator of the Cable System, from the operation of Grantee’s Cable System to provide Cable Services within the City. Gross revenues include, by way of illustration and not limitation:

- monthly fees for Cable Services, regardless of whether such Cable Services are provided to residential or commercial customers, including revenues derived from the provision of all Cable Services (including without limitation pay or premium Cable Services, digital Cable Services, pay-per-view, pay-per-event and video-on-demand Cable Services);
- installation, reconnection, downgrade, upgrade or similar charges associated with changes in subscriber Cable Service levels;
- fees paid to Grantee for channels designated for commercial/leased access use and shall be allocated on a pro rata basis using total Cable Service subscribers within the City;
- converter, remote control, and other Cable Service equipment rentals, leases, or sales;
- Advertising Revenues as defined herein;
- late fees, convenience fees and administrative fees which shall be allocated on a pro rata basis using Cable Services revenue as a percentage of total subscriber revenues within the City;
- revenues from program guides;
- Franchise Fees;
- FCC Regulatory Fees; and,
- commissions from home shopping channels and other Cable Service revenue sharing arrangements which shall be allocated on a pro rata basis using total Cable Service subscribers within the City.

(A) “Advertising Revenues” shall mean revenues derived from sales of advertising that are made available to Grantee’s Cable System subscribers within the City and shall be allocated on a pro rata basis using total Cable Service subscribers reached by the advertising. Additionally, Grantee agrees that Gross Revenues subject to franchise fees shall include all commissions, rep fees, Affiliated Entity fees, or rebates paid to National Cable Communications (“NCC”) and Comcast Spotlight (“Spotlight”) or their successors associated with sales of advertising on the Cable System within the City allocated according to this paragraph using total Cable Service subscribers reached by the advertising.

(B) “Gross Revenues” shall not include:

- actual bad debt write-offs, except any portion which is subsequently collected which shall be allocated on a *pro rata* basis using Cable Services revenue as a percentage of total subscriber revenues within the City;
- any taxes or fees on services furnished by Grantee imposed by any municipality, State or other governmental unit, provided that Franchise Fees and the FCC regulatory fee shall not be regarded as such a tax or fee;
- fees imposed by any municipality, State or other governmental unit on Grantee including but not limited to Public, Educational and Governmental (PEG) Fees;
- launch fees and marketing co-op fees; and,
- unaffiliated third-party advertising sales agency fees which are reflected as a deduction from revenues.

(C) To the extent revenues are received by Grantee for the provision of a discounted bundle of services which includes Cable Services and non-Cable Services, Grantee shall calculate revenues to be included in Gross Revenues using a methodology that allocates revenue on a *pro rata* basis when comparing the bundled service price and its components to the sum of the published rate card, except as required by specific federal, State or local law, it is expressly understood that equipment may be subject to inclusion in the bundled price at full rate card value. This calculation shall be applied to every bundled service package containing Cable Service from which Grantee derives revenues in the City. The City reserves its right to review and to challenge Grantee’s calculations.

(D) Grantee reserves the right to change the allocation methodologies set forth in this Section 1.29 in order to meet the standards required by governing accounting principles as promulgated and defined by the Financial Accounting Standards Board (“FASB”), Emerging Issues Task Force (“EITF”) or the U.S. Securities and Exchange Commission (“SEC”). Grantee will explain and document the required changes to the City within three months of making such changes, and as part of any audit or review of franchise fee payments, and any such changes shall be subject to 1.29(E) below.

(E) Resolution of any disputes over the classification of revenue should first be attempted by agreement of the Parties, but should no resolution be reached, the Parties agree that reference shall be made to generally accepted accounting principles (“GAAP”) as promulgated and defined by the Financial Accounting Standards Board (“FASB”), Emerging Issues Task Force (“EITF”) or the U.S. Securities and Exchange Commission (“SEC”). Notwithstanding the forgoing, the City reserves its right to challenge Grantee’s calculation of Gross Revenues, including the interpretation of GAAP as promulgated and defined by the FASB, EITF or the SEC.

1.30 “Headend” means any facility for signal reception and dissemination on a Cable System, including cables, antennas, wires, satellite dishes, monitors, switchers, modulators, processors for Broadcast Signals, equipment for the Interconnection of the Cable System with adjacent Cable Systems and Interconnection of any networks which are part of the Cable System, and all other related equipment and facilities.

1.31 “Leased Access Channel” means any Channel or portion of a Channel commercially available for video programming by Persons other than Grantee, for a fee or charge.

1.32 “Manager” means the City Manager of the City or designee.

1.33 “Person” means any individual, sole proprietorship, partnership, association, or corporation, or any other form of entity or organization.

1.34 “Premium Service” means programming choices (such as movie Channels, pay-per-view programs, or video on demand) offered to Subscribers on a per-Channel, per-program or per-event basis.

1.35 “Residential Subscriber” means any Person who receives Cable Service delivered to Dwelling Units or Multiple Dwelling Units, excluding such Multiple Dwelling Units billed on a bulk-billing basis.

1.36 “Right-of-Way” or “Rights-of-Way” means each of the following which have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and located within the City: streets, roadways, highways, avenues, lanes, alleys, bridges, sidewalks, and easements within the same. Parks, trails, open space and ditch property are not right-of-way; provided however that any public utility easements within such properties may be utilized by Grantee in accordance with their specific terms.

1.37 “State” means the State of Colorado.

1.38 “Subscriber” means any Person who or which elects to subscribe to, for any purpose, Cable Service provided by Grantee by means of or in connection with the Cable System and whose premises are physically wired and lawfully Activated to receive Cable Service from Grantee's Cable System, and who is in compliance with Grantee's regular and nondiscriminatory terms and conditions for receipt of service.

1.39 “Subscriber Network” means that portion of the Cable System used primarily by Grantee in the transmission of Cable Services to Residential Subscribers.

1.40 “Telecommunications” means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received (as provided in 47 U.S.C. § 153(43)).

1.41 “Telecommunications Service” means the offering of Telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used (as provided in 47 U.S.C. § 153(46)).

1.42 “Tier” means a group of Channels for which a single periodic subscription fee is charged.

1.43 “Two-Way” means that the Cable System is capable of providing both Upstream and Downstream transmissions.

1.44 “Upstream” means carrying a transmission to the Headend from remote points on the Cable System or from Interconnection points on the Cable System.

## **(B) EXHIBITS**

The following documents, which are occasionally referred to in this Franchise, are formally incorporated and made a part of this Franchise by this reference:

- (1) *Exhibit A*, titled Report Form.
- (2) *Exhibit B*, titled Customer Service Standards
- (3) *Exhibit C*, titled Return Lines

## **SECTION 2. GRANT OF FRANCHISE**

### **2.1 Grant**

(A) The City hereby grants to Grantee a nonexclusive authorization to make reasonable and lawful use of the Rights-of-Way within the City to construct, operate, maintain, reconstruct and rebuild a Cable System for the purpose of providing Cable Service subject to the terms and conditions set forth in this Franchise and in any prior utility or use agreements entered into by Grantee with regard to any individual property. This Franchise shall constitute both a right and an obligation to provide the Cable Services required by, and to fulfill the obligations set forth in, the provisions of this Franchise.

(B) Nothing in this Franchise shall be deemed to waive the lawful requirements of any generally applicable City ordinance existing as of the Effective Date, as defined in Section 2.3.

(C) Every term, provision or condition herein is subject to the provisions of State law, federal law, the Charter of the City, and the ordinances and regulations enacted pursuant thereto. The Charter and Municipal Code of the City, as the same may be amended from time to time, are hereby expressly incorporated into this Franchise as if fully set out herein by this reference. Notwithstanding the foregoing, the City may not unilaterally alter the material rights and obligations of Grantee under this Franchise.

(D) This Franchise shall not be interpreted to prevent the City from imposing additional lawful conditions, including additional compensation conditions, for use of the Rights-of-Way.

(E) Grantee promises and guarantees, as a condition of exercising the privileges granted by this Franchise, that any Affiliate of the Grantee directly involved in the offering of Cable Service in the Franchise Area, or directly involved in the management or operation of the Cable System in the Franchise Area, will also comply with the obligations of this Franchise.

(F) No rights shall pass to Grantee by implication. Without limiting the foregoing, by way of example and not limitation, this Franchise shall not include or be a substitute for:

(1) Any other permit or authorization required for the privilege of transacting and carrying on a business within the City that may be required by the City's ordinances and laws;

(2) Any permit, agreement, or authorization required by the City for Right-of-Way users in connection with operations on or in Rights-of-Way or public property including, by way of example and not limitation, street cut permits; or

(3) Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by this Franchise including, without limitation, permits and agreements for placing devices on poles, in conduits or in or on other structures.

(G) This Franchise is intended to convey limited rights and interests only as to those Rights-of-Way in which the City has an actual interest. It is not a warranty of title or interest in any Right-of-Way; it does not provide the Grantee with any interest in any particular location within the Right-of-Way; and it does not confer rights other than as expressly provided in the grant hereof.

## **2.2 Use of Rights-of-Way**

(A) Subject to the City's supervision and control, Grantee may erect, install, construct, repair, replace, reconstruct, and retain in, on, over, under, upon, across, and along the Rights-of-Way within the City such wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, pedestals, attachments and other property and equipment as are necessary and appurtenant to the operation of a Cable System within the City. Grantee, through this Franchise, is granted extensive and valuable rights to operate its Cable System for profit using the City's Rights-of-Way in compliance with all applicable City construction codes and procedures. As trustee for the public, the City is entitled to fair compensation as provided for in Section 3 of this Franchise to be paid for these valuable rights throughout the term of the Franchise.

(B) Grantee must follow City-established nondiscriminatory requirements for placement of Cable System facilities in Rights-of-Way, including the specific location of facilities in the Rights-of-Way, and must in any event install Cable System facilities in a manner that minimizes interference with the use of the Rights-of-Way by others, including others that may be installing communications facilities. Within limits reasonably related to the City's role in protecting public health, safety and welfare, the City may require that Cable System facilities be

installed at a particular time, at a specific place or in a particular manner as a condition of access to a particular Right-of-Way; may deny access if Grantee is not willing to comply with the City's requirements; and may remove, or require removal of, any facility that is not installed by Grantee in compliance with the requirements established by the City, or which is installed without prior City approval of the time, place or manner of installation, and charge Grantee for all the costs associated with removal; and may require Grantee to cooperate with others to minimize adverse impacts on the Rights-of-Way through joint trenching and other arrangements.

### **2.3 Effective Date and Term of Franchise**

This Franchise and the rights, privileges and authority granted hereunder shall take effect on November 1, 2025 (the "Effective Date"), and shall terminate on October 31, 2035, unless terminated sooner as hereinafter provided.

### **2.4 Franchise Nonexclusive**

This Franchise shall be nonexclusive, and subject to all prior rights, interests, easements or licenses granted by the City to any Person to use any property, Right-of-Way, right, interest or license for any purpose whatsoever, including the right of the City to use same for any purpose it deems fit, including the same or similar purposes allowed Grantee hereunder. The City may at any time grant authorization to use the Rights-of-Way for any purpose not incompatible with Grantee's authority under this Franchise and for such additional franchises for Cable Systems as the City deems appropriate.

### **2.5 Police Powers**

Grantee's rights hereunder are subject to the police powers of the City to adopt and enforce ordinances necessary to the safety, health, and welfare of the public, and Grantee agrees to comply with all laws and ordinances of general applicability enacted, or hereafter enacted, by the City or any other legally constituted governmental unit having lawful jurisdiction over the subject matter hereof. The City shall have the right to adopt, from time to time, such ordinances as may be deemed necessary in the exercise of its police power. The Grantee reserves the right to challenge any ordinance(s) it believes are not a generally applicable exercise of City's police powers. Any conflict between the provisions of this Franchise and any other present or future lawful exercise of the City's police powers shall be resolved in favor of the latter.

### **2.6 Competitive Equity**

(A) The Grantee acknowledges and agrees that the City reserves the right to grant one or more additional franchises or other similar lawful authorization to provide Cable Services within the City. If the City grants such an additional franchise or other similar lawful authorization containing material terms and conditions that differ from Grantee's material obligations under this Franchise, then the City agrees that the obligations in this Franchise will, pursuant to the process set forth in this Section, be amended to include any material terms or conditions that it imposes upon the new entrant, or provide relief from existing material terms or conditions, so as to insure that the regulatory and financial burdens on each entity are materially

equivalent. “Material terms and conditions” include without limitation: Franchise Fees and Gross Revenues; insurance; System build-out requirements; security instruments; Public, Education and Government Access Channels and support; customer service standards; required reports and related record keeping; competitive equity (or its equivalent); audits; dispute resolution; remedies; and notice and opportunity to cure breaches. The parties agree that this provision shall not require a word-for-word identical franchise or authorization for a competitive entity so long as the regulatory and financial burdens on each entity are materially equivalent. Video programming services (as defined in the Cable Act) delivered over wireless broadband networks are specifically exempted from the requirements of this Section.

(B) The modification process of this Franchise as provided for in Section 2.6(A) shall only be initiated by written notice by the Grantee to the City regarding specified franchise obligations. Grantee’s notice shall address the following: (1) identifying the specific terms or conditions in the competitive cable services franchise which are materially different from Grantee’s obligations under this Franchise; (2) identifying the Franchise terms and conditions for which Grantee is seeking amendments; (3) providing text for any proposed Franchise amendments to the City, with a written explanation of why the proposed amendments are necessary and consistent.

(C) Upon receipt of Grantee’s written notice as provided in Section 2.6(B), the City and Grantee agree that they will use best efforts in good faith to negotiate Grantee’s proposed Franchise modifications, and that such negotiation will proceed and conclude within a 90-day time period, unless that time period is reduced or extended by mutual agreement of the parties. If the City and Grantee reach agreement on the Franchise modifications pursuant to such negotiations, then the City shall amend this Franchise to include the modifications.

(D) In the alternative to Franchise modification negotiations as provided for in Section 2.6(C), or if the City and Grantee fail to reach agreement in such negotiations, Grantee may, at its option, elect to replace this Franchise by opting into the franchise or other similar lawful authorization that the City grants to another provider of Cable Services, with the understanding that Grantee will use its current system design and technology infrastructure to meet any requirements of the new franchise so as to insure that the regulatory and financial burdens on each entity are equivalent. If Grantee so elects, the City shall immediately commence proceedings, in accordance with the City’s Code and Charter, to replace this Franchise with the franchise issued to the other Cable Services provider.

(E) Notwithstanding anything contained in this Sections 2.6(A) through (D) to the contrary, the City shall not be obligated to amend or replace this Franchise unless the new entrant makes Cable Services available for purchase by Subscribers or customers under its franchise agreement with the City.

(F) Notwithstanding any provision to the contrary, at any time that a wireline facilities-based entity, legally authorized by State or federal law, makes available for purchase by Subscribers or customers, Cable Services or multiple Channels of video programming within the Franchise Area without a franchise or other similar lawful authorization granted by the City, then:

- (1) Grantee may negotiate with the City to seek Franchise modifications as per Section 2.6(C) above; or
  - (a) the term of Grantee's Franchise shall, upon ninety (90) days written notice from Grantee, be shortened so that the Franchise shall be deemed to expire on a date eighteen (18) months from the first day of the month following the date of Grantee's notice; or,
  - (b) Grantee may assert, at Grantee's option, that this Franchise is rendered "commercially impracticable," and invoke the modification procedures set forth in Section 625 of the Cable Act.

## **2.7 Familiarity with Franchise**

The Grantee acknowledges and warrants by acceptance of the rights, privileges and agreements granted herein, that it has carefully read and fully comprehends the terms and conditions of this Franchise and is willing to and does accept all lawful and reasonable risks of the meaning of the provisions, terms and conditions herein. The Grantee further acknowledges and states that it has fully studied and considered the requirements and provisions of this Franchise, and finds that the same are commercially practicable at this time, and consistent with Applicable Law, including the Cable Act.

## **2.8 Effect of Acceptance**

By accepting the Franchise, the Grantee: (1) acknowledges and accepts the City's legal right to issue and enforce the Franchise; (2) accepts and agrees to comply with every provision of this Franchise subject to Applicable Law; and (3) agrees that the Franchise was granted pursuant to processes and procedures consistent with Applicable Law, and that it will not raise any claim to the contrary.

## **SECTION 3. FRANCHISE FEE PAYMENT AND FINANCIAL CONTROLS**

### **3.1 Franchise Fee**

As compensation for the benefits and privileges granted under this Franchise and in consideration of permission to use the City's Rights-of-Way, Grantee shall continue to pay as a Franchise Fee to the City, throughout the duration of and consistent with this Franchise, an amount equal to 5% of Grantee's Gross Revenues.

### **3.2 Payments**

Grantee's Franchise Fee payments to the City shall be computed quarterly for the preceding calendar quarter ending March 31, June 30, September 30, and December 31. Each quarterly payment shall be due and payable no later than 45 days after said dates.

### **3.3 Acceptance of Payment and Recomputation**

No acceptance of any payment shall be construed as an accord by the City that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable or for the performance of any other obligation of Grantee.

### **3.4 Quarterly Franchise Fee Reports**

Each payment shall be accompanied by a written report to the City, or concurrently sent under separate cover, verified by an authorized representative of Grantee, containing an accurate statement in summarized form, as well as in detail, of Grantee's Gross Revenues and the computation of the payment amount. Such reports shall detail all Gross Revenues of the Cable System.

### **3.5 Annual Franchise Fee Reports**

Grantee shall, within 60 days after the end of each year, furnish to the City a statement stating the total amount of Gross Revenues for the year and all payments, deductions and computations for the period.

### **3.6 Audits**

(A) On an annual basis, upon 30 days prior written notice, the City, including the City's Auditor or their authorized representative, shall have the right to conduct an independent audit/review of Grantee's records reasonably related to the administration or enforcement of this Franchise. Pursuant to Section 1.29, as part of the Franchise Fee audit/review the City shall specifically have the right to review relevant data related to the allocation of revenue to Cable Services in the event Grantee offers Cable Services bundled with non-Cable Services. For purposes of this section, "relevant data" shall include, at a minimum, Grantee's records, produced and maintained in the ordinary course of business, showing the subscriber counts per package and the revenue allocation per package for each package that was available for City subscribers during the audit period. To the extent that the City does not believe that the relevant data supplied is sufficient for the City to complete its audit/review, the City may require other relevant data. For purposes of this Section 3.6, the "other relevant data" shall generally mean all: (1) billing reports, (2) financial reports (such as General Ledgers) and (3) sample customer bills used by Grantee to determine Gross Revenues for the Franchise Area that would allow the City to recompute the Gross Revenue determination. If the audit/review shows that Franchise Fee payments have been underpaid by five percent 5% or more Grantee shall pay the total cost of the audit/review, such cost not to exceed \$10,000 for each year of the audit period. The City's right to audit/review and the Grantee's obligation to retain records related to this Section shall expire three years after each Franchise Fee payment has been made to the City.

(B) All information required to be provided pursuant to this section to the City's auditor or authorized representative, shall be provided electronically or through the U.S. Mail or recognized overnight delivery service. If Grantee is unable to provide the information to the

auditor or authorized representative in this manner, if that person's physical location is within the State of Colorado, Grantee shall make the information available for review and copying at its division office, 9401 East Panorama Circle, Centennial, Colorado. If that person's physical location is not within the State of Colorado, Grantee shall make the information available for review and copying at its office location that is physically closest to the auditor or authorized representative. Unless information made available to the auditor or authorized representative may not be disclosed due to Applicable Law, the auditor or authorized representative may make copies, scans or similar reproductions of any materials made available at Grantee's offices.

### **3.7 Late Payments**

In the event any payment due quarterly is not received within 45 days from the end of the calendar quarter, Grantee shall pay interest on the amount due at a rate of 8% per annum, compounded daily, calculated from the date the payment was originally due until the date the City receives the payment.

### **3.8 Underpayments**

If a net Franchise Fee underpayment is discovered as the result of an audit, Grantee shall pay interest at the rate of the 8% per annum, compounded daily, calculated from the date each portion of the underpayment was originally due until the date Grantee remits the underpayment to the City.

### **3.9 Alternative Compensation**

In the event the obligation of Grantee to compensate the City through Franchise Fee payments is lawfully suspended or eliminated, in whole or part, then Grantee shall comply with any other Applicable Law related to the right to occupy the City's Rights-of-Way and compensation therefor.

### **3.10 Maximum Legal Compensation**

The parties acknowledge that, at present, applicable federal law limits the City to collection of a maximum permissible Franchise Fee of 5% of Gross Revenues. In the event that at any time during the duration of this Franchise, the City is authorized to collect an amount in excess of 5% of Gross Revenues, then the Grantor and Grantee may enter into negotiations to amend this Franchise pursuant to Section 4.7.

### **3.11 Additional Commitments Not Franchise Fee Payments**

(A) The PEG Capital Contribution pursuant to Section 9.6, as well as any charges incidental to the awarding or enforcing of this Franchise (including, without limitation, payments for bonds, security funds, letters of credit, insurance, indemnification, penalties or liquidated damage) and Grantee's costs of compliance with Franchise obligations (including, without limitation, compliance with customer service standards and build out obligations) shall not be offset against Franchise Fees. Furthermore, the City and Grantee agree that any local tax of general

applicability shall be in addition to any Franchise Fees required herein, and there shall be no offset against Franchise Fees. Notwithstanding the foregoing, Grantee reserves all rights to offset cash or non-cash consideration or obligations from Franchise Fees, consistent with Applicable Law. The City likewise reserves all rights it has under Applicable Law. Should Grantee elect to offset the items set forth herein, or other Franchise commitments such as complimentary Cable Service, against Franchise Fees in accordance with Applicable Law, including any Orders resulting from the FCC's 621 proceeding, MB Docket No. 05-311, Grantee shall provide the City with advance written notice. Such notice shall document the proposed offset or service charges so that the City can make an informed decision as to its course of action. Upon receipt of such notice, the City shall have up to 120 days to either (1) maintain the commitment with the understanding that the value shall be offset from Franchise Fees; (2) relieve Grantee from the commitment obligation under the Franchise; or (3) pay for the services rendered pursuant to the commitment in accordance with Grantee's regular and nondiscriminatory term and conditions.

(B) Grantee's notice pursuant to Section 3.11(A) shall, at a minimum, address the following: (1) identify the specific cash or non-cash consideration or obligations that must be offset from Grantee's Franchise Fee obligations; (2) identify the Franchise terms and conditions for which Grantee is seeking amendments; (3) provide text for any proposed Franchise amendments to the City, with a written explanation of why the proposed amendments are necessary and consistent with Applicable Law; (4) provide all information and documentation reasonably necessary to address how and why specific offsets are to be calculated and (5) if applicable, provide all information and documentation reasonably necessary to document how Franchise Fee offsets may be passed through to Subscribers in accordance with 47 U.S.C. 542(e). Nothing in this Section 3.11(B) shall be construed to extend the 120-day time period for the City to make its election under Section 3.11(A); provided, however, that any disagreements or disputes over whether sufficient information has been provided pursuant to this Paragraph (B) may be addressed under Sections 13.1 or 13.2 of this Franchise.

(C) Upon receipt of Grantee's written notice as provided in Section 3.11(B), the City and Grantee agree that they will use best efforts in good faith and in compliance with Applicable Law to negotiate Grantee's proposed Franchise modifications and agree to what offsets, if any, are to be made to the Franchise Fee obligations. Such negotiation will proceed and conclude within a 120-day time period, unless that time period is reduced or extended by mutual agreement of the parties. If the City and Grantee reach agreement on the Franchise modifications pursuant to such negotiations, then the City shall amend this Franchise to include those modifications in accordance with the City Code and Charter, including approval by the City Council.

(D) If the parties are unable to reach agreement on any Franchise Fee offset issue within 120 days or such other time as the parties may mutually agree, each party reserves all rights it may have under Applicable Law to address such offset issues.

(E) The City acknowledges that Grantee currently provides one outlet of Basic Service and Digital Starter Service and associated equipment to certain City-owned and occupied or leased and occupied buildings, and fire stations located in areas where Grantee provides Cable Service. Outlets of Basic and Digital Starter Service provided in accordance with this section may be used to distribute Cable Services throughout such buildings, provided such distribution can be

accomplished without causing Cable System disruption and general technical standards are maintained. Grantee's commitment to provide this service is voluntary and may be terminated by Grantee at its sole discretion.

- (1) Grantee's termination of complimentary services provided shall be pursuant to the provisions of Section 3.11(A)-(E) above. The City may make a separate election for each account or line of service identified in the notice (for example, the City may choose to accept certain services or accounts as offsets to Franchise Fees and discontinue other services or accounts), so long as all elections are made within 120 days. Grantee shall also provide written notice to each entity that is currently receiving complimentary services with copies of those notice(s) sent to the City.
- (2) Notwithstanding the foregoing, Grantee reserves all rights to offset cash or non-cash consideration or obligations from Franchise Fees, consistent with Applicable Law. The City likewise reserves all rights it has under Applicable Law.

(F) The parties understand and agree that offsets may be required and agreed to as a result of the FCC's Order in what is commonly known as the 621 Proceeding, MB Docket No. 05-311. Should there be a new Order in the 621 Proceeding, or any other change in Applicable Law, which would permit any cash or non-cash consideration or obligations to be required by this Franchise without being offset from Franchise Fees, or would change the scope of the City's regulatory authority over the use of the rights-of-way by the Grantee, the parties shall, within 120 days of written notice from the City, amend this Franchise to reinstate such consideration or obligations without offset from Franchise Fees, and to address the full scope of the City's regulatory authority.

### **3.12 Tax Liability**

The Franchise Fees shall be in addition to any taxes or other levies or assessments which are now or hereafter required to be paid by businesses in general by any law of the City, the State or the United States including, without limitation, sales, use and other taxes, business license fees or other payments. Payment of the Franchise Fees under this Franchise shall not exempt Grantee from the payment of any other license fee, permit fee, tax or charge on the business, occupation, property or income of Grantee that may be lawfully imposed by the City. Any other license fees, taxes or charges shall be of general applicability in nature and shall not be levied against Grantee solely because of its status as a Cable Operator, or against Subscribers, solely because of their status as such.

### **3.13 Financial Records**

Grantee agrees to meet with a representative of the City upon request to review Grantee's methodology of record-keeping, financial reporting, the computing of Franchise Fee obligations and other procedures, the understanding of which the City deems necessary for reviewing reports and records.

### **3.14 Payment on Termination**

If this Franchise terminates for any reason, the Grantee shall file with the City within 90 calendar days of the date of the termination, a financial statement, certified by an independent certified public accountant, showing the Gross Revenues received by the Grantee since the end of the previous fiscal year. The City reserves the right to satisfy any remaining financial obligations of the Grantee to the City by utilizing the funds available in the letter of credit or other security provided by the Grantee.

## **SECTION 4. ADMINISTRATION AND REGULATION**

### **4.1 Authority**

(A) The City shall be vested with the power and right to reasonably regulate the exercise of the privileges permitted by this Franchise in the public interest, or to delegate that power and right, or any part thereof, to the extent permitted under federal, State and local law, to any agent including without limitation the CCUA, in the City's sole discretion.

(B) Nothing in this Franchise shall limit nor expand the City's right of eminent domain under State law.

### **4.2 Rates and Charges**

All of Grantee's rates and charges related to or regarding Cable Services shall be subject to regulation by the City to the full extent authorized by applicable federal, State, and local laws.

### **4.3 Rate Discrimination**

All of Grantee's rates and charges shall be published (in the form of a publicly-available rate card) and be non-discriminatory as to all Persons and organizations of similar classes, under similar circumstances and conditions. Grantee shall apply its rates in accordance with Applicable Law, with identical rates and charges for all Subscribers receiving identical Cable Services, without regard to race, color, ethnic or national origin, religion, age, sex, sexual orientation, marital, military or economic status, or physical or mental disability or geographic location within the City. Grantee shall offer the same Cable Services to all Residential Subscribers at identical rates to the extent required by Applicable Law and to Multiple Dwelling Unit Subscribers to the extent authorized by FCC rules or applicable federal law. Grantee shall permit Subscribers to make any lawful in-residence connections the Subscriber chooses without additional charge nor penalizing the Subscriber therefor. However, if any in-home connection requires service from Grantee due to signal quality, signal leakage or other factors, caused by improper installation of such in-home wiring or faulty materials of such in-home wiring, the Subscriber may be charged reasonable service charges by Grantee. Nothing herein shall be construed to prohibit:

(A) The temporary reduction or waiving of rates or charges in conjunction with valid promotional campaigns;

(B) The offering of reasonable discounts to senior citizens or economically disadvantaged citizens;

(C) The offering of rate discounts for Cable Service; or

(D) The Grantee from establishing different and nondiscriminatory rates and charges and classes of service for Commercial Subscribers, as allowable by federal law and regulations.

#### **4.4 Filing of Rates and Charges**

(A) Throughout the term of this Franchise, Grantee shall maintain on file with the City a complete schedule of applicable rates and charges for Cable Services provided under this Franchise. Nothing in this section shall be construed to require Grantee to file rates and charges under temporary reductions or waivers of rates and charges in conjunction with promotional campaigns.

(B) Upon request of the City, Grantee shall provide a complete schedule of current rates and charges for any Leased Access Channels, or portions of such Channels, provided by Grantee. The schedule shall include a description of the price, terms, and conditions established by Grantee for Leased Access Channels.

#### **4.5 Cross Subsidization**

Grantee shall comply with all Applicable Laws regarding rates for Cable Services and all Applicable Laws covering issues of cross subsidization.

#### **4.6 Reserved Authority**

Both Grantee and the City reserve all rights they may have under the Cable Act and any other relevant provisions of Applicable Law.

#### **4.7 Franchise Amendment Procedure**

Either party may at any time seek an amendment of this Franchise by so notifying the other party in writing. Within 30 days of receipt of notice, the City and Grantee shall meet to discuss the proposed amendment(s). If the parties reach a mutual agreement upon the suggested amendment(s), such amendment(s) shall be submitted to the City Council for its approval. If so approved by the City Council and the Grantee, then such amendment(s) shall be deemed part of this Franchise. If mutual agreement is not reached, there shall be no amendment.

#### **4.8 Late Fees**

(A) For purposes of this section, any assessment, charge, cost, fee or sum, however characterized, that the Grantee imposes upon a Subscriber solely for late payment of a bill is a late fee and shall be applied in accordance with the City's Customer Service Standards, as the same may be amended from time to time by the City Council acting by ordinance or resolution, or as the same may be superseded by Applicable Law.

(B) Nothing in this section shall be deemed to create, limit or otherwise affect the ability of the Grantee, if any, to impose other assessments, charges, fees or sums other than those permitted by this section, for the Grantee's other services or activities it performs in compliance with Applicable Law, including FCC law, rule or regulation.

(C) The Grantee's late fee and disconnection policies and practices shall be consistent with Applicable Law, and any fee imposed pursuant to this subsection shall apply equally in all parts of the City without regard to the neighborhood or income level of the Subscriber.

#### **4.9 Force Majeure**

In the event Grantee is prevented or delayed in the performance of any of its obligations under this Franchise by reason beyond the control of Grantee, Grantee shall have a reasonable time, under the circumstances, to perform the affected obligation under this Franchise or to procure a substitute for such obligation which is satisfactory to the City. Those conditions which are not within the control of Grantee include, but are not limited to, natural disasters, civil disturbances, work stoppages or labor disputes, power outages, telephone network outages, and severe or unusual weather conditions which have a direct and substantial impact on the Grantee's ability to provide Cable Services in the City and which was not caused and could not have been avoided by the Grantee which used its best efforts in its operations to avoid such results.

If Grantee believes that a reason beyond its control has prevented or delayed its compliance with the terms of this Franchise, Grantee shall provide documentation as reasonably required by the City to substantiate the Grantee's claim. If Grantee has not yet cured the deficiency, Grantee shall also provide the City with its proposed plan for remediation, including the timing for such cure.

### **SECTION 5. FINANCIAL AND INSURANCE REQUIREMENTS**

#### **5.1 Indemnification**

(A) General Indemnification. Grantee shall indemnify, defend and hold the City, its officers, officials, boards, commissions, agents and employees, harmless from any action or claim for injury, damage, loss, liability, cost or expense, including court and appeal costs and reasonable attorneys' fees or reasonable expenses, arising from any casualty or accident to Person or property, including, without limitation, copyright infringement, defamation, and all other damages in any way arising out of, or by reason of, any construction, excavation, operation, maintenance, reconstruction, or any other act done under this Franchise, by or for Grantee, its agents, or its

employees, or by reason of any neglect or omission of Grantee. Grantee shall consult and cooperate with the City while conducting its defense of the City. Grantee shall not be obligated to indemnify the City to the extent directly caused by the City's gross negligence or willful misconduct.

(B) Indemnification for Relocation. Grantee shall indemnify the City for any damages, claims, additional costs or reasonable expenses assessed against, or payable by, the City arising out of, or resulting from, directly or indirectly, Grantee's failure to remove, adjust or relocate any of its facilities in the Rights-of-Way in a timely manner in accordance with any relocation required by the City.

(C) Additional Circumstances. Grantee shall also indemnify, defend and hold the City harmless for any claim for injury, damage, loss, liability, cost or expense, including court and appeal costs and reasonable attorneys' fees or reasonable expenses in any way arising out of:

(1) The lawful actions of the City in granting this Franchise to the extent such actions are consistent with this Franchise and Applicable Law.

(2) Damages arising out of any failure by Grantee to secure consents from the owners, authorized distributors, or licensees/licensors of programs to be delivered by the Cable System, whether or not any act or omission complained of is authorized, allowed or prohibited by this Franchise.

(D) Procedures and Defense. If a claim or action arises, the City or any other indemnified party shall promptly tender the defense of the claim to Grantee, which defense shall be at Grantee's expense. The City may participate in the defense of a claim, but if Grantee provides a defense at Grantee's expense, then Grantee shall not be liable for any attorneys' fees, expenses or other costs that the City may incur if it chooses to participate in the defense of a claim, unless and until separate representation as described below in Section 5.1(F) is required. In that event the provisions of Section 5.1(F) shall govern Grantee's responsibility for the City's attorney's fees, expenses or other costs. In any event, Grantee may not agree to any settlement of claims affecting the City without the City's approval.

(E) Non-waiver. The fact that Grantee carries out any activities under this Franchise through independent contractors shall not constitute an avoidance of or defense to Grantee's duty of defense and indemnification under this section.

(F) Expenses. If separate representation to fully protect the interests of both parties is or becomes necessary, such as a conflict of interest between the City and the counsel selected by Grantee to represent the City, Grantee shall pay, from the date such separate representation is required forward, all reasonable expenses incurred by the City in defending itself with regard to any action, suit or proceeding indemnified by Grantee. Provided, however, that in the event that such separate representation is or becomes necessary, and the City desires to hire counsel or any other outside experts or consultants and desires Grantee to pay those expenses, then the City shall be required to obtain Grantee's consent to the engagement of such counsel, experts or consultants, and such consent shall not be unreasonably withheld. The City's expenses shall include all

reasonable out-of-pocket expenses, such as experts' or consultants' fees, and shall also include the reasonable value of any services rendered by the City Attorney or their assistants or any employees of the City or its agents but shall not include outside attorneys' fees for services that are unnecessarily duplicative of services provided the City by Grantee.

## 5.2 Insurance

(A) Grantee shall maintain in full force and effect at its own cost and expense each of the following policies of insurance, but in no event shall occurrence basis minimum limits be less than provided for by C.R.S. § 24-10-114(1)(b):

(1) Commercial General Liability insurance with limits of no less than \$2 million per occurrence and \$5 million general aggregate. Coverage shall be at least as broad as that provided by ISO CG 00 01 1/96 or its equivalent and include severability of interests. Such insurance shall name the City, its officers, officials and employees as additional insureds per ISO CG 2026 or its equivalent. There shall be a waiver of subrogation and rights of recovery against the City, its officers, officials and employees. Coverage shall apply as to claims between insureds on the policy, if applicable.

(2) Commercial Automobile Liability insurance with minimum combined single limits of \$1 million each occurrence with respect to each of Grantee's owned, hired and non-owned vehicles assigned to or used in the operation of the Cable System in the City. The policy shall contain a severability of interests provision.

(3) Statutory workers' compensation and employer's liability insurance in an amount of one million dollars (\$1,000,000) each accident/disease/policy limit.

(B) The insurance shall not be canceled or materially changed so as to be out of compliance with these requirements without 30 days' written notice first provided to the City, via certified mail, and 10 days' notice for nonpayment of premium. If the insurance is canceled or materially altered so as to be out of compliance with the requirements of this section within the term of this Franchise, Grantee shall provide a replacement policy meeting the requirements set forth above. Grantee agrees to maintain continuous uninterrupted insurance coverage, in at least the amounts required, for the duration of this Franchise and, in the case of the Commercial General Liability, for at least one year after expiration of this Franchise.

## 5.3 Deductibles / Certificate of Insurance

Any deductible of the policies shall not in any way limit Grantee's liability to the City.

(A) Endorsements.

(1) All policies shall contain, or shall be endorsed so that:

(a) The City, its officers, officials, boards, commissions, employees and agents are to be covered as, and have the rights of, additional insureds with respect to liability arising out of activities performed by, or on behalf of, Grantee under this Franchise or Applicable Law, or in the construction, operation or repair, or ownership of the Cable System;

(b) Grantee's insurance coverage shall be primary insurance with respect to the City, its officers, officials, boards, commissions, employees and agents. Any insurance or self-insurance maintained by the City, its officers, officials, boards, commissions, employees and agents shall be in excess of the Grantee's insurance and shall not contribute to it; and

(c) Grantee's insurance shall apply separately to each insured against whom a claim is made or lawsuit is brought, except with respect to the limits of the insurer's liability.

(B) Acceptability of Insurers. The insurance obtained by Grantee shall be placed with insurers with a Best's rating of no less than "A VII."

(C) Verification of Coverage. The Grantee shall furnish the City with certificates of insurance and endorsements or a copy of the page of the policy reflecting blanket additional insured status. The certificates and endorsements for each insurance policy are to be signed by a Person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements for each insurance policy are to be on standard forms or such forms as are consistent with standard industry practices.

(D) Self-Insurance. In the alternative to providing a certificate of insurance to the City certifying insurance coverage as required above, Grantee may provide self-insurance in the same amount and level of protection for Grantee and the City, its officers, agents and employees as otherwise required under this Section. The adequacy of self-insurance shall be subject to the periodic review and approval of the City.

#### **5.4 Letter of Credit**

(A) If there is a claim by the City of an uncured breach by Grantee of a material provision of this Franchise or pattern of repeated violations of any provision(s) of this Franchise, then the City may require and Grantee shall establish and provide, within 30 days from receiving notice from the City, to the City as security for the faithful performance by Grantee of all of the provisions of this Franchise, a letter of credit from a financial institution satisfactory to the City in the amount of \$50,000.

(B) In the event that Grantee establishes a letter of credit pursuant to the procedures of this Section, then the letter of credit shall be maintained at \$50,000 until the allegations of the uncured breach have been resolved.

(C) As an alternative to the provision of a Letter of Credit to the City as set forth in Sections 5.4(A) and (B) above, if the City is a member of CCUA, and if Grantee provides a Letter of Credit to CCUA in an amount agreed to between Grantee and CCUA for the benefit of its members, in order to collectively address claims referenced in Section 5.4(A), Grantee shall not be required to provide a separate Letter of Credit to the City.

(D) After completion of the procedures set forth in Section 13.1 or other applicable provisions of this Franchise, the letter of credit may be drawn upon by the City for purposes including without limitation:

(1) Failure of Grantee to pay the City sums due under the terms of this Franchise;

(2) Reimbursement of costs borne by the City to correct Franchise violations not corrected by Grantee;

(3) Monetary remedies or damages assessed against Grantee due to default or breach of Franchise requirements; and,

(4) Failure to comply with the Customer Service Standards of the City, as the same may be amended from time to time by the City Council acting by ordinance or resolution.

(E) The City shall give Grantee written notice of any withdrawal under this section upon such withdrawal. Within 7 days following receipt of such notice, Grantee shall restore the letter of credit to the amount required under this Franchise.

(F) Grantee shall have the right to appeal to the City Council for reimbursement in the event Grantee believes that the letter of credit was drawn upon improperly. Grantee shall also have the right of judicial appeal from the decision of the City Council if Grantee believes the letter of credit has not been properly drawn upon in accordance with this Franchise. Any funds the City erroneously or wrongfully withdraws from the letter of credit shall be returned to Grantee with interest, from the date of withdrawal at a rate equal to the prime rate of interest as quoted in the Wall Street Journal.

## **SECTION 6. CUSTOMER SERVICE**

### **6.1 Customer Service Standards**

Grantee shall comply with Customer Service Standards of the City, as the same may be amended from time to time by the City Council in its sole discretion acting by ordinance or resolution. Any requirement in Customer Service Standards for a “local” telephone number may be met by the provision of a toll-free number. The Customer Services Standards in effect as of the Effective Date of this Franchise are attached as Exhibit B. Grantee reserves the right to challenge any customer service standards which it believes is inconsistent with its contractual rights under this Franchise.

## **6.2 Subscriber Privacy**

Grantee shall fully comply with any provisions regarding the privacy rights of Subscribers contained in Applicable Law.

## **6.3 Subscriber Contracts**

Grantee shall not enter into a contract with any Subscriber which is in any way inconsistent with the terms of this Franchise, or any Exhibit hereto, or the requirements of any applicable Customer Service Standard. Upon request, Grantee will provide to the City a sample of the Subscriber contract or service agreement then in use.

## **6.4 Advance Notice to City**

The Grantee shall use reasonable efforts to furnish information provided to Subscribers or the media in the normal course of business to the City in advance.

## **6.5 Identification of Local Franchise Authority on Subscriber Bills**

Within 60 days after written request from the City, Grantee shall place the City's phone number on its Subscriber bills, to identify where a Subscriber may call to address escalated complaints.

# **SECTION 7. REPORTS AND RECORDS**

## **7.1 Open Records**

Grantee shall manage all of its operations in accordance with a policy of keeping its documents and records open and accessible to the City. The City, including the City's Auditor or their authorized representative, shall have access to, and the right to inspect, any books and records of Grantee, its parent corporations and Affiliates which are reasonably related to the administration or enforcement of the terms of this Franchise. Grantee shall not deny the City access to any of Grantee's records on the basis that Grantee's records are under the control of any parent corporation, Affiliate or a third party. The City may, in writing, request copies of any such records or books and Grantee shall provide such copies within 30 days of the transmittal of such request. One copy of all reports and records required under this or any other section shall be furnished to the City, at the sole expense of Grantee. If the requested books and records are too voluminous, or for security reasons cannot be copied or removed, then Grantee may request, in writing within 10 days, that the City inspect them at Grantee's local offices. If any books or records of Grantee are not kept in a local office and not made available in copies to the City upon written request as set forth above, and if the City determines that an examination of such records is necessary or appropriate for the performance of any of the City's duties, administration or enforcement of this Franchise, then all reasonable travel and related expenses incurred in making such examination shall be paid by Grantee.

## 7.2 Confidentiality

The City agrees to treat as confidential any books or records that constitute proprietary or confidential information under Applicable Law, to the extent Grantee makes the City aware of such confidentiality. Grantee shall be responsible for clearly and conspicuously stamping the word “Confidential” on each page that contains confidential or proprietary information, and shall provide a brief written explanation as to why such information is confidential under Applicable Law. If the City believes it must release any such confidential books and records in the course of enforcing this Franchise, or for any other reason, it shall advise Grantee in advance so that Grantee may take appropriate steps to protect its interests. If Grantee fails to file for a protective order, the City may release the information, and Grantee waives and claims it may have had as a result of such release as a result. If the City receives a demand from any Person for disclosure of any information designated by Grantee as confidential, the City shall, so far as consistent with Applicable Law, advise Grantee and provide Grantee with a copy of any written request by the party demanding access to such information within a reasonable time. Until otherwise ordered by a court or agency of competent jurisdiction, the City agrees that, to the extent permitted by Applicable Law, it shall deny access to any of Grantee’s books and records marked confidential as set forth above to any Person. Grantee shall reimburse the City for all reasonable costs and attorney’s fees incurred in any legal proceedings pursued under this Section.

## 7.3 Records Required

(A) Grantee shall at all times maintain, and shall furnish to the City upon 30 days written request and subject to Applicable Law:

(1) A complete set of maps showing the exact location of all Cable System equipment and facilities in the Right-of-Way but excluding detail on proprietary electronics contained therein and Subscriber drops. As-built maps including proprietary electronics shall be available at Grantee’s offices for inspection by the City’s authorized representative(s) or agent(s) and made available to such during the course of technical inspections as reasonably conducted by the City. These maps shall be certified as accurate by an appropriate representative of the Grantee;

(2) A copy of all FCC filings on behalf of Grantee, its parent corporations or Affiliates which relate to the operation of the Cable System in the City;

(3) Current Subscriber Records and information;

(4) A log of Cable Services added or dropped, Channel changes, number of Subscribers added or terminated, all construction activity, and total homes passed for the previous 12 months; and

(5) A list of Cable Services, rates and Channel line-ups.

(B) Subject to Section 7.2, all information furnished to the City is public information, and shall be treated as such, except for information involving the privacy rights of individual Subscribers.

#### **7.4 Annual Reports**

Within 60 days of the City's written request, Grantee shall submit to the City a written report, in a form acceptable to the City, which shall include, but not necessarily be limited to, the following information for the City:

- (A) A Gross Revenue statement, as required by Section 3.5 of this Franchise;
- (B) A summary of the previous year's activities in the development of the Cable System, including, but not limited to, Cable Services begun or discontinued during the reporting year, and the number of Subscribers for each class of Cable Service (*i.e.*, Basic, Digital Starter, and Premium);
- (C) The number of homes passed, beginning and ending plant miles, any services added or dropped, and any technological changes occurring in the Cable System;
- (D) A statement of planned construction, if any, for the next year; and,
- (E) A copy or hyperlink of the most recent annual report Grantee filed with the SEC or other governing body.

The parties agree that the City's request for these annual reports shall remain effective, and need only be made once. Such a request shall require the Grantee to continue to provide the reports annually, until further written notice from the City to the contrary.

#### **7.5 Copies of Federal and State Reports**

Within 30 days of a written request, Grantee shall submit to the City copies of all pleadings, applications, notifications, communications and documents of any kind, submitted by Grantee or its parent corporation(s), to any federal, State or local courts, regulatory agencies and other government bodies if such documents directly relate to the operations of Grantee's Cable System within the City. Grantee shall not claim confidential, privileged or proprietary rights to such documents unless under Applicable Law such documents have been determined to be confidential by a court of competent jurisdiction, or a federal or State agency.

#### **7.6 Complaint File and Reports**

(A) Grantee shall keep an accurate and comprehensive file of any complaints regarding the Cable System, in a manner consistent with the privacy rights of Subscribers, and Grantee's actions in response to those complaints. These files shall remain available for viewing to the City during normal business hours at Grantee's local business office.

(B) Within 30 days of a written request, Grantee shall provide the City a quarterly executive summary in the form attached hereto as **Exhibit A**, which shall include the following information from the preceding quarter:

- (1) A summary of service calls, identifying the number and nature of the requests and their disposition;
- (2) A log of all service interruptions;
- (3) A summary of customer complaints referred by the City to Grantee; and
- (4) Such other information as reasonably requested by the City.

The parties agree that the City's request for these summary reports shall remain effective, and need only be made once. Such a request shall require the Grantee to continue to provide the reports quarterly, until further written notice from the City to the contrary.

#### **7.7 Failure to Report**

The failure or neglect of Grantee to file any of the reports or filings required under this Franchise or such other reports as the City may reasonably request (not including clerical errors or errors made in good faith), may, at the City's option, be deemed a breach of this Franchise.

#### **7.8 False Statements**

Any false or misleading statement or representation in any report required by this Franchise (not including clerical errors or errors made in good faith) may be deemed a material breach of this Franchise and may subject Grantee to all remedies, legal or equitable, which are available to the City under this Franchise or otherwise.

### **SECTION 8. PROGRAMMING**

#### **8.1 Broad Programming Categories**

Grantee shall provide or enable the provision of at least the following initial broad categories of programming to the extent such categories are reasonably available:

- (A) Educational programming;
- (B) Colorado news, weather & information;
- (C) National and international news, weather and information;
- (D) Colorado sports;
- (E) National and international sports;

- (F) General entertainment (including movies);
- (G) Children/family-oriented;
- (H) Arts, culture and performing arts;
- (I) Foreign language;
- (J) Science/documentary;
- (K) Public, Educational and Government Access, to the extent required by this Franchise.

## **8.2 Deletion or Reduction of Broad Programming Categories**

(A) Grantee shall not delete or so limit as to effectively delete any broad category of programming within its control without the prior written consent of the City.

(B) In the event of a modification proceeding under federal law, the mix and quality of Cable Services provided by Grantee on the Effective Date of this Franchise shall be deemed the mix and quality of Cable Services required under this Franchise throughout its term.

## **8.3 Obscenity**

Grantee shall not transmit, or permit to be transmitted over any Channel subject to its editorial control, any programming which is obscene under, or violates any provision of, Applicable Law relating to obscenity, and is not protected by the Constitution of the United States. Grantee shall be deemed to have transmitted or permitted a transmission of obscene programming only if a court of competent jurisdiction has found that any of Grantee's officers or employees or agents have permitted programming which is obscene under, or violative of, any provision of Applicable Law relating to obscenity, and is otherwise not protected by the Constitution of the United States, to be transmitted over any Channel subject to Grantee's editorial control. Grantee shall comply with all relevant provisions of federal law relating to obscenity.

## **8.4 Parental Control Device**

Upon request by any Subscriber, Grantee shall make available a parental control or lockout device, traps or filters to enable a Subscriber to control access to both the audio and video portions of any or all Channels. Grantee shall inform its Subscribers of the availability of the lockout device at the time of their initial subscription and periodically thereafter. Any device offered shall be at a rate, if any, in compliance with Applicable Law.

## **8.5 Continuity of Service Mandatory**

(A) It shall be the right of all Subscribers to continue to receive Cable Service from Grantee insofar as their financial and other obligations to Grantee are honored. The Grantee shall act so as to ensure that all Subscribers receive continuous, uninterrupted Cable Service regardless of the circumstances. For the purposes of this, “uninterrupted” does not include short-term outages of the Cable System for maintenance or testing.

(B) In the event of a change of grantee, or in the event a new Cable Operator acquires the Cable System in accordance with this Franchise, Grantee shall cooperate with the City, new franchisee or Cable Operator in maintaining continuity of Cable Service to all Subscribers. During any transition period, Grantee shall be entitled to the revenues for any period during which it operates the Cable System, and shall be entitled to reasonable costs for its services when it no longer operates the Cable System.

(C) In the event Grantee fails to operate the Cable System for ninety-six (96) hours in any seven (7) day period without prior approval of the Manager, or without just cause, the City may, at its option, operate the Cable System itself or designate another Cable Operator until such time as Grantee restores service under conditions acceptable to the City or a permanent Cable Operator is selected. If the City is required to fulfill this obligation for Grantee, Grantee shall reimburse the City for all reasonable costs or damages that are the result of Grantee's failure to perform.

## **8.6 Services for People With Disabilities**

Grantee shall comply with the Americans with Disabilities Act and any amendments thereto.

## **SECTION 9. ACCESS**

### **9.1 Designated Access Providers**

(A) The City shall have the sole and exclusive responsibility for identifying the Designated Access Providers, including itself for Access purposes, to control and manage the use of any or all Access Facilities provided by Grantee under this Franchise. As used in this Section, such “Access Facilities” includes the Channels, services, facilities, equipment, technical components or financial support provided under this Franchise, which is used or useable by and for Public Access, Educational Access, and Government Access (“PEG” or “PEG Access”).

(B) Grantee shall cooperate with the City in the City’s efforts to provide Access programming, but will not be responsible or liable for any damages resulting from a claim in connection with the programming placed on the Access Channels by the Designated Access Provider.

## 9.2 Channel Capacity and Use

(A) Grantee shall make available to City seven (7) Downstream Channels for PEG use as provided for in this Section.

(B) Grantee shall have the right to temporarily use any Channel, or portion thereof, which is allocated under this Section for Public, Educational, or Governmental Access use, within 60 days after a written request for such use is submitted to the City, if such Channel is not "fully utilized" as defined herein. A Channel shall be considered fully utilized if substantially unduplicated programming is delivered over it more than an average of 38 hours per week over a six-month period. Programming that is repeated on an Access Channel up to two times per day shall be considered "unduplicated programming." Character-generated programming shall be included for purposes of this section, but may be counted toward the total average hours only with respect to three Channels provided to the City. If a Channel allocated for Public, Educational, or Governmental Access use will be used by Grantee in accordance with the terms of this section, the institution to which the Channel has been allocated shall have the right to require the return of the Channel or portion thereof. The City shall request return of such Channel space by delivering written notice to Grantee stating that the institution is prepared to fully utilize the Channel, or portion thereof, in accordance with this section. In such event, the Channel or portion thereof shall be returned to such institution within 60 days after receipt by Grantee of such written notice.

(C) Standard Definition ("SD") Digital Access Channels.

(1) Grantee shall continue to provide five (5) Activated Downstream Channels for PEG Access use in a standard definition ("SD") digital format in Grantee's Basic Service ("SD Access Channel"). Grantee shall carry all components of the SD Access Channel Signals provided by a Designated Access Provider, including without limitation closed captioning, stereo audio, and other elements associated with the programming. A Designated Access Provider shall be responsible for providing the SD Access Channel Signal in an SD format to the demarcation point at the designated point or origination for the SD Access Channel. Grantee shall transport and distribute the SD Access Channel signal on its Cable System and shall not unreasonably discriminate against SD Access Channels with respect to accessibility, functionality, and to the application of all Applicable Laws, including without limitation the FCC's Subpart K Channel signal standards.

(2) With respect to signal quality, Grantee shall not be required to carry a SD Access Channel in a higher quality format than that of the SD Access Channel signal delivered to Grantee, but Grantee shall distribute the SD Access Channel signal without degradation. Upon reasonable written request by a Designated Access Provider, Grantee shall verify signal delivery to Subscribers with the Designated Access Provider, consistent with the requirements of this Section 9.2(C).

(3) Grantee shall be responsible for costs associate with the transmission of SD Access signals on its side of the demarcation point which for the purpose of this Section 9.2(C)(3), shall mean up to and including the modulator where the City signal is converted into a format to be transmitted over a fiber connection to Grantee. The City or Designated Access Provider shall be responsible for costs associated with SD Access signal transmission on its side of the demarcation point.

(4) SD Access Channels may require Subscribers to buy or lease special equipment, available to all Subscribers, and subscribe to those tiers of Cable Service, upon which SD channels are made available. Grantee is not required to provide free SD equipment to Subscribers, including complementary government and educations accounts, nor modify its equipment or pricing policies in any manner.

(D) High Definition (“HD”) Digital Access Channels.

(1) Grantee shall continue to provide two (2) activated HD access channels. After the Effective Date and within 120 days of written notice, Grantee shall activate one (1) additional HD Access Channel, for which the City may provide Access Channel signals in HD format to the demarcation point at the designated point of origination for the Access Channel. At the time of activation of a third HD Access Channel the City shall return to the Grantee one (1) SD Access Channel. Activation of HD Access Channels shall only occur after the following conditions are satisfied:

(a) The City shall, in its written notice to Grantee as provided for in this Section, confirm that it or its Designated Access Provider has the capabilities to produce, has been producing and will produce programming in an HD format for the newly activated HD Access Channel(s); and,

(b) There will be a minimum of five hours per day, five days per week of HD PEG programming available for each HD Access Channel. For the purposes of this section, character-generated programming (i.e., community bulletin boards) shall not satisfy, in whole or in part, this programming requirement unless the character-generated programming is included on a channel that also contains HD PEG video programming on the same screen.

(2) The City shall be responsible for providing the HD Access Channel(s) signal in an HD digital format to the demarcation point at the designated point of origination for the HD Access Channel(s). For purposes of this Franchise, an HD signal refers to a television signal delivering picture resolution of either 720 or 1080, or such other resolution in this same range that Grantee utilizes for other similar non-sport, non-movie programming channels on the Cable System, whichever is greater.

(3) Grantee shall transport and distribute the HD Access Channel(s) signal on its Cable System and shall not unreasonably discriminate against HD Access Channels with respect to accessibility, functionality and to the application of any applicable Federal Communications Commission Rules & Regulations, including without limitation Subpart

K Channel signal standards. With respect to signal quality, Grantee shall not be required to carry a HD Access Channel in a higher quality format than that of the HD Access Channel signal delivered to Grantee, but Grantee shall distribute the HD Access Channel(s) signal without degradation. Grantee shall carry all components of the HD Access Channel signals provided by the Designated Access Provider including, but not limited to, closed captioning, stereo audio and other elements associated with the Programming. Upon reasonable written request by the City, Grantee shall verify signal delivery to Subscribers with the City, consistent with the requirements of this Section 9.2(D).

(4) HD Access Channels may require Subscribers to buy or lease special equipment, available to all Subscribers, and subscribe to those tiers of Cable Service, upon which HD channels are made available. Grantee is not required to provide free HD equipment to Subscribers, including complimentary government and educational accounts, nor modify its equipment or pricing policies in any manner.

(5) The City or any Designated Access Provider is responsible for acquiring all equipment necessary to produce programming in HD. Notwithstanding the foregoing, the third HD Channel referenced in Section 9.2(D)(1) above will be utilized by Fort Collins Public Media (FCPM), as the City's Designated Access Provider. Grantee shall provide to FCPM the same set top box (or functionally comparable equipment) and service, at no cost, that it provides to the two other users of HD Channels in the City.

(6) Grantee shall cooperate with the City to procure and provide, at the City's cost, all necessary transmission equipment from the Designated Access Provider channel origination point, at Grantee's headend and through Grantee's distribution system, in order to deliver the HD Access Channels. The City shall be responsible for the costs of all transmission equipment, including HD modulator and demodulator, and encoder or decoder equipment, and multiplex equipment, required in order for Grantee to receive and distribute the HD Access Channel signal, or for the cost of any resulting upgrades to the video return line. The City and Grantee agree that such expense of acquiring and installing the transmission equipment or upgrades to the video return line qualifies as a capital cost for PEG Facilities within the meaning of the Cable Act 47 U.S.C.A. § 542(g)(20)(C), and therefore is an appropriate use of revenues derived from those PEG Capital fees provided for in this Franchise.

(E) There shall be no restriction on Grantee's technology used to deploy and deliver HD signals so long as the requirements of the Franchise are otherwise met. Grantee may implement HD carriage of the PEG channel in any manner (including selection of compression, utilization of IP, and other processing characteristics) that produces a signal quality for the consumer that is reasonably comparable and functionally equivalent to similar commercial HD channels carried on the Cable System. In the event the City believes that Grantee fails to meet this standard, the City will notify Grantee of such concern, and Grantee will respond to any complaints in a timely manner.

### 9.3 Access Channel Assignments

(A) Grantee will use reasonable efforts to minimize the movement of SD and HD Access Channel assignments. Grantee shall also use reasonable efforts to institute common SD and HD Access Channel assignments among the CCUA members served by the same Headend as City for compatible Access programming, for example, assigning all Educational Access Channels programmed by higher education organizations to the same Channel number. In addition, Grantee will make reasonable efforts to locate HD Access Channels provided pursuant to Subsection 9.2(D) in a location on its HD Channel line-up that is easily accessible to Subscribers.

(B) Following the Effective Date of this Franchise, and in the event that Grantee changes the channel designation of any Access Channel, Grantee will reimburse the actual out-of-pocket cost of the City's marketing and rebranding efforts directly related to the relocation of any Access Channel, provided that such amount shall not exceed \$5,000 per Access Channel with a maximum total amount of actual reimbursement not to exceed \$10,000.00. This reimbursement applies only to the channel relocation of any active Access Channels that have occupied their then current channel designation for at least 180 days. In addition, if an HD Access Channel is a simulcast of an SD Access Channel, then the reimbursement for the actual out-of-pocket cost of the City's marketing and rebranding efforts shall not exceed \$5,000 for both channel relocations. Reimbursement is due to the City within forty-five (45) days of Grantee's receipt of a detailed invoice provided by the City. The requirements of this subsection (B) do not apply to any change in channel designation required by Federal law or any change in channel designation outside of Grantee's control.

### 9.4 Relocation of Access Channels

Grantee shall provide the City with a minimum of 60 days' notice, and use its best efforts to provide 120 days' notice, prior to the time any Access Channel designation is changed, unless the change is required by federal law, in which case Grantee shall give the City the maximum notice possible. In addition, in the event of a change in an Access Channel's designation, Grantee shall cooperate in the following manner with the City in order to notify Subscribers of this change. Grantee, at Grantee's expense, will place the City's notices of the Channel change on or with its regular monthly billings, upon the City's request.

### 9.5 Support for Access Costs

Within one hundred twenty (120) days of the commencement of the term of this Franchise, Grantee shall provide to the City up to 0.725 of one percent (0.00725%) of Grantee's Gross Revenues per month (the "Access Contribution") to be used solely for capital costs related to Public, Educational and Governmental Access, or as may be permitted by Applicable Law. Grantee shall make Access Contribution payments quarterly, following the effective date of this Franchise for the preceding quarter ending March 31, June 30, September 30, and December 31. Each payment shall be due and payable no later than forty-five (45) days following the end of the quarter. The City shall have sole discretion to allocate the expenditure of such payments for any capital costs related to Access.

## **9.6 Access Support Not Franchise Fees**

Grantee agrees that capital support for Access Costs arising from or relating to the obligations set forth in this Section shall in no way modify or otherwise affect Grantee's obligations to pay Franchise Fees to the City. Grantee agrees that although the sum of Franchise Fees plus the payments set forth in this Section may total more than 5% of Grantee's Gross Revenues in any 12-month period, the additional PEG Contribution shall not be offset or otherwise credited in any way against any Franchise Fee payments under this Franchise Agreement so long as such support is used for capital Access purposes consistent with this Franchise and federal law.

## **9.7 Access Channels On Lowest Priced HD Service Tier**

All HD Access Channels under this Franchise Agreement shall be included by Grantee, without limitation, as part of the lowest-priced tier of HD Cable Service upon which Grantee provides HD programming content.

## **9.8 Change In Technology**

In the event Grantee makes any change in the Cable System and related equipment and Facilities or in Grantee's signal delivery technology, which directly or indirectly affects the signal quality or transmission of Access services or programming, Grantee shall at its own expense take necessary technical steps or provide necessary technical assistance, including the acquisition of all necessary equipment, and full training of the City's Access personnel to ensure that the capabilities of Access services are not diminished or adversely affected by such change. If the City implements a new video delivery technology that is currently offered and can be accommodated on the Grantee's local Cable System then the same provisions above shall apply. If the City implements a new video delivery technology that is not currently offered on or that cannot be accommodated by the Grantee's local Cable System, then the City shall be responsible for acquiring all necessary equipment, facilities, technical assistance, and training to deliver the signal to the Grantee's headend for distribution to subscribers.

## **9.9 Technical Quality**

Grantee shall maintain all upstream and downstream Access services and Channels on its side of the demarcation point at the same level of technical quality and reliability required by this Franchise Agreement and all other applicable laws, rules and regulations for Residential Subscriber Channels. Grantee shall provide routine maintenance for all transmission equipment on its side of the demarcation point, including modulators, decoders, multiplex equipment, and associated cable and equipment necessary to carry a quality signal to and from the City's facilities for the Access Channels provided under this Franchise Agreement. Grantee shall also provide, if requested in advance by the City, advice and technical expertise regarding the proper operation and maintenance of transmission equipment on the City's side of the demarcation point. The City shall be responsible for all initial and replacement costs of all HD modulator and demodulator equipment. The City shall also be responsible, at its own expense, to replace any of

the Grantee's equipment that is damaged by the gross negligence or intentional acts of City staff. The Grantee shall be responsible, at its own expense, to replace any of the Grantee's equipment that is damaged by the gross negligence or intentional acts of Grantee's staff. The City will be responsible for the cost of repairing or replacing any HD PEG Access and web-based video on demand transmission equipment that Grantee maintains that is used exclusively for transmission of the City's or its Designated Access Providers' HD Access programming.

#### **9.10 Access Cooperation**

The City may designate any other jurisdiction which has entered into an agreement with Grantee or an Affiliate of Grantee based upon this Franchise Agreement, any CCUA member, the CCUA, or any combination thereof to receive any Access benefit due to the City hereunder, or to share in the use of Access Facilities hereunder. The purpose of this section shall be to allow cooperation in the use of Access and the application of any provision under this Section as the City in its sole discretion deems appropriate, and Grantee shall cooperate fully with, and in, any such arrangements by the City.

#### **9.11 Return Lines/Access Origination**

(A) Grantee shall continuously maintain the return lines throughout the Term of the Franchise from all existing Access broadcast facilities, as set forth in Exhibit C, to the Headend, in order to enable the distribution of Access programming to Subscribers on the Access Channels; provided however that Grantee's maintenance obligations with respect to either of these locations shall cease if a location is no longer used in the future by the City to originate Access programming.

(B) With respect to any production facilities of new or relocated Designated Access Providers delivering Access programming to Subscribers as requested in writing by the City, Grantee shall construct and maintain such new return lines, provided however, that Grantee's actual costs shall be paid by the City or its Designated Access Provider(s).

(C) Grantee shall construct and maintain new Fiber Optic return lines to the Headend from production facilities of new or relocated Designated Access Providers delivering Access programming to Residential Subscribers as requested in writing by the City. All actual construction costs incurred by Grantee from the nearest interconnection point to the Designated Access Provider shall be paid by the City or the Designated Access Provider. New return lines shall be completed within one year from the request of the City or its Designated Access Provider, or as otherwise agreed to by the parties. If an emergency situation necessitates movement of production facilities to a new location, the parties shall work together to complete the new return line as soon as reasonably possible.

## **SECTION 10. GENERAL RIGHT-OF-WAY USE AND CONSTRUCTION**

### **10.1 Right to Construct**

Subject to Applicable Law, regulations, rules, resolutions and ordinances of the City and the provisions of this Franchise, Grantee may perform all construction in the Rights-of-Way for any facility needed for the maintenance or extension of Grantee's Cable System.

### **10.2 Right-of-Way Meetings**

Grantee will regularly attend and participate in meetings of the City, of which the Grantee is made aware, regarding Right-of-Way issues that may impact the Cable System.

### **10.3 Joint Trenching/Boring Meetings**

Grantee will regularly attend and participate in planning meetings of the City, of which the Grantee is made aware, to anticipate joint trenching and boring. Whenever it is possible and reasonably practicable to joint trench or share bores or cuts, Grantee shall work with other providers, licensees, permittees, and franchisees so as to reduce so far as possible the number of Right-of-Way cuts within the City.

### **10.4 General Standard**

All work authorized and required hereunder shall be done in a safe, thorough and workmanlike manner. All installations of equipment shall be permanent in nature, durable and installed in accordance with good engineering practices.

### **10.5 Permits Required for Construction**

Prior to doing any work in the Right-of Way or other public property, Grantee shall apply for, and obtain, appropriate permits from the City. As part of the permitting process, the City may impose such conditions and regulations as are necessary for the purpose of protecting any structures in such Rights-of-Way, proper restoration of such Rights-of-Way and structures, the protection of the public, and the continuity of pedestrian or vehicular traffic. Such conditions may also include the provision of a construction schedule and maps showing the location of the facilities to be installed in the Right-of-Way. Grantee shall pay all applicable fees for the requisite City permits received by Grantee.

### **10.6 Emergency Permits**

In the event that emergency repairs are necessary, Grantee shall immediately notify the City of the need for such repairs. Grantee may initiate such emergency repairs, and shall apply for appropriate permits within 48 hours after discovery of the emergency.

## 10.7 Compliance with Applicable Codes

(A) City Construction Codes. Grantee shall comply with all applicable City construction codes, including, without limitation, the International Building Code and other building codes, the International Fire Code, the National Electrical Code, the Electronic Industries Association Standard for Physical Location and Protection of Below-Ground Fiber Optic Cable Plant, and zoning codes and regulations.

(B) Tower Specifications. Antenna supporting structures (towers) shall be designed for the proper loading as specified by the Electronics Industries Association (EIA), as those specifications may be amended from time to time. Antenna supporting structures (towers) shall be painted, lighted, erected and maintained in accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable federal, State, and local codes or regulations.

(C) Safety Codes. Grantee shall comply with all federal, State and City safety requirements, rules, regulations, laws and practices, and employ all necessary devices as required by Applicable Law during construction, operation and repair of its Cable System. By way of illustration and not limitation, Grantee shall comply with the National Electric Code, National Electrical Safety Code and Occupational Safety and Health Administration (OSHA) Standards.

## 10.8 GIS Mapping

Grantee shall comply with any generally applicable ordinances, rules and regulations of the City regarding geographic information mapping systems for users of the Rights-of-Way.

## 10.9 Minimal Interference

Work in the Right-of-Way, on other public property, near public property, or on or near private property shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. Grantee's Cable System shall be constructed and maintained in such manner as not to interfere with sewers, water pipes, or any other property of the City, or with any other pipes, wires, conduits, pedestals, structures, or other facilities that may have been laid in the Rights-of-Way by, or under, the City's authority. The Grantee's Cable System shall be located, erected and maintained so as not to endanger or interfere with the lives of Persons, or to interfere with new improvements the City may deem proper to make or to unnecessarily hinder or obstruct the free use of the Rights-of-Way or other public property, and shall not interfere with the travel and use of public places by the public during the construction, repair, operation or removal thereof, and shall not obstruct or impede traffic. In the event of such interference, the City may require the removal or relocation of Grantee's lines, cables, equipment and other appurtenances from the property in question at Grantee's expense.

**10.10 Prevent Injury/Safety**

Grantee shall provide and use any equipment and facilities necessary to control and carry Grantee's signals so as to prevent injury to the City's property or property belonging to any Person. Grantee, at its own expense, shall repair, renew, change and improve its facilities to keep them in good repair, and safe and presentable condition. All excavations made by Grantee in the Rights-of-Way shall be properly safeguarded for the prevention of accidents by the placement of adequate barriers, fences or boarding, the bounds of which, during periods of dusk and darkness, shall be clearly designated by warning lights.

**10.11 Hazardous Substances**

(A) Grantee shall comply with all Applicable Laws, statutes, regulations and orders concerning hazardous substances relating to Grantee's Cable System in the Rights-of-Way.

(B) Upon reasonable notice to Grantee, the City may inspect Grantee's facilities in the Rights-of-Way to determine if any release of hazardous substances has occurred, or may occur, from or related to Grantee's Cable System. In removing or modifying Grantee's facilities as provided in this Franchise, Grantee shall also remove all residue of hazardous substances related thereto.

(C) Grantee agrees to indemnify the City against any claims, costs, and expenses, of any kind, whether direct or indirect, incurred by the City arising out of a release of hazardous substances caused by Grantee's Cable System.

**10.12 Locates**

Prior to doing any work in the Right-of-Way, Grantee shall give appropriate notices to the City and to the notification association established in C.R.S. § 9-1.5-105, as such may be amended from time to time. Within 48 hours after any City bureau or franchisee, licensee or permittee notifies Grantee of a proposed Right-of-Way excavation, Grantee shall, at Grantee's expense:

(A) Mark on the surface all of its located underground facilities within the area of the proposed excavation;

(B) Notify the excavator of any unlocated underground facilities in the area of the proposed excavation; or

(C) Notify the excavator that Grantee does not have any underground facilities in the vicinity of the proposed excavation.

### 10.13 Notice to Private Property Owners

Grantee shall give notice to private property owners of work on or adjacent to private property in accordance with the City's Customer Service Standards, as the same may be amended from time to time by the City Council acting by ordinance or resolution.

### 10.14 Underground Construction and Use of Poles

(A) When required by general ordinances, resolutions, regulations or rules of the City or applicable State or federal law, Grantee's Cable System shall be placed underground at Grantee's expense unless funding is generally available for such relocation to all users of the Rights-of-Way. Placing facilities underground does not preclude the use of ground-mounted appurtenances.

(B) Where electric, telephone, and other above-ground utilities are installed underground at the time of Cable System construction, or when all such wiring is subsequently placed underground, all Cable System lines shall also be placed underground with other wireline service at no expense to the City or Subscribers unless funding is generally available for such relocation to all users of the Rights-of-Way. Related Cable System equipment, such as pedestals, must be placed in accordance with the City's applicable code requirements and rules. In areas where either electric or telephone utility wiring is aerial, the Grantee may install aerial cable, except when a property owner or resident requests underground installation and agrees to bear the additional cost in excess of aerial installation.

(C) The Grantee shall utilize existing poles and conduit wherever possible.

(D) In the event Grantee cannot obtain the necessary poles and related facilities pursuant to a pole attachment agreement, and only in such event, then it shall be lawful for Grantee to make all needed excavations in the Rights-of-Way for the purpose of placing, erecting, laying, maintaining, repairing, and removing poles, supports for wires and conductors, and any other facility needed for the maintenance or extension of Grantee's Cable System. All poles of Grantee shall be located as designated by the proper City authorities.

(E) This Franchise does not grant, give or convey to the Grantee the right or privilege to install its facilities in any manner on specific utility poles or equipment of the City or any other Person. Copies of agreements for the use of poles, conduits or other utility facilities must be provided upon request by the City.

(F) The Grantee and the City recognize that situations may occur in the future where the City may desire to place its own cable or conduit for Fiber Optic cable in trenches or bores opened by the Grantee. The Grantee agrees to cooperate with the City in any construction by the Grantee that involves trenching or boring, provided that the City has first notified the Grantee in some manner that it is interested in sharing the trenches or bores in the area where the Grantee's construction is occurring. The Grantee shall allow the City to lay its cable, conduit and Fiber Optic cable in the Grantee's trenches and bores, provided the City shares in the total cost of the trenching and boring on the same terms and conditions as the Grantee. The City shall be responsible for

maintaining its respective cable, conduit and Fiber Optic cable buried in the Grantee's trenches and bores under this paragraph.

### 10.15 Undergrounding of Multiple Dwelling Unit Drops

In cases of single site Multiple Dwelling Units, Grantee shall minimize the number of individual aerial drop cables by installing multiple drop cables underground between the pole and the Multiple Dwelling Units where determined to be technologically feasible in agreement with the owners and/or owner's association of the Multiple Dwelling Units.

### 10.16 Burial Standards

(A) Depths. Unless otherwise required by law, Grantee, and its contractors, shall comply with the following burial depth standards. In no event shall Grantee be required to bury its cable deeper than electric or gas facilities in the same portion of the Right-of-Way. Grantee may appeal to the City Engineer for exceptions to the following burial depths due to circumstances that may include, but need not be limited to, difficult access or conflicts with other uses of the right-of-way or utility easement. The burial depth standards in this section apply to new or replaced cable drops buried after the effective date of this Franchise.

(1) New Construction.

(a) Underground cable drops shall be buried at a minimum depth of 24 inches when in rights of way and utility easements.

(b) Underground cable drops shall be buried at a minimum depth of 12 inches when outside Rights-of-Way and utility easements. It is anticipated this will only occur in a Subscriber's property.

(2) Existing Construction.

(a) *Back yards and Side yards.* Underground cable drops shall be buried at a minimum depth of 12 inches when in Rights-of-Way and utility easements except as otherwise required herein. Underground cable drops shall be buried at a minimum depth of 24 inches when in Rights-of-Way and utility easements for a distance of more than 20 feet.

(b) *Front yards.* Underground cable drops shall be buried at a minimum depth of 24 inches when in Rights-of-Way and utility easements.

(c) *Streets and Alleys.* Underground cable drops shall be buried at a minimum depth of 24 inches when in Rights-of-Way and utility easements.

(3) Other burial standards.

- (a) Feeder lines shall be buried at a minimum depth of 24 inches.
- (b) Trunk lines shall be buried at a minimum depth of 24 inches.
- (c) Fiber Optic cable shall be buried at a minimum depth of 36 inches.

In the event of a conflict between this subsection and the provisions of any customer service standard, this subsection shall control.

(B) Timeliness. Cable drops installed by Grantee to residences shall be buried according to these standards within one calendar week of initial installation, or at a time mutually-agreed upon between the Grantee and the Subscriber. When freezing surface conditions prevent Grantee from achieving such timetable, Grantee shall apprise the Subscriber of the circumstances and the revised schedule for burial, and shall provide the Subscriber with Grantee's telephone number and instructions as to how and when to call Grantee to request burial of the line if the revised schedule is not met.

#### **10.17 Cable Drop Bonding**

Grantee shall ensure that all cable drops are properly bonded at the home, consistent with applicable code requirements.

#### **10.18 Prewiring**

Any ordinance or resolution of the City which requires prewiring of subdivisions or other developments for electrical and telephone service shall be construed to include wiring for Cable Systems.

#### **10.19 Repair and Restoration of Property**

(A) The Grantee shall protect public and private property from damage. If damage occurs, the Grantee shall promptly notify the property owner within 24 hours in writing.

(B) Whenever Grantee disturbs or damages any Right-of-Way, other public property or any private property, Grantee shall promptly restore the Right-of-Way or property to at least its prior condition, normal wear and tear excepted, at its own expense.

(C) Rights-of-Way and Other Public Property. Grantee shall warrant any restoration work performed by or for Grantee in the Right-of-Way or on other public property in accordance with Applicable Law. If restoration is not satisfactorily performed by the Grantee within a reasonable time, the City may, after prior notice to the Grantee, or without notice where the disturbance or damage may create a risk to public health or safety, cause the repairs to be made and recover the cost of those repairs from the Grantee. Within 30 days of receipt of an itemized list of those costs, including the costs of labor, materials and equipment, the Grantee shall pay the City.

(D) Private Property. Upon completion of the work which caused any disturbance or damage, Grantee shall promptly commence restoration of private property, and will use best efforts to complete the restoration within 72 hours, considering the nature of the work that must be performed. Grantee shall also perform such restoration in accordance with the City's Customer Service Standards, as the same may be amended from time to time by the City Council acting by ordinance or resolution.

#### **10.20 Acquisition of Facilities**

Upon Grantee's acquisition of Cable System-related facilities in any City Right-of-Way, or upon the addition to the City of any area in which Grantee owns or operates any such facility, Grantee shall, at the City's request, submit to the City a statement describing all such facilities involved, whether authorized by franchise, permit, license or other prior right, and specifying the location of all such facilities to the extent Grantee has possession of such information. Such Cable System-related facilities shall immediately be subject to the terms of this Franchise.

#### **10.21 Discontinuing Use/Abandonment of Cable System Facilities**

Whenever Grantee intends to discontinue using any facility within the Rights-of-Way, Grantee shall submit for the City's approval a complete description of the facility and the date on which Grantee intends to discontinue using the facility. Grantee may remove the facility or request that the City permit it to remain in place. Notwithstanding Grantee's request that any such facility remain in place, the City may require Grantee to remove the facility from the Right-of-Way or modify the facility to protect the public health, welfare, safety, and convenience, or otherwise serve the public interest. The City may require Grantee to perform a combination of modification and removal of the facility. Grantee shall complete such removal or modification in accordance with a schedule set by the City. Until such time as Grantee removes or modifies the facility as directed by the City, or until the rights to and responsibility for the facility are accepted by another Person having authority to construct and maintain such facility, Grantee shall be responsible for all necessary repairs and relocations of the facility, as well as maintenance of the Right-of-Way, in the same manner and degree as if the facility were in active use, and Grantee shall retain all liability for such facility. If Grantee abandons its facilities, the City may choose to use such facilities for any purpose whatsoever including, but not limited to, Access purposes.

#### **10.22 Movement of Cable System Facilities For City Purposes**

The City shall have the right to require Grantee to relocate, remove, replace, modify or disconnect Grantee's facilities and equipment located in the Rights-of-Way or on any other property of the City for public purposes, in the event of an emergency, or when the public health, safety or welfare requires such change (for example, without limitation, by reason of traffic conditions, public safety, Right-of-Way vacation, Right-of-Way construction, change or establishment of Right-of-Way grade, installation of sewers, drains, gas or water pipes, or any other types of structures or improvements by the City for public purposes). Such work shall be performed at the Grantee's expense. Except during an emergency, the City shall provide reasonable notice to Grantee, not to be less than 45 business days or as otherwise required by Applicable Law, and allow Grantee with the opportunity to perform such action. In the event of

any capital improvement project exceeding \$500,000 in expenditures by the City which requires the removal, replacement, modification or disconnection of Grantee's facilities or equipment, the City shall provide at least 60 days' written notice to Grantee. Following notice by the City, Grantee shall relocate, remove, replace, modify or disconnect any of its facilities or equipment within any Right-of-Way, or on any other property of the City. If the City requires Grantee to relocate its facilities located within the Rights-of-Way, the City shall make a reasonable effort to provide Grantee with an alternate location within the Rights-of-Way. If funds are generally made available to users of the Rights-of-Way for such relocation, Grantee shall be entitled to its pro rata share of such funds.

If the Grantee fails to complete this work within the time prescribed and to the City's satisfaction, the City may cause such work to be done and bill the cost of the work to the Grantee, including all costs and expenses incurred by the City due to Grantee's delay. In such event, the City shall not be liable for any damage to any portion of Grantee's Cable System. Within thirty (30) days of receipt of an itemized list of those costs, the Grantee shall pay the City.

### **10.23 Movement of Cable System Facilities for Other Franchise Holders**

If any removal, replacement, modification or disconnection of the Cable System is required to accommodate the construction, operation or repair of the facilities or equipment of another City franchise holder, Grantee shall, after at least thirty (30) days' advance written notice, take action to effect the necessary changes requested by the responsible entity. Grantee shall require that the costs associated with the removal or relocation be paid by the benefited party.

### **10.24 Temporary Changes for Other Permittees**

At the request of any Person holding a valid permit and upon reasonable advance notice, Grantee shall temporarily raise, lower or remove its wires as necessary to permit the moving of a building, vehicle, equipment or other item. The expense of such temporary changes must be paid by the permit holder, and Grantee may require a reasonable deposit of the estimated payment in advance.

### **10.25 Reservation of City Use of Right-of-Way**

Nothing in this Franchise shall prevent the City or public utilities owned, maintained or operated by public entities other than the City from constructing sewers; grading, paving, repairing or altering any Right-of-Way; laying down, repairing or removing water mains; or constructing or establishing any other public work or improvement. All such work shall be done, insofar as practicable, so as not to obstruct, injure or prevent the use and operation of Grantee's Cable System.

### **10.26 Tree Trimming**

Grantee may prune or cause to be pruned, using proper pruning practices, any tree in the City's Rights-of-Way which interferes with Grantee's Cable System. Grantee shall comply with any general ordinance or regulations of the City regarding tree trimming. Except in emergencies,

Grantee may not prune trees at a point below 30 feet above sidewalk grade until one-week written notice has been given to the owner or occupant of the premises abutting the Right-of-Way in or over which the tree is growing. The owner or occupant of the abutting premises may prune such tree at their own expense during this one-week period. If the owner or occupant fails to do so, Grantee may prune such tree at its own expense. For purposes of this section, emergencies exist when it is necessary to prune to protect the public or Grantee's facilities from imminent danger only.

### **10.27 Inspection of Construction and Facilities**

The City may inspect any of Grantee's facilities, equipment or construction at any time upon at least 24 hours' notice, or, in case of emergency, upon demand without prior notice. The City shall have the right to charge generally applicable inspection fees therefore. If an unsafe condition is found to exist, the City, in addition to taking any other action permitted under Applicable Law, may order Grantee, in writing, to make the necessary repairs and alterations specified therein forthwith to correct the unsafe condition by a time the City establishes. The City has the right to correct, inspect, administer and repair the unsafe condition if Grantee fails to do so, and to charge Grantee therefore.

### **10.28 Stop Work**

(A) On notice from the City that any work is being performed contrary to the provisions of this Franchise, or in an unsafe or dangerous manner as determined by the City, or in violation of the terms of any applicable permit, laws, regulations, ordinances, or standards, the work may immediately be stopped by the City.

(B) The stop work order shall:

- (1) Be in writing;
- (2) Be given to the Person doing the work, or posted on the work site;
- (3) Be sent to Grantee by overnight delivery at the address given herein;
- (4) Indicate the nature of the alleged violation or unsafe condition; and
- (5) Establish conditions under which work may be resumed.

### **10.29 Work of Contractors and Subcontractors**

Grantee's contractors and subcontractors shall be licensed and bonded in accordance with the City's ordinances, regulations and requirements. Work by contractors and subcontractors is subject to the same restrictions, limitations and conditions as if the work were performed by Grantee. Grantee shall be responsible for all work performed by its contractors and subcontractors and others performing work on its behalf as if the work were performed by it, and shall ensure that all such work is performed in compliance with this Franchise and other Applicable Law, and shall

be jointly and severally liable for all damages and correcting all damage caused by them. It is Grantee's responsibility to ensure that contractors, subcontractors or other Persons performing work on Grantee's behalf are familiar with the requirements of this Franchise and other Applicable Law governing the work performed by them.

## **SECTION 11. CABLE SYSTEM, TECHNICAL STANDARDS AND TESTING**

### **11.1 Subscriber Network**

(A) Grantee's Cable System shall consist of a mix of fiber to the premises and HFC and shall provide Activated Two-Way capability. The Cable System shall be capable of supporting video and audio. The Cable System shall deliver the greater of one hundred (100) or the maximum number of Channels of digital video programming services to Subscribers that Grantee provides to any other jurisdiction in Colorado, provided that the Grantee reserves the right to seek modification of this obligation based on changes in consumer behavior, programming availability, or response to competition, which modification shall not be unreasonably denied upon Grantee showing it continues to provide broad categories of video programming and other services.

(B) Equipment must be installed so that all closed captioning programming received by the Cable System shall include the closed caption signal so long as the closed caption signal is provided consistent with FCC standards. Equipment must be installed so that all local signals received in stereo or with secondary audio tracks (broadcast and Access) are retransmitted in those same formats.

(C) All construction shall be subject to the City's permitting process.

(D) Grantee and City shall meet, at the City's request, to discuss the progress of the design plan and construction.

(E) Grantee will take prompt corrective action if it finds that any facilities or equipment on the Cable System are not operating as expected, or if it finds that facilities and equipment do not comply with the requirements of this Franchise or Applicable Law.

(F) Grantee's construction decisions shall be based solely upon legitimate engineering decisions and shall not take into consideration the income level of any particular community within the Franchise Area.

### **11.2 Technology Assessment**

(A) The City may notify Grantee on or after five years after the Effective Date, that the City will conduct a technology assessment of Grantee's Cable System. The technology assessment may include, but is not limited to, determining whether Grantee's Cable System technology and performance are consistent with current technical practices and range and level of services existing in the 15 largest U.S. cable systems owned and operated by Grantee's Parent Corporation or Affiliates pursuant to franchises that have been renewed or extended since the Effective Date.

(B) Grantee shall cooperate with the City to provide necessary non-confidential and proprietary information upon the City's reasonable request as part of the technology assessment.

(C) At the discretion of the City, findings from the technology assessment may be included in any proceeding commenced for the purpose of identifying future cable-related community needs and interests undertaken by the City pursuant to 47 U.S.C. § 546.

### **11.3 Standby Power**

In the event of loss of commercial power, Grantee's Cable System Headend shall be capable of providing at least 24 hours of continuous emergency operation.

Grantee shall maintain standby power system supplies that will supply back-up power throughout the distribution networks including all nodes and amplifiers.

In addition, throughout the term of this Franchise, Grantee shall have a plan in place, along with all resources necessary for implementing such plan, for dealing with commercial outages of more than 2 hours duration so that Grantee can react to power outages prior to the standby capabilities being exhausted. This outage plan and evidence of requisite implementation resources shall be presented to the City no later than 30 days following receipt of a request.

### **11.4 Emergency Alert Capability**

Grantee shall provide an operating Emergency Alert System ("EAS") throughout the term of this Franchise in compliance with FCC standards. Grantee shall test the EAS as required by the FCC. Upon request, the City shall be permitted to participate in or witness the EAS testing up to twice a year on a schedule formed in consultation with Grantee. If the test indicates that the EAS is not performing properly, Grantee shall make any necessary adjustment to the EAS, and the EAS shall be retested.

### **11.5 Technical Performance**

The technical performance of the Cable System shall meet or exceed all applicable federal (including, but not limited to, the FCC), State and local technical standards, as they may be amended from time to time, regardless of the transmission technology utilized. The City shall have the full authority permitted by Applicable Law to enforce compliance with these technical standards.

### **11.6 Cable System Performance Testing**

(A) Grantee shall provide to the City a copy of its current written process for resolving complaints about the quality of the video programming services signals delivered to Subscriber and shall provide the City with any amendments or modifications to the process at such time as they are made.

(B) Grantee shall, at Grantee's expense, maintain all aggregate data of Subscriber complaints related to the quality of the video programming service signals delivered by Grantee in the City for a period of at least one year, and individual Subscriber complaints from the City for a period of at least three years, and make such information available to the City upon reasonable request.

(C) Grantee shall maintain written records of all results of its Cable System tests, performed by or for Grantee. Copies of such test results will be provided to the City upon reasonable request.

(D) Grantee shall perform any tests required by the FCC.

### 11.7 Additional Tests

Where there exists other evidence which in the judgment of the City casts doubt upon the reliability or technical quality of Cable Service, the City shall have the right and authority to require Grantee to test, analyze and report on the performance of the Cable System. Grantee shall fully cooperate with the City in performing such testing and shall prepare the results and a report, if requested, within 30 days after testing. Such report shall include the following information:

- (A) the nature of the complaint or problem which precipitated the special tests;
- (B) the Cable System component tested;
- (C) the equipment used and procedures employed in testing;
- (D) the method, if any, in which such complaint or problem was resolved; and
- (E) any other information pertinent to said tests and analysis which may be required.

## SECTION 12. SERVICE AVAILABILITY

(A) In General. Except as otherwise provided in herein, Grantee shall provide Cable Service within seven days of a request by any Person within the City. For purposes of this Section, a request shall be deemed made on the date of signing a service agreement, receipt of funds by Grantee, receipt of a written request by Grantee or receipt by Grantee of a verified verbal request. Except as otherwise provided herein, Grantee shall provide such service:

(1) With no line extension charge except as specifically authorized elsewhere in this Franchise Agreement.

(2) At a non-discriminatory installation charge for a standard installation, consisting of a 125-foot drop connecting to an inside wall for Residential Subscribers, with additional charges for non-standard installations computed according to a non-discriminatory methodology for such installations, adopted by Grantee and provided in writing to the City;

(3) At non-discriminatory monthly rates for Residential Subscribers.

(4) Undergrounding of Drops. In any area where the Grantee would be entitled to install a drop above-ground, if requested by the subscriber the Grantee will provide the subscriber the option to have the drop installed underground, but may charge the subscriber the difference between the actual cost of the above-ground installation and the actual cost of the underground installation.

(B) Service to Multiple Dwelling Units. Consistent with this Section 12, the Grantee shall offer the individual units of a Multiple Dwelling Unit all Cable Services offered to other Dwelling Units in the City and shall individually wire units upon request of the property owner or renter who has been given written authorization by the owner; provided, however, that any such offering is conditioned upon the Grantee having legal access to said unit. The City acknowledges that the Grantee cannot control the dissemination of particular Cable Services beyond the point of demarcation at a Multiple Dwelling Unit.

(C) Customer Charges for Extensions of Service. Grantee agrees to extend its Cable System to all persons living in areas with a residential density of 35 residences per mile of Cable System plant. If the residential density is less than 35 residences per 5,280 cable-bearing strand feet of trunk or distribution cable, service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor and easements. For the purpose of determining the amount of capital contribution in aid of construction to be borne by the Grantee and customers in the area in which service may be expanded, the Grantee will contribute an amount equal to the construction and other costs per mile, multiplied by a fraction whose numerator equals the actual number of residences per 5,280 cable-bearing strand feet of its trunk or distribution cable and whose denominator equals 35. Customers who request service hereunder will bear the remainder of the construction and other costs on a pro-rata basis. The Grantee may require that the payment of the capital contribution in aid of construction borne by such potential customers be paid in advance.

(D) Annexations. In the event that the City annexes territory that is not being provided Cable Service by the Grantee or an Affiliate of Grantee, Grantee agrees that it will extend its Cable System into the newly annexed territory under the terms of this Section 12. If there is another cable operator serving the newly annexed area that has entered into a franchise agreement with the City, Grantee has the right, but not the obligation to serve the newly annexed area. If Grantee finds it convenient for any of the annexed territory to be served by an Affiliate versus the Grantee, the rights, benefits and obligations of this Franchise shall apply to such Affiliate for the annexed area, without the need for transfer approval of the City. By way of example, an Affiliate would be permitted to serve an annexed area provided that it offered the same Cable Services at the same prices, as offered by Grantee throughout the City.

## SECTION 13. FRANCHISE VIOLATIONS

### 13.1 Procedure for Remedying Franchise Violations

(A) If the City reasonably believes that Grantee has failed to perform any obligation under this Franchise or has failed to perform in a timely manner, the City shall notify Grantee in writing, stating with reasonable specificity the nature of the alleged default. Grantee shall have thirty (30) days from the receipt of such notice to:

(1) respond to the City, contesting the City's assertion that a default has occurred, and requesting a meeting in accordance with section (B), below;

(2) cure the default; or,

(3) notify the City that Grantee cannot cure the default within the thirty (30) days, because of the nature of the default. In the event the default cannot be cured within thirty (30) days, Grantee shall promptly take all reasonable steps to cure the default and notify the City in writing and in detail as to the exact steps that will be taken and the projected completion date. In such case, the City may set a meeting in accordance with section (B) below to determine whether additional time beyond the thirty (30) days specified above is indeed needed, and whether Grantee's proposed completion schedule and steps are reasonable.

(B) If Grantee does not cure the alleged default within the cure period stated above, or by the projected completion date under Section 13.1(A)(3), or denies the default and requests a meeting in accordance with Section 13.1(A)(1), or the City orders a meeting in accordance with Section 13.1(A)(3), the City shall set a meeting to investigate said issues or the existence of the alleged default. The City shall notify Grantee of the meeting in writing and such meeting shall take place no less than thirty (30) days after Grantee's receipt of notice of the meeting. At the meeting, Grantee shall be provided an opportunity to be heard and to present evidence in its defense.

(C) If, after the meeting, the City determines that a default exists, the City reserves the right to seek any remedy that may be available at law or in equity, including without limitation, revocation, and Grantee reserves the right to assert any defenses it may have to the City's position.

(D) No provision of this Franchise shall be deemed to bar the right of the City to seek or obtain judicial relief from a violation of any provision of the Franchise or any rule, regulation, requirement or directive promulgated thereunder. Neither the existence of other remedies identified in this Franchise nor the exercise thereof shall be deemed to bar or otherwise limit the right of the City to recover monetary damages for such violations by Grantee, or to seek and obtain judicial enforcement of Grantee's obligations by means of specific performance, injunctive relief or mandate, or any other remedy at law or in equity.

### **13.2 Procedures in the Event of Termination or Revocation**

(A) If this Franchise expires without renewal after completion of all processes available under this Franchise and federal law or is otherwise lawfully terminated or revoked, the City may, subject to Applicable Law:

(1) Allow Grantee to maintain and operate its Cable System on a month-to-month basis or short-term extension of this Franchise for not less than six (6) months, unless a sale of the Cable System can be closed sooner or Grantee demonstrates to the City's satisfaction that it needs additional time to complete the sale; or

(2) Purchase Grantee's Cable System in accordance with the procedures set forth in Section 13.3, below.

(B) In the event that a sale has not been completed in accordance with Sections 13.2(A)(1) or (A)(2) above, the City may order the removal of the above-ground Cable System facilities and such underground facilities from the City at Grantee's sole expense within a reasonable period of time as determined by the City. In removing its plant, structures and equipment, Grantee shall refill, at its own expense, any excavation that is made by it and shall leave all Rights-of-Way, public places and private property in as good condition as that prevailing prior to Grantee's removal of its equipment without affecting the electrical or telephone cable wires or attachments. The indemnification and insurance provisions and the letter of credit shall remain in full force and effect during the period of removal, and Grantee shall not be entitled to, and agrees not to request, compensation of any sort therefore.

(C) If Grantee fails to complete any removal required by Section 13.2(B) to the City's satisfaction, after written notice to Grantee, the City may cause the work to be done and Grantee shall reimburse the City for the costs incurred within 30 days after receipt of an itemized list of the costs, or the City may recover the costs through the letter of credit provided by Grantee.

(D) The City may seek legal and equitable relief to enforce the provisions of this Franchise.

### **13.3 Purchase of Cable System**

(A) If at any time this Franchise is revoked, terminated, or not renewed upon expiration in accordance with the provisions of federal law, the City shall have the option to purchase the Cable System.

(B) The City may, at any time thereafter, offer in writing to purchase Grantee's Cable System. Grantee shall have 30 days from receipt of a written offer from the City within which to accept or reject the offer.

(C) In any case where the City elects to purchase the Cable System, the purchase shall be closed within 120 days of the date of the City's audit of a current profit and loss statement of Grantee. The City shall pay for the Cable System in cash or certified funds, and Grantee shall deliver appropriate bills of sale and other instruments of conveyance.

(D) For the purposes of this Section, the price for the Cable System shall be determined as follows:

(1) In the case of the expiration of the Franchise without renewal, at fair market value determined on the basis of Grantee's Cable System valued as a going concern, but with no value allocated to the Franchise itself. In order to obtain the fair market value, this valuation shall be reduced by the amount of any lien, encumbrance, or other obligation of Grantee which the City would assume.

(2) In the case of revocation for cause, the equitable price of Grantee's Cable System.

#### **13.4 Receivership and Foreclosure**

(A) At the option of the City, subject to Applicable Law, this Franchise may be revoked 120 days after the appointment of a receiver or trustee to take over and conduct the business of Grantee whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless:

(1) The receivership or trusteeship is vacated within 120 days of appointment;  
or

(2) The receivers or trustees have, within 120 days after their election or appointment, fully complied with all the terms and provisions of this Franchise, and have remedied all defaults under the Franchise. Additionally, the receivers or trustees shall have executed an agreement duly approved by the court having jurisdiction, by which the receivers or trustees assume and agree to be bound by every term, provision and limitation of this Franchise.

(B) If there is a foreclosure or other involuntary sale of the whole or any part of the plant, property and equipment of Grantee, the City may serve notice of revocation on Grantee and to the purchaser at the sale, and the rights and privileges of Grantee under this Franchise shall be revoked 30 days after service of such notice, unless:

(1) The City has approved the transfer of the Franchise, in accordance with the procedures set forth in this Franchise and as provided by law; and

(2) The purchaser has covenanted and agreed with the City to assume and be bound by all of the terms and conditions of this Franchise.

#### **13.5 No Monetary Recourse Against the City**

Grantee shall not have any monetary recourse against the City or its officers, officials, boards, commissions, agents or employees for any loss, costs, expenses or damages arising out of any provision or requirement of this Franchise or the enforcement thereof, in accordance with the provisions of applicable federal, State and local law. The rights of the City under this Franchise are in addition to, and shall not be read to limit, any immunities the City may enjoy under federal,

State or local law.

### **13.6 Effect of Abandonment**

If the Grantee abandons its Cable System during the Franchise term, or fails to operate its Cable System in accordance with its duty to provide continuous service, the City, at its option, may operate the Cable System; designate another entity to operate the Cable System temporarily until the Grantee restores service under conditions acceptable to the City, or until the Franchise is revoked and a new franchisee is selected by the City; or obtain an injunction requiring the Grantee to continue operations. If the City is required to operate or designate another entity to operate the Cable System, the Grantee shall reimburse the City or its designee for all reasonable costs, expenses and damages incurred.

### **13.7 What Constitutes Abandonment**

The City shall be entitled to exercise its options in Section 13.6 if:

(A) The Grantee fails to provide Cable Service in accordance with this Franchise over a substantial portion of the Franchise Area for 4 consecutive days, unless the City authorizes a longer interruption of service; or

(B) The Grantee, for any period, willfully and without cause refuses to provide Cable Service in accordance with this Franchise.

## **SECTION 14. FRANCHISE RENEWAL AND TRANSFER**

### **14.1 Renewal**

(A) The City and Grantee agree that any proceedings undertaken by the City that relate to the renewal of the Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of Applicable Law.

(B) In addition to the procedures set forth in said Section 626(a), the City agrees to notify Grantee of the completion of its assessments regarding the identification of future cable-related community needs and interests, as well as the past performance of Grantee under the then-current Franchise term. Notwithstanding anything to the contrary set forth herein, Grantee and the City agree that at any time during the term of the then current Franchise, while affording the public adequate notice and opportunity for comment, the City and Grantee may agree to undertake and finalize negotiations regarding renewal of the then current Franchise and the City may grant a renewal thereof. Grantee and the City consider the terms set forth in this section to be consistent with the express provisions of Section 626 of the Cable Act.

(C) Should the Franchise expire without a mutually agreed upon renewed Franchise Agreement and Grantee and the City are engaged in an informal or formal renewal process, the Franchise shall continue on a month-to-month basis so long as consistent with the City Charter,

with the same terms and conditions as provided in the Franchise, and the Grantee and the City shall continue to comply with all obligations and duties under the Franchise.

#### **14.2 Transfer of Ownership or Control**

(A) The Cable System and this Franchise shall not be sold, assigned, transferred, leased or disposed of, either in whole or in part, either by involuntary sale or by voluntary sale, merger or consolidation; nor shall title thereto, either legal or equitable, or any right, interest or property therein pass to or vest in any Person or entity without the prior written consent of the City, which consent shall be by the City Council, acting by ordinance or resolution.

(B) The Grantee shall promptly notify the City of any actual or proposed change in, or transfer of, or acquisition by any other party of control of the Grantee. The word “control” as used herein is not limited to majority stockholders but includes actual working control in whatever manner exercised. Every change, transfer or acquisition of control of the Grantee shall make this Franchise subject to cancellation unless and until the City shall have consented in writing thereto.

(C) The parties to the sale or transfer shall make a written request to the City for its approval of a sale or transfer and furnish all information required by law and the City.

(D) In seeking the City’s consent to any change in ownership or control, the proposed transferee shall indicate whether it:

(1) Has ever been convicted or held liable for acts involving deceit including any violation of federal, State, or local law or regulations, or is currently under an indictment, investigation or complaint charging such acts;

(2) Has ever had a judgment in an action for fraud, deceit, or misrepresentation entered against the proposed transferee by any court of competent jurisdiction;

(3) Has pending any material legal claim, lawsuit, or administrative proceeding arising out of or involving a cable system or a broadband system;

(4) Is financially solvent, by submitting financial data including financial statements that are audited by a certified public accountant who may also be an officer of the transferee, along with any other data that the City may reasonably require; and

(5) Has the financial, legal and technical capability to enable it to maintain and operate the Cable System for the remaining term of the Franchise.

(E) The City shall act by ordinance on the request within 120 days of the request, provided it has received all information required by this Franchise or by Applicable Law. The City and the Grantee may by mutual agreement, at any time, extend the 120-day period. Subject to the foregoing, if the City fails to render a final decision on the request within 120 days, such request shall be deemed granted unless the requesting party and the City agree to an extension of time.

(F) Within 30 days of any transfer or sale, if approved or deemed granted by the City, Grantee shall file with the City a copy of the deed, agreement, lease or other written instrument evidencing such sale or transfer of ownership or control, certified and sworn to as correct by Grantee and the transferee, and the transferee shall file its written acceptance agreeing to be bound by all of the provisions of this Franchise, subject to Applicable Law. In the event of a change in control in which the Grantee is not replaced by another entity, the Grantee will continue to be bound by all of the provisions of the Franchise, subject to Applicable Law, and will not be required to file an additional written acceptance.

(G) In reviewing a request for sale or transfer, the City may inquire into the legal, technical and financial qualifications of the prospective controlling party or transferee, and Grantee shall assist the City in so inquiring. The City may condition said sale or transfer upon such terms and conditions as it deems reasonably appropriate, in accordance with Applicable Law.

(H) Notwithstanding anything to the contrary in this section, the prior approval of the City shall not be required for any sale, assignment or transfer of the Franchise or Cable System to an entity controlling, controlled by or under the same common control as Grantee, provided that the proposed assignee or transferee must show financial responsibility as may be determined necessary by the City and must agree in writing to comply with all of the provisions of the Franchise. Further, Grantee may pledge the assets of the Cable System for the purpose of financing without the consent of the City; provided that such pledge of assets shall not impair or mitigate Grantee's responsibilities and capabilities to meet all of its obligations under the provisions of this Franchise.

## **SECTION 15. SEVERABILITY**

If any section, paragraph, term or provision of this Franchise is determined to be illegal, invalid or unconstitutional by any court or agency of competent jurisdiction, such determination shall have no effect on the validity of any other section, paragraph, term or provision of this Franchise, all of which will remain in full force and effect for the term of the Franchise.

## **SECTION 16. MISCELLANEOUS PROVISIONS**

### **16.1 Preferential or Discriminatory Practices Prohibited**

**NO DISCRIMINATION IN EMPLOYMENT.** In connection with the performance of work under this Franchise, the Grantee agrees not to refuse to hire, discharge, promote or demote, or discriminate in matters of compensation against any Person otherwise qualified, solely because of race, color, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability; and the Grantee further agrees to insert the foregoing provision in all subcontracts hereunder. Throughout the term of this Franchise, Grantee shall fully comply with all equal employment or non-discrimination provisions and requirements of Applicable Law, and in particular, FCC rules and regulations relating thereto.

## 16.2 Notices

Throughout the term of the Franchise, each party shall maintain and file with the other a local address for the service of notices by mail. All notices shall be sent overnight delivery postage prepaid to such respective address and such notices shall be effective upon the date of mailing. These addresses may be changed by the City or the Grantee by written notice at any time. At the Effective Date of this Franchise:

Grantee's address shall be:

COMCAST OF CALIFORNIA/COLORADO/FLORIDA/OREGON, INC.  
8000 E. Iliff Ave.  
Denver, CO 80231  
Attn: Government Affairs

With a copy to:  
Comcast Cable  
Attn: Government Affairs Department  
1701 JFK Blvd, 49<sup>th</sup> Floor  
Philadelphia, PA 19103

The City's address shall be:

City of Fort Collins  
300 LaPorte Avenue  
P.O. Box 580  
Fort Collins, CO 80521  
Attn: City Manager

With a copy to:

City of Fort Collins  
300 LaPorte Avenue  
P.O. Box 580  
Fort Collins, CO 80521  
Attn: City Attorney

## 16.3 Descriptive Headings

The headings and titles of the sections of this Franchise are for reference purposes only, and shall not affect the meaning or interpretation of the text herein.

**16.4 Publication Costs to be Borne by Grantee**

Grantee shall reimburse the City for all costs incurred in publishing this Franchise, if such publication is required.

**16.5 Binding Effect**

This Franchise shall be binding upon the parties hereto, their permitted successors and assigns.

**16.6 No Joint Venture**

Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties, and neither party is authorized to, nor shall either party act toward third Persons or the public in any manner which would indicate any such relationship with the other.

**16.7 Waiver**

The failure of the City at any time to require performance by the Grantee of any provision hereof shall in no way affect the right of the City hereafter to enforce the same. Nor shall the waiver by the City of any breach of any provision hereof be taken or held to be a waiver of any succeeding breach of such provision, or as a waiver of the provision itself or any other provision.

**16.8 Reasonableness of Consent or Approval**

Whenever under this Franchise “reasonableness” is the standard for the granting or denial of the consent or approval of either party hereto, such party shall be entitled to consider public and governmental policy, moral and ethical standards as well as business and economic considerations.

**16.9 Entire Agreement**

This Franchise and all Exhibits represent the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and supersede all prior oral negotiations between the parties.

**16.10 Jurisdiction**

Venue for any judicial dispute between the City and Grantee arising under or out of this Franchise shall be in Larimer County District Court, Colorado, or in the United States District Court in Denver.

IN WITNESS WHEREOF, this Franchise is signed in the name of the City of Fort Collins, Colorado this \_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

CITY OF FORT COLLINS,  
COLORADO:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

RECOMMENDED AND APPROVED:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
City Manager

Accepted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

COMCAST OF  
CALIFORNIA/COLORADO/FLORIDA/OREGON, INC.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT A: REPORT FORM**

Comcast  
 Quarterly Executive Summary - Escalated Complaints  
 Section 7.6 (B) of our Franchise Agreement  
 Quarter Ending \_\_\_\_\_, Year  
 FORT COLLINS, COLORADO

<u>Type of Complaint</u>	<u>Number of Calls</u>
Accessibility	0
Billing, Credit and Refunds	0
Courtesy	0
Drop Bury	0
Installation	0
Notices/Easement Issues (Non-Rebuild)	0
Pedestal	0
Problem Resolution	0
Programming	0
Property Damage (Non-Rebuild)	0
Rates	0
Rebuild/Upgrade Damage	0
Rebuild/Upgrade Notices/Easement Issues	0
Reception/Signal Quality	0
Safety	0
Service and Install Appointments	0
Service Interruptions	0
Serviceability	0
<b>TOTAL</b>	<b>0</b>

Compliments

## **EXHIBIT B: CUSTOMER SERVICE STANDARDS**

### **Introduction**

The purpose of the Standards is to establish uniform requirements for the quality of service cable operators are expected to offer their customers in the City of Fort Collins (the “City” or “Franchise Authority”) area. The Standards are subject to change from time to time.

The Franchise Authority encourages the Cable Operator to exceed these standards in their day-to-day operations and as such, understands that the Cable Operator may modify their operations in exceeding these standards.

The Standards incorporate the Customer Service Obligations published by the Federal Communications Commission (Section 76.309), April, 1993 and customer service standards of cable television service providers operating in Colorado. Based upon the City’s assessment of the needs of citizens, the City has adopted, modified and created standards specially tailored to the City, based upon the model standards adopted by the Colorado Communications and Utility Alliance (the “CCUA”).

The Standards require the cable operator, in certain circumstances, to post a security fund or letter of credit ensuring Customer Service. The security fund is to be used when the cable company fails to respond to a citizen complaint that the franchising authority determines is valid, and to provide a mechanism by which to impose remedies for noncompliance. It is the sincere hope and intention of the City that the security fund will never need to be drawn upon; however, the City believes that some enforcement measures are necessary.

### **CITY OF FORT COLLINS**

### **CUSTOMER SERVICE STANDARDS**

#### **I. POLICY**

The Cable Operator should resolve citizen complaints without delay and interference from the Franchising Authority.

Where a given complaint is not addressed by the Cable Operator to the citizen's satisfaction, the Franchising Authority should intervene. In addition, where a pattern of unremedied complaints or noncompliance with the Standards is identified, the Franchising Authority should prescribe a cure and establish a reasonable deadline for implementation of the cure. If the noncompliance is not cured within established deadlines, monetary sanctions should be imposed to encourage compliance and deter future non-compliance.

These Standards are intended to be of general application, and are expected to be met under normal operating conditions; however, the Cable Operator shall be relieved of any obligations hereunder if it is unable to perform due to a region-wide natural emergency or in the event of force majeure affecting a significant portion of the franchise area. The Cable Operator is free to exceed these

Standards to the benefit of its Customers and such shall be considered performance for the purposes of these Standards.

These Standards supersede any contradictory or inconsistent provision in federal, state or local law (Source: 47 U.S.C. §§ 552(a)(1) and (d)), provided, however, that any provision in federal, state or local law, or in any original franchise agreement or renewal agreement, that imposes a higher obligation or requirement than is imposed by these Standards, shall not be considered contradictory or inconsistent with these Standards. In the event of a conflict between these Standards and a Franchise Agreement, the Franchise Agreement shall control.

These Standards apply to the provision of any Cable Service, provided by a Cable Operator over a Cable System, within the City of Fort Collins.

## II. DEFINITIONS

When used in these Customer Service Standards (the “Standards”), the following words, phrases, and terms shall have the meanings given below.

“Adoption” shall mean the process necessary to formally enact the Standards within the Franchising Authority’s jurisdiction under applicable ordinances and laws.

“Affiliate” shall mean any person or entity that is owned or controlled by, or under common ownership or control with, a Cable Operator, and provides any Cable Service or Other Service.

“Applicable Law” means, with respect to these standards and any Cable Operator’s privacy policies, any statute, ordinance, judicial decision, executive order or regulation having the force and effect of law, that determines the legal standing of a case or issue.

“Cable Operator” shall mean any person or group of persons (A) who provides Cable Service over a Cable System and directly or through one or more affiliates owns a significant interest in such cable system, or (B) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a Cable System. Source: 47 U.S.C. § 522(5).

“Cable Service” shall mean (A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and (B) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service. Source: 47 U.S.C. § 522(6). For purposes of this definition, “video programming” is programming provided by, or generally considered comparable to programming provided by a television broadcast station. Source: 47 U.S.C. § 522(20). “Other programming service” is information that a Cable Operator makes available to all subscribers generally. Source: 47 U.S.C. § 522(14).

“Cable System” shall mean a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes video programming and which is provided to multiple subscribers within a community, but such term does not include: (A) a facility that serves only to retransmit the televisions signals of one or more television broadcast stations, or (B) a facility that serves subscribers without using any public right of way. Source: 47 U.S.C. § 522(7).

“Colorado Communications and Utilities Alliance” or “CCUA” shall mean an association comprised primarily of local governmental subdivisions of the State of Colorado, or any successor entity. The CCUA may, on behalf of its members, be delegated the authority to review, investigate or otherwise take some related role in the administration or enforcement of any functions under these Standards.

“Contractor” shall mean a person or entity that agrees by contract to furnish materials or perform services for another at a specified consideration.

“Customer” shall mean any person who receives any Cable Service from a Cable Operator.

“Customer Service Representative” (or “CSR”) shall mean any person employed with or under contract or subcontract to a Cable Operator to assist, or provide service to, customers, whether by telephone, writing service or installation orders, answering customers' questions in person, receiving and processing payments, or performing any other customer service-related tasks.

“Escalated complaint” shall mean a complaint that is referred to a Cable Operator by the Franchising Authority.

“Franchising Authority” shall mean the City.

“Necessary” shall mean required or indispensable.

“Non-cable-related purpose” shall mean any purpose that is not necessary to render or conduct a legitimate business activity related to a Cable Service or Other Service provided by a Cable Operator to a Customer. Market research, telemarketing, and other marketing of services or products that are not related to a Cable Service or Other Service provided by a Cable Operator to a Customer shall be considered Non-cable-related purposes.

“Normal business hours” shall mean those hours during which most similar businesses in the community are open to serve customers. In all cases, “normal business hours” must include at least some evening hours one night per week, and include some weekend hours. Source: 47 C.F.R. § 76.309.

“Normal operating conditions” shall mean those service conditions which are within the control of a Cable Operator. Conditions which are not within the control of a Cable Operator include, but are not necessarily limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the control of a Cable Operator include, but are not necessarily limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods and maintenance or upgrade to the Cable System.

“Other Service(s)” shall mean any wire or radio communications service provided using any of the facilities of a Cable Operator that are used in the provision of Cable Service.

“Personally Identifiable Information” shall mean specific information about an identified Customer, including, but not be limited to, a Customer's (a) login information for the use of Cable Service and management of a Customer's Cable Service account, (b) extent of viewing of video

programming or Other Services, (c) shopping choices, (d) interests and opinions, (e) energy uses, (f) medical information, (g) banking data or information, or (h) any other personal or private information. “Personally Identifiable Information” shall not mean any aggregate information about Customers which does not identify particular persons, or information gathered by a Cable Operator necessary to install, repair or service equipment or Cable System facilities at a Customer’s premises.

“Service interruption” or “interruption” shall mean the loss or substantial impairment of picture or sound on one or more cable television channels.

“Service outage” or “outage” shall mean a loss or substantial impairment in reception on all channels.

“Subcontractor” shall mean a person or entity that enters into a contract to perform part or all of the obligations of another's contract.

“City” shall mean the City of Fort Collins, Colorado.

“Writing” or “written” as the term applies to notification shall include electronic communications.

Any terms not specifically defined in these Standards shall be given their ordinary meaning, or where otherwise defined in applicable federal law, such terms shall be interpreted consistent with those definitions.

### **III. CUSTOMER SERVICE**

#### **A. Courtesy**

Cable Operator employees, contractors and subcontractors shall be courteous, knowledgeable and helpful and shall provide effective and satisfactory service in all contacts with customers.

#### **B. Accessibility**

1. A Cable Operator shall provide customer service centers/business offices (“Service Centers”) which are conveniently located, and which are open during Normal Business Hours. Service Centers shall be fully staffed with Customer Service Representatives offering the following services to Customers who come to the Service Center: bill payment, equipment exchange, processing of change of service requests, and response to Customer inquiries and request.

Unless otherwise requested by the City, a Cable Operator shall post a sign at each Service Center, visible from the outside of the Service Center, advising Customers of its hours of operation and of the telephone number at which to contact the Cable Operator if the Service Center is not open at the times posted.

The Cable Operator shall use commercially reasonable efforts to implement and promote “self-help” tools and technology, in order to respond to the growing demand of Customers who wish to interact with the Cable Operator on the Customer’s own terms and timeline and at their own

convenience, without having to travel to a Service Center. Without limitation, examples of self-help tools or technology may include self-installation kits to Customers upon request; pre-paid mailers for the return of equipment upon Customer request; an automated phone option for Customer bill payments; and equipment exchanges at a Customer's residence in the event of damaged equipment. A Cable Operator shall provide free exchanges of faulty equipment at the customer's address if the equipment has not been damaged in any manner due to the fault or negligence of the customer.

2. A Cable Operator shall maintain local telephone access lines that shall be available twenty-four (24) hours a day, seven (7) days a week for service/repair requests and billing/service inquiries.

3. A Cable Operator shall have dispatchers and technicians on call twenty-four (24) hours a day, seven (7) days a week, including legal holidays.

4. If a customer service telephone call is answered with a recorded message providing the customer with various menu options to address the customer's concern, the recorded message must provide the customer the option to connect to and speak with a CSR within sixty (60) seconds of the commencement of the recording. During Normal Business Hours, a Cable Operator shall retain sufficient customer service representatives and telephone line capacity to ensure that telephone calls to technical service/repair and billing/service inquiry lines are answered by a customer service representative within thirty (30) seconds or less from the time a customer chooses a menu option to speak directly with a CSR or chooses a menu option that pursuant to the automated voice message, leads to a direct connection with a CSR. Under normal operating conditions, this thirty (30) second telephone answer time requirement standard shall be met no less than ninety (90) percent of the time measured quarterly.

5. Under normal operating conditions, a customer shall not receive a busy signal more than three percent (3%) of the time. This standard shall be met ninety (90) percent or more of the time, measured quarterly.

### **C. Responsiveness**

#### **1. Guaranteed Seven-Day Residential Installation**

a. A Cable Operator shall complete all standard residential installations or modifications to service requested by customers within seven (7) business days after the order is placed, unless a later date for installation is requested. "Standard" residential installations are those located up to one hundred twenty five (125) feet from the existing distribution system. If the customer requests a nonstandard residential installation, or the Cable Operator determines that a nonstandard residential installation is required, the Cable Operator shall provide the customer in advance with a total installation cost estimate and an estimated date of completion.

b. All underground cable drops to the home shall be buried at a depth of no less than twelve inches (12"), or such other depth as may be required by the Franchise Agreement or local code provisions, or if there are no applicable Franchise or code requirements, at such other depths as may be agreed to by the parties if other construction concerns preclude the twelve inch

requirement , and within no more than one calendar week from the initial installation, or at a time mutually agreed upon between the Cable Operator and the customer.

## 2. Residential Installation and Service Appointments

a. The “appointment window” alternatives for specific installations, service calls, or other installation activities will be either a specific time, or at a maximum, a four (4) hour time block between the hours of 8:00 a.m. and 6:00 p.m., six (6) days per week. A Cable Operator may schedule service calls and other installation activities outside of the above days and hours for the express convenience of customers. For purposes of this section “appointment window” means the period of time in which the representative of the Cable Operator must arrive at the customer’s location.

b. A Cable Operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment, unless the customer’s issue has otherwise been resolved.

c. If a Cable Operator is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the Cable Operator shall take reasonable efforts to contact the customer promptly, but in no event later than the end of the appointment window. The appointment will be rescheduled, as necessary at a time that is convenient to the customer, within Normal Business Hours or as may be otherwise agreed to between the customer and Cable Operator.

d. A Cable Operator shall be deemed to have responded to a request for service under the provisions of this section when a technician arrives within the agreed upon time, and, if the customer is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the Cable Operator. In such circumstances, the Cable Operator shall contact the customer within forty-eight (48) hours.

## 3. Residential Service Interruptions

a. In the event of system outages resulting from Cable Operator equipment failure, the Cable Operator shall correct such failure within 2 hours after the 3rd customer call is received.

b. All other service interruptions resulting from Cable Operator equipment failure shall be corrected by the Cable Operator by the end of the next calendar day.

### c. Records of Complaints.

i. A Cable Operator shall keep an accurate and comprehensive file of any complaints regarding the cable system or its operation of the cable system, in a manner consistent with the privacy rights of customers, and the Cable Operator's actions in response to those complaints. These files shall remain available for viewing by the Franchising Authority during normal business hours at the Cable Operator’s business office, and shall be retained by the Cable Operator for a period of at least three (3) years.

ii. Upon written request a Cable Operator shall provide the Franchising Authority an executive summary quarterly, which shall include information concerning customer complaints referred by the Franchising Authority to the Grantee and any other requirements of a Franchise Agreement but no personally identifiable information. These summaries shall be provided within fifteen (15) days after the end of each quarter. Once a request is made, it need not be repeated and quarterly executive summaries shall be provided by the Cable Operator until notified in writing by the Franchising Authority that such summaries are no longer required.

iii. Upon written request a summary of service requests, identifying the number and nature of the requests and their disposition, shall also be completed by the Cable Operator for each quarter and submitted to the Franchising Authority by the fifteenth (15th) day of the month after each calendar quarter. Once a request is made, it need not be repeated and quarterly summary of service requests shall be provided by the Cable Operator until notified in writing by the Franchising Authority that such summaries are no longer required. Complaints shall be broken out by the nature of the complaint and the type of Cable service subject to the complaint.

d. Records of Service Interruptions and Outages. A Cable Operator shall maintain records of all outages and reported service interruptions. Such records shall indicate the type of cable service interrupted, including the reasons for the interruptions. A log of all service interruptions shall be maintained and provided to the Franchising Authority quarterly, upon written request, within fifteen (15) days after the end of each quarter. Such records shall be submitted to the Franchising Authority with the records identified in Section 3.c.ii above if so requested in writing, and shall be retained by the Cable Operator for a period of three (3) years.

e. All service outages and interruptions for any cause beyond the control of the Cable Operator shall be corrected within thirty-six (36) hours, after the conditions beyond its control have been corrected.

#### 4. TV Reception

a. A Cable Operator shall provide clear television reception that meets or exceeds technical standards established by the United States Federal Communications Commission (the "FCC"). A Cable Operator shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Scheduled interruptions shall be preceded by notice and shall occur during periods of minimum use of the system, preferably between midnight and six a.m. (6:00 a.m.).

b. If a customer experiences poor video or audio reception attributable to a Cable Operator's equipment, the Cable Operator shall:

i. Assess the problem within one (1) day of notification;

ii. Communicate with the customer regarding the nature of the problem and the expected time for repair;

iii. Complete the repair within two (2) days of assessing the problem unless circumstances exist that reasonably require additional time.

c. If an appointment is necessary to address any video or audio reception problem, the customer may choose a block of time described in Section III.C.2.a. At the customer's request, the Cable Operator shall repair the problem at a later time convenient to the customer, during Normal Business Hours or at such other time as may be agreed to by the customer and Cable Operator. A Cable Operator shall maintain periodic communications with a customer during the time period in which problem ascertainment and repair are ongoing, so that the customer is advised of the status of the Cable Operator's efforts to address the problem.

#### 5. Problem Resolution

A Cable Operator's customer service representatives shall have the authority to provide credit for interrupted service, to waive fees, to schedule service appointments and to change billing cycles, where appropriate. Any difficulties that cannot be resolved by the customer service representative shall be referred to the appropriate supervisor who shall contact the customer within four (4) hours and resolve the problem within forty eight (48) hours or within such other time frame as is acceptable to the customer and the Cable Operator.

#### 6. Billing, Credits, and Refunds

a. In addition to other options for payment of a customer's service bill, a Cable Operator shall make available a telephone payment option where a customer without account irregularities can enter payment information through an automated system, without the necessity of speaking to a CSR.

b. A Cable Operator shall allow at least thirty (30) days from the beginning date of the applicable service period for payment of a customer's service bill for that period. If a customer's service bill is not paid within that period of time the Cable Operator may apply an administrative fee to the customer's account. The administrative fee must reflect the average costs incurred by the Cable Operator in attempting to collect the past due payment in accordance with applicable law. If the customer's service bill is not paid within forty-five (45) days of the beginning date of the applicable service period, the Cable Operator may perform a "soft" disconnect of the customer's service. If a customer's service bill is not paid within fifty-two (52) days of the beginning date of the applicable service period, the Cable Operator may disconnect the customer's service, provided it has provided two (2) weeks notice to the customer that such disconnection may result.

c. The Cable Operator shall issue a credit or refund to a customer within 30 days after determining the customer's entitlement to a credit or refund.

d. Whenever the Cable Operator offers any promotional or specially priced service(s) its promotional materials shall clearly identify and explain the specific terms of the promotion, including but not limited to manner in which any payment credit will be applied.

#### 7. Treatment of Property

To the extent that a Franchise Agreement does not contain the following procedures for treatment of property, Operator shall comply with the procedures set forth in this Section.

a. A Cable Operator shall keep tree trimming to a minimum; trees and shrubs or other landscaping that are damaged by a Cable Operator, any employee or agent of a Cable Operator during installation or construction shall be restored to their prior condition or replaced within seven (7) days, unless seasonal conditions require a longer time, in which case such restoration or replacement shall be made within seven (7) days after conditions permit. Trees and shrubs on private property shall not be removed without the prior permission of the owner or legal tenant of the property on which they are located. This provision shall be in addition to, and shall not supersede, any requirement in any franchise agreement.

b. A Cable Operator shall, at its own cost and expense, and in a manner approved by the property owner and the Franchising Authority, restore any private property to as good condition as before the work causing such disturbance was initiated. A Cable Operator shall repair, replace or compensate a property owner for any damage resulting from the Cable Operator's installation, construction, service or repair activities. If compensation is requested by the customer for damage caused by any Cable Operator activity, the Cable Operator shall reimburse the property owner one hundred (100) percent of the actual cost of the damage.

c. Except in the case of an emergency involving public safety or service interruption to a large number of customers, a Cable Operator shall give reasonable notice to property owners or legal tenants prior to entering upon private premises, and the notice shall specify the work to be performed; provided that in the case of construction operations such notice shall be delivered or provided at least twenty-four (24) hours prior to entry, unless such notice is waived by the customer. For purposes of this section, "reasonable notice" shall be considered:

i. For pedestal installation or similar major construction, seven (7) days.

ii. For routine maintenance, such as adding or dropping service, tree trimming and the like, reasonable notice given the circumstances. Unless a Franchise Agreement has a different requirement, reasonable notice shall require, at a minimum, prior notice to a property owner or tenant, before entry is made onto that person's property.

iii. For emergency work a Cable Operator shall attempt to contact the property owner or legal tenant in person, and shall leave a door hanger notice in the event personal contact is not made. Door hangers must describe the issue and provide contact information where the property owner or tenant can receive more information about the emergency work.

Nothing herein shall be construed as authorizing access or entry to private property, or any other property, where such right to access or entry is not otherwise provided by law.

d. Cable Operator personnel shall clean all areas surrounding any work site and ensure that all cable materials have been disposed of properly.

**D. Services for Customers with Disabilities**

1. For any customer with a disability, a Cable Operator shall deliver and pick up equipment at customers' homes at no charge unless the malfunction was caused by the actions of the customer. In the case of malfunctioning equipment, the technician shall provide replacement equipment, hook it up and ensure that it is working properly, and shall return the defective equipment to the Cable Operator.
2. A Cable Operator shall provide either TTY, TDD, TYY, VRS service or other similar service that are in compliance with the Americans With Disabilities Act and other applicable law, with trained operators who can provide every type of assistance rendered by the Cable Operator's customer service representatives for any hearing-impaired customer at no charge.
3. A Cable Operator shall provide free use of a remote control unit to mobility-impaired (if disabled, in accordance with Section III.D.4) customers.
4. Any customer with a disability may request the special services described above by providing a Cable Operator with a letter from the customer's physician stating the need, or by making the request to the Cable Operator's installer or service technician, where the need for the special services can be visually confirmed.

**E. Cable Services Information**

1. At any time a customer or prospective customer may request, a Cable Operator shall provide the following information, in clear, concise written form, easily accessible and located on Cable Operator's website (and in Spanish, when requested by the customer):
  - a. Products and services offered by the Cable Operator, including its channel lineup;
  - b. The Cable Operator's complete range of service options and the prices for these services;
  - c. The Cable Operator's billing, collection and disconnection policies;
  - d. Privacy rights of customers;
  - e. All applicable complaint procedures, including complaint forms and the telephone numbers and mailing addresses of the Cable Operator, and the FCC;
  - f. Use and availability of parental control/lock out device;
  - g. Special services for customers with disabilities;
  - h. Days, times of operation, and locations of the service centers;
2. At a Customer's request, a Cable Operator shall make available either a complete copy of these Standards and any other applicable customer service standards, or a summary of these Standards, in a format to be approved by CCUA and the Franchising Authority, which shall include

at a minimum, the URL address of a website containing these Standards in their entirety; provided however, that if the CCA or Franchising Authority does not maintain a website with a complete copy of these Standards, a Cable Operator shall be under no obligation to do so;

If acceptable to a customer, Cable Operator may fulfill customer requests for any of the information listed in this Section by making the requested information available electronically, such as on a website or by electronic mail.

3. Upon written request, a Cable Operator shall meet annually with the Franchising Authority to review the format of the Cable Operator's bills to customers. Whenever the Cable Operator makes substantial changes to its billing format, it will contact the Franchising Authority at least thirty (30) days prior to the time such changes are to be effective, in order to inform the Franchising Authority of such changes.

4. Copies of notices provided to the customer in accordance with section 5 below shall be filed (by fax or email acceptable) concurrently with the Franchising Authority and the CCA.

5. A Cable Operator shall provide customers with written notification of any change in rates for nondiscretionary cable services, and for service tier changes that result in a deletion of programming from a customer's service tier, at least thirty (30) days before the effective date of change. For purposes of this section, "nondiscretionary" means the subscribed tier and any other Cable Services that a customer has subscribed to, at the time the change in rates are announced by the Cable Operator.

6. All officers, agents, and employees of the Cable Operator or its contractors or subcontractors who are in personal contact with customers or when working on public property, shall wear on their outer clothing identification cards bearing their name and photograph and identifying them as representatives of the Cable Operator. The Cable Operator shall account for all identification cards at all times. Every vehicle of the Cable Operator shall be clearly visually identified to the public as working for the Cable Operator. Whenever a Cable Operator work crew is in personal contact with customers or public employees, a supervisor must be able to communicate clearly with the customer or public employee. Every vehicle of a subcontractor or contractor shall be labeled with the name of the contractor and further identified as contracting or subcontracting for the Cable Operator.

7. Each CSR, technician or employee of the Cable Operator in each contact with a customer shall state the estimated cost of the service, repair, or installation orally prior to delivery of the service or before any work is performed, and shall provide the customer with an oral statement of the total charges before terminating the telephone call or before leaving the location at which the work was performed. A written estimate of the charges shall be provided to the customer before the actual work is performed.

## **F. Customer Privacy**

1. Cable Customer Privacy. In addition to complying with the requirements in this section, a Cable Operator shall fully comply with all obligations under 47 U.S.C. Section 551.

2. Collection and Use of Personally Identifiable Information.

a. A Cable Operator shall not use the Cable System to collect, monitor or observe Personally Identifiable Information without the prior affirmative written or electronic consent of the Customer unless, and only to the extent that such information is: (i) used to detect unauthorized reception of cable communications, or (ii) necessary to render a Cable Service or Other Service provided by the Cable Operator to the Customer and as otherwise authorized by applicable law.

b. A Cable Operator shall take such actions as are necessary using then-current industry standard practices to prevent any Affiliate from using the facilities of the Cable Operator in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit an Affiliate unauthorized access to Personally Identifiable Information on equipment of a Customer (regardless of whether such equipment is owned or leased by the Customer or provided by a Cable Operator) or on any of the facilities of the Cable Operator that are used in the provision of Cable Service. This section F.2.b shall not be interpreted to prohibit an Affiliate from obtaining access to Personally Identifiable Information to the extent otherwise permitted by this section F.

c. A Cable Operator shall take such actions as are necessary using then-current industry standard practices to prevent a person or entity (other than an Affiliate) from using the facilities of the Cable Operator in any manner, including, but not limited to, sending data or other signals through such facilities, to the extent such use will permit such person or entity unauthorized access to Personally Identifiable Information on equipment of a Customer (regardless of whether such equipment is owned or leased by the Customer or provided by a Cable Operator) or on any of the facilities of the Cable Operator that are used in the provision of Cable Service.

3. Disclosure of Personally Identifiable Information. A Cable Operator shall not disclose Personally Identifiable Information without the prior affirmative written or electronic consent of the Customer, unless otherwise authorized by applicable law.

a. A minimum of thirty (30) days prior to making any disclosure of Personally Identifiable Information of any Customer for any Non-Cable related purpose as provided in this section F.3.a, where such Customer has not previously been provided the notice and choice provided for in section III.F.9, the Cable Operator shall notify each Customer (that the Cable Operator intends to disclose information about) of the Customer's right to prohibit the disclosure of such information for Non-cable related purposes. The notice to Customers may reference the Customer to their options to state a preference for disclosure or non-disclosure of certain information, as provided in section III.F.10.

b. A Cable Operator may disclose Personally Identifiable Information only to the extent that it is necessary to render, or conduct a legitimate business activity related to, a Cable Service or Other Service provided by the Cable Operator to the Customer.

c. To the extent authorized by applicable law, a Cable Operator may disclose Personally Identifiable Information pursuant to a subpoena, court order, warrant or other valid legal process authorizing such disclosure.

4. Access to Information. Any Personally Identifiable Information collected and maintained by a Cable Operator shall be made available for Customer examination within thirty (30) days of receiving a request by a Customer to examine such information about themselves at the local offices of the Cable Operator or other convenient place within the City designated by the Cable Operator, or electronically, such as over a website. Upon a reasonable showing by the Customer that such Personally Identifiable Information is inaccurate, a Cable Operator shall correct such information.

5. Privacy Notice to Customers

a. A Cable Operator shall annually mail or provide a separate, written or electronic copy of the privacy statement to Customers consistent with 47 U.S.C. Section 551(a)(1), and shall provide a Customer a copy of such statement at the time the Cable Operator enters into an agreement with the Customer to provide Cable Service. The written notice shall be in a clear and conspicuous format, which at a minimum, shall be in a comparable font size to other general information provided to Customers about their account as it appears on either paper or electronic Customer communications.

b. In or accompanying the statement required by section F.5.a, a Cable Operator shall state substantially the following message regarding the disclosure of Customer information: "Unless a Customer affirmatively consents electronically or in writing to the disclosure of personally identifiable information, any disclosure of personally identifiable information for purposes other than to the extent necessary to render, or conduct a legitimate business activity related to, a Cable Service or Other Service, is limited to:

i. Disclosure pursuant to valid legal process authorized by applicable law.

ii. Disclosure of the name and address of a Customer subscribing to any general programming tiers of service and other categories of Cable Services provided by the Cable Operator that do not directly or indirectly disclose: (A) A Customer's extent of viewing of a Cable Service or Other Service provided by the Cable Operator; (B) The extent of any other use by a Customer of a Cable Service; (C) The nature of any transactions made by a Customer over the Cable System; or (D) The nature of programming or websites that a Customer subscribes to or views (i.e., a Cable Operator may only disclose the fact that a person subscribes to a general tier of service, or a package of channels with the same type of programming), provided that with respect to the nature of websites subscribed to or viewed, these are limited to websites accessed by a Customer in connection with programming available from their account for Cable Services.

The notice shall also inform the Customers of their right to prohibit the disclosure of their names and addresses in accordance with section F.3.a. If a Customer exercises their right to prohibit the disclosure of name and address as provided in section F.3.a or this section, such prohibition against disclosure shall remain in effect, unless and until the Customer subsequently changes their disclosure preferences as described in section F.9 below.

6. Privacy Reporting Requirements. The Cable Operator shall include in its regular periodic reports to the Franchising Authority required by its Franchise Agreement information summarizing:

a. The type of Personally Identifiable Information that was actually collected or disclosed by Cable Operator during the reporting period;

b. For each type of Personally Identifiable Information collected or disclosed, a statement from an authorized representative of the Cable Operator certifying that the Personally Identifiable Information collected or disclosed was: (A) collected or disclosed to the extent Necessary to render, or conduct a legitimate business activity related to, a Cable Service or Other Service provided by the Cable Operator; (B) used to the extent Necessary to detect unauthorized reception of cable communications; (C) disclosed pursuant to valid legal process authorized by applicable law; or (D) a disclosure of Personally Identifiable Information of particular subscribers, but only to the extent affirmatively consented to by such subscribers in writing or electronically, or as otherwise authorized by applicable law.

c. The standard industrial classification (SIC) codes or comparable identifiers pertaining to any entities to whom such Personally Identifiable Information was disclosed, except that a Cable Operator need not provide the name of any court or governmental entity to which such disclosure was made pursuant to valid legal process authorized by applicable law;

d. The general measures that have been taken to prevent the unauthorized access to Personally Identifiable Information by a person other than the Customer or the Cable Operator. A Cable Operator shall meet with Franchising Authority if requested to discuss technology used to prohibit unauthorized access to Personally Identifiable Information by any means.

7. Nothing in this section III.F shall be construed to prevent the Franchising Authority from obtaining Personally Identifiable Information to the extent not prohibited by Section 631 of the Communications Act, 47 U.S.C. Section 551 and applicable laws.

8. Destruction of Personally Identifiable Information. A Cable Operator shall destroy any Personally Identifiable Information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under section III.F.4, pursuant to a court order or other valid legal process, or pursuant to applicable law.

9. Notice and Choice for Customers. The Cable Operator shall at all times make available to Customers one or more methods for Customers to use to prohibit or limit disclosures, or permit or release disclosures, as provided for in this section III.F. These methods may include, for example, online website “preference center” features, automated toll-free telephone systems, live toll-free telephone interactions with customer service agents, in-person interactions with customer service personnel, regular mail methods such as a postage paid, self-addressed post card, an insert included with the Customer’s monthly bill for Cable Service, the privacy notice specified in section III.F.5, or such other comparable methods as may be provided by the Cable Operator. Website “preference center” features shall be easily identifiable and navigable by Customers, and shall be in a comparable size font as other billing information provided to Customers on a Cable Operator’s

website. A Customer who provides the Cable Operator with permission to disclose Personally Identifiable Information through any of the methods offered by a Cable Operator shall be provided follow-up notice, no less than annually, of the Customer's right to prohibit these disclosures and the options for the Customer to express their preference regarding disclosures. Such notice shall, at a minimum, be provided by an insert in the Cable Operator's bill (or other direct mail piece) to the Customer or a notice or message printed on the Cable Operator's bill to the Customer, and on the Cable Operator's website when a Customer logs in to view their Cable Service account options. The form of such notice shall also be provided on an annual basis to the Franchising Authority. These methods of notification to Customers may also include other comparable methods as submitted by the Cable Operator and approved by the Franchising Authority in its reasonable discretion.

#### **G. Safety**

A Cable Operator shall install and locate its facilities, cable system, and equipment in compliance with all federal, state, local, and company safety standards, and in such manner as shall not unduly interfere with or endanger persons or property. Whenever a Cable Operator receives notice that an unsafe condition exists with respect to its equipment, the Cable Operator shall investigate such condition immediately, and shall take such measures as are necessary to remove or eliminate any unsafe condition.

#### **H. Cancellation of New Services**

In the event that a new customer requests installation of Cable Service and is unsatisfied with their initial Cable Service, and provided that the customer so notifies the Cable Operator of their dissatisfaction within 30 days of initial installation, then such customer can request disconnection of Cable Service within 30 days of initial installation, and the Cable Operator shall provide a credit to the customer's account consistent with this Section. The customer will be required to return all equipment in good working order; provided such equipment is returned in such order, then the Cable Operator shall refund the monthly recurring fee for the new customer's first 30 days of Cable Service and any charges paid for installation. This provision does not apply to existing customers who request upgrades to their Cable Service, to discretionary Cable Service such as PPV or movies purchased and viewed On Demand, or to customer moves or transfers of Cable Service. The service credit shall be provided in the next billing cycle.

### **IV. COMPLAINT PROCEDURE**

#### **A. Complaints to a Cable Operator**

1. A Cable Operator shall establish written procedures for receiving, acting upon, and resolving customer complaints, and crediting customer accounts and shall have such procedures printed and disseminated at the Cable Operator's sole expense, consistent with Section III.E.1.e of these Standards.

2. Said written procedures shall prescribe a simple manner in which any customer may submit a complaint by telephone or in writing to a Cable Operator that it has violated any provision of these Customer Service Standards, any terms or conditions of the customer's contract with the Cable Operator, or reasonable business practices. If a representative of the Franchising Authority

notifies the Cable Operator of a customer complaint that has not previously been made by the customer to the Cable Operator, the complaint shall be deemed to have been made by the customer as of the date of the Franchising Authority's notice to the Cable Operator.

3. At the conclusion of the Cable Operator's investigation of a customer complaint, but in no more than ten (10) calendar days after receiving the complaint, the Cable Operator shall notify the customer of the results of its investigation and its proposed action or credit.

4. A Cable Operator shall also notify the customer of the customer's right to file a complaint with the Franchising Authority in the event the customer is dissatisfied with the Cable Operator's decision, and shall thoroughly explain the necessary procedures for filing such complaint with the Franchising Authority.

5. A Cable Operator shall immediately report all customer Escalated complaints that it does not find valid to the Franchising Authority.

6. A Cable Operator's complaint procedures shall be filed with the Franchising Authority prior to implementation.

#### **B. Complaints to the Franchising Authority**

1. Any customer who is dissatisfied with any proposed decision of the Cable Operator or who has not received a decision within the time period set forth below shall be entitled to have the complaint reviewed by the Franchising Authority.

2. The customer may initiate the review either by calling the Franchising Authority or by filing a written complaint together with the Cable Operator's written decision, if any, with the Franchising Authority.

3. The customer shall make such filing and notification within twenty (20) days of receipt of the Cable Operator's decision or, if no decision has been provided, within thirty (30) days after filing the original complaint with the Cable Operator.

4. If the Franchising Authority decides that further evidence is warranted, the Franchising Authority shall require the Cable Operator and the customer to submit, within ten (10) days of notice thereof, a written statement of the facts and arguments in support of their respective positions.

5. The Cable Operator and the customer shall produce any additional evidence, including any reports from the Cable Operator, which the Franchising Authority may deem necessary to an understanding and determination of the complaint.

6. The Franchising Authority shall issue a determination within fifteen (15) days of receiving the customer complaint, or after examining the materials submitted, setting forth its basis for the determination.

7. The Franchising Authority may extend these time limits for reasonable cause and may intercede and attempt to negotiate an informal resolution.

**C. Security Fund or Letter of Credit**

A Cable operator shall comply with any Franchise Agreement regarding Letters of Credit. If a Franchise Agreement is silent on Letter of Credit the following shall apply:

1. Within thirty (30) days of the written notification to a Cable Operator by the Franchising Authority that an alleged Franchise violation exists, a Cable Operator shall deposit with an escrow agent approved by the Franchising Authority fifty thousand dollars (\$50,000) or, in the sole discretion of the Franchising Authority, such lesser amount as the Franchising Authority deems reasonable to protect subscribers within its jurisdiction. Alternatively, at the Cable Operator's discretion, it may provide to the Franchising Authority an irrevocable letter of credit in the same amount. A letter of credit or cash deposit, with the approval of the Franchising Authority, may be posted jointly for more than one member of the CCUA, and may be administered, and drawn upon, jointly by the CCUA or drawn upon individually by each member; provided however that if such letter of credit or cash deposit is provided to CCUA on behalf of more than one of its members, the letter of credit or cash deposit may, in the sole discretion of CCUA and its effected members, be required in an amount not to exceed one hundred thousand dollars (\$100,000).

The escrowed funds or letter of credit shall constitute the "Security Fund" for ensuring compliance with these Standards for the benefit of the Franchising Authority. The escrowed funds or letter of credit shall be maintained by a Cable Operator at the amount initially required, even if amounts are withdrawn pursuant to any provision of these Standards, until any claims related to the alleged Franchise violation(s) are paid in full.

2. The Franchising Authority may require the Cable Operator to increase the amount of the Security Fund, if it finds that new risk factors exist which necessitate such an increase.

3. The Security Fund shall serve as security for the payment of any penalties, fees, charges or credits as provided for herein and for the performance by a Cable Operator of all its obligations under these Customer Service Standards.

4. The rights reserved to the Franchising Authority with respect to the Security Fund are in addition to all other rights of the Franchising Authority, whether reserved by any applicable franchise agreement or authorized by law, and no action, proceeding or exercise of a right with respect to same shall in any way affect, or diminish, any other right the Franchising Authority may otherwise have.

**D. Verification of Compliance**

A Cable Operator shall establish its compliance with any or all of the standards required through annual reports that demonstrate said compliance, or as requested by the Franchising Authority.

**E. Procedure for Remedying Violations**

1. If the Franchising Authority has reason to believe that a Cable Operator has failed to comply with any of these Standards, or has failed to perform in a timely manner, the Franchising Authority may pursue the procedures in its Franchise Agreement to address violations of these Standards in a like manner as other franchise violations are considered.

2. Following the procedures set forth in any Franchise Agreement governing the manner to address alleged Franchise violations, if the Franchising Authority determines in its sole discretion that the noncompliance has been substantiated, in addition to any remedies that may be provided in the Franchise Agreement, the Franchising Authority may:

a. Impose assessments of up to one thousand dollars (\$1,000.00) per day, to be withdrawn from the Security Fund in addition to any franchise fee until the non-compliance is remedied;

b. Order such rebates and credits to affected customers as in its sole discretion it deems reasonable and appropriate for degraded or unsatisfactory services that constituted noncompliance with these Standards;

c. Reverse any decision of the Cable Operator in the matter;

d. Grant a specific solution as determined by the Franchising Authority; or

e. Except for in emergency situations, withhold licenses and permits for work by the Cable Operator or its subcontractors in accordance with applicable law.

## **V. MISCELLANEOUS**

### **A. Severability**

Should any section, paragraph, term, or provision of these Standards be determined to be illegal, invalid, or unconstitutional by any court or agency of competent jurisdiction with regard thereto, such determination shall have no effect on the validity of any other section, paragraph, term, or provision of these Standards, each of the latter of which shall remain in full force and effect.

### **B. Non-Waiver**

Failure to enforce any provision of these Standards shall not operate as a waiver of the obligations or responsibilities of a Cable Operator under said provision, or any other provision of these Standards.

**EXHIBIT C: RETURN LINES**

City Return Line:

300 LaPorte Avenue, Fort Collins

Carnegie Building: FC Public Media

200 Matthews Street, Fort Collins

Poudre School District Return Line:

2407 LaPorte Avenue, Fort Collins

Colorado State University Return Line: Lory Student Center, 1101 Center Avenue Mall, Fort Collins

**File Attachments for Item:**

**3. Second Reading of Ordinance No. 161, 2025, Repealing Sections 12-110 through 12-112 of the Code of the City of Fort Collins Regarding the Disclosure of Radon Information in Real Estate Transactions.**

This Ordinance, unanimously adopted on First Reading on October 7, 2025, repeals Chapter 12, Article VI of the City Code, which requires that a seller of residential real estate in the City of Fort Collins provide radon information to the buyer of the residential real estate.

Colorado Revised Statutes Section 38-35.7-112 also requires the disclosure of radon information to buyers of residential real estate, and the repeal of Chapter 12, Article VI of the City Code will eliminate overlapping requirements for sellers in residential real estate transactions with respect to radon disclosures.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

Emily Olivo, Lead Specialist, Environmental Sustainability  
Selina Lujan de Albers, Manager, Environmental Sustainability  
Jacob Castillo, Director, Sustainability Services

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## SUBJECT

**Second Reading of Ordinance No. 161, 2025, Repealing Sections 12-110 through 12-112 of the Code of the City of Fort Collins Regarding the Disclosure of Radon Information in Real Estate Transactions.**

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## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 7, 2025, repeals Chapter 12, Article VI of the City Code, which requires that a seller of residential real estate in the City of Fort Collins provide radon information to the buyer of the residential real estate.

Colorado Revised Statutes Section 38-35.7-112 also requires the disclosure of radon information to buyers of residential real estate, and the repeal of Chapter 12, Article VI of the City Code will eliminate overlapping requirements for sellers in residential real estate transactions with respect to radon disclosures.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

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## FIRST READING BACKGROUND / DISCUSSION

Since June 1997, Chapter 12, Article VI of the City Code has required that every property seller provide radon information to the purchaser prior to the execution of any contract for the property. The radon information has been simply defined as "information produced and disseminated by the Office of Sustainability Services." Historically, staff has provided realtors with City developed and branded informational pamphlets detailing the risks of radon, the importance of testing, and resources for mitigation.

In June of 2023, the Colorado State Senate passed [SB23-206](#) (Attachment 1), which significantly expands statewide requirements around radon disclosure. The state law mandates that every contract for sale of a residential property must contain a disclosure of the seller's knowledge of the radon concentrations at the residential property, including past test results, mitigation history, and any installed radon reduction systems. The statute also requires sellers to use specific statements and information in its radon disclosures to the buyer as a part of a residential real estate transaction. A residential property includes: (1) a single-family home, manufactured home, mobile home, condominium, apartment, townhome, or duplex; or (2) a home sold by the owner, a financial institution, or the United States Department of Housing and Urban Development.

A distinctive provision of SB23-206 (codified in Colorado Revised Statutes Section 38-12-803) is the extension of radon disclosure requirements to rental properties. Landlords are now required to provide written disclosures to potential tenants prior to signing a lease. These disclosures include: (1) a radon warning statement issued by the Colorado Department of Public Health and Environment (CDPHE), (2) any known radon test results and related documentation, (3) descriptions of any mitigation systems or prior remediation, and (4) a copy of the most recent CDPHE brochure on radon in real estate transactions. Tenants must sign the disclosure acknowledging receipt. Additionally, tenants may void the lease and vacate the property if landlords fail to provide this information or fail to mitigate high radon levels within 180 days of notification from a radon measurement professional.

### Considerations

**Disclosure Requirements:** The state requirements are more specific and comprehensive than local requirements regarding what radon information must be disclosed. For example, sellers must provide copies of radon test results to potential buyers. The City's local ordinance simply requires information about radon more generally to be provided.

**Informational Materials:** In recent years, City staff have disseminated the materials from the state radon office (see Attachment 2), rather than City-created materials, to help avoid unnecessary repetition or confusion. The materials and information have been provided through annual radon presentations to the Fort Collins Board of Realtors, the annual Radon Awareness Event, other radon outreach events throughout the year, and to any community members that request them. Additionally, staff provides radon test kits through reduced-price sales at the Senior Center and for free through Healthy Homes assessments and events. These outreach and education efforts will continue as normal if the local ordinance is repealed.

**Mitigation:** This repeal would not impact the Council adoption of Appendix F of the International Residential Code, requiring the installation of passive radon reduction systems in all single-and two-family dwellings built after 2005.

### CITY FINANCIAL IMPACTS

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No financial impacts. The City will maintain current level of funds for continued education and outreach.

### BOARD / COMMISSION / COMMITTEE RECOMMENDATION

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The Air Quality Advisory Board (AQAB) was consulted regarding the repeal of this Ordinance. The AQAB expressed approval for the repeal to simplify requirements on behalf of sellers and property managers.

### PUBLIC OUTREACH

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Staff contacted the Fort Collins Board of Realtors to better understand the perspective of the real estate community regarding the state level disclosure requirements. The Board expressed that a repeal of the local disclosure requirement would be welcomed, and that there has been confusion in the real estate community due to multiple layers of requirements. The Board appreciates actions such as this that would help simplify a complex legal landscape for realtors and brokers.

According to the City Rental Housing Program, there have not been any comments or questions received from landlords regarding the state radon disclosure requirements.

To date, staff have received few inquiries or complaints regarding the disclosure requirements. A search of historical radon inquiries in Access Fort Collins revealed a single 2023 submission from a realtor asking how the new state law would affect the local ordinance.

## ATTACHMENTS

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First Reading attachments available in the October 7, 2025, agenda materials at the following link:  
<https://fortcollins-co.municodemeetings.com/>

1. Ordinance No. 161, 2025

ORDINANCE NO. 161, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
REPEALING SECTIONS 12-110 THROUGH 12-112 OF THE  
CODE OF THE CITY OF FORT COLLINS REGARDING THE  
DISCLOSURE OF RADON INFORMATION IN REAL ESTATE  
TRANSACTIONS

A. Colorado Revised Statutes Section 38-35.7-112 provides that every contract for sale of residential real property must contain a disclosure of the seller’s knowledge of the radon concentrations at the residential real property. The statute also provides the statements and information that a seller in a residential real estate transaction must include in its radon disclosures to the buyer.

B. The City Code has similar requirements relating to radon. Chapter 12, Article VI of the City Code provides that a seller of residential real estate in the City must provide “radon information” to the buyer of the residential real estate. The Code defines radon information as “information produced and disseminated by the Office of Sustainability Services for provision by sellers to buyers prior to execution of a contract.”

C. Repeal of Chapter 12, Article VI of the City Code will eliminate overlapping requirements for sellers in residential real estate transactions with respect to radon disclosures.

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 Article VI of Chapter 12 of the Code of the City of Fort Collins is hereby deleted in its entirety and Article VI is held in reserve.

Introduced, considered favorably on first reading on October 7, 2025, and approved on second reading for final passage on October 21, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: October 31, 2025  
Approving Attorney: Ted Hewitt

Exhibit: None

**File Attachments for Item:**

**4. Second Reading of Ordinance No. 162, 2025, Amending Section 23-302 of the Code of the City of Fort Collins to Amend the Definition of “Construction Project”.**

This Ordinance, unanimously adopted on First Reading on October 7, 2025, amends the definition of “Construction Project” in Code. The City’s Art in Public Places ordinance currently includes language that requires a 1% allocation from construction projects that will cost more than \$250,000 to fund the acquisition and maintenance of public art. “Construction project” is defined as “the construction, rehabilitation, renovation, remodeling or improvement of any building, structure, street, sidewalk, park, utility or other public improvement by or for the City, including all associated landscaping, parking, design, engineering, equipment or furnishings for such improvement, and all other costs, but excluding the cost of real property acquisition, vehicles, equipment not affixed to public property and any improvements made by any special improvement district.” Staff seeks to amend this definition to expressly exclude maintenance from the definition of “construction project”.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



## STAFF

Eileen May, Director of Cultural Services  
 Cheryl Donaldson-Moses, Senior Manager, Cultural Services  
 Ellen Martin, Lead Specialist, Cultural Services

## SUBJECT

**Second Reading of Ordinance No. 162, 2025, Amending Section 23-302 of the Code of the City of Fort Collins to Amend the Definition of “Construction Project”.**

## EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on October 7, 2025, amends the definition of “Construction Project” in Code. The City’s Art in Public Places ordinance currently includes language that requires a 1% allocation from construction projects that will cost more than \$250,000 to fund the acquisition and maintenance of public art. “Construction project” is defined as “the construction, rehabilitation, renovation, remodeling or improvement of any building, structure, street, sidewalk, park, utility or other public improvement by or for the City, including all associated landscaping, parking, design, engineering, equipment or furnishings for such improvement, and all other costs, but excluding the cost of real property acquisition, vehicles, equipment not affixed to public property and any improvements made by any special improvement district.” Staff seeks to amend this definition to expressly exclude maintenance from the definition of “construction project”.

## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

## FIRST READING BACKGROUND / DISCUSSION

Staff has engaged in extensive collaboration between Cultural Services, Operations Services, and the City Attorney’s Office to review the Art in Public Places Ordinance. This cross-departmental review confirms that City staff would like to expressly exclude any maintenance and any work to replace existing building systems from the definition of “construction project”. Amending the definition in this way will ensure that any maintenance project, including projects to replace existing building systems, will not be subject to the 1% Art in Public Places contribution.

## CITY FINANCIAL IMPACTS

The exact financial impact of clarifying that maintenance work is not eligible for the 1% Art in Public Places contribution is unknown, though it will reduce the costs of certain maintenance projects, streamline budget planning, and reduce pressure on Operations Services during the budget cycle.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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First Reading attachments available in the October 7, 2025, agenda materials at the following link:  
<https://fortcollins-co.municodemeetings.com/>

1. Ordinance No. 162, 2025

ORDINANCE NO. 162, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING SECTION 23-302 OF THE CODE OF THE CITY OF  
FORT COLLINS TO AMEND THE DEFINITION OF  
“CONSTRUCTION PROJECT”

A. To fund the acquisition and maintenance of public art, the City’s Art in Public Places Program (the “APP Program”) requires a 1% allocation from construction projects that will cost more than \$250,000.

B. Section 23-302 of the City Code defines “construction project” for the APP Program as “the construction, rehabilitation, renovation, remodeling or improvement of any building, structure, street, sidewalk, park, utility or other public improvement by or for the City, including all associated landscaping, parking, design, engineering, equipment or furnishings for such improvement, and all other costs, but excluding the cost of real property acquisition, vehicles, equipment not affixed to public property and any improvements made by any special improvement district.”

C. The City Council, through this Ordinance, amends the definition of “construction project” in Code Section 23-302 to clarify that costs for maintenance work and replacement of existing building systems are not subject to the 1% contribution for the APP Program.

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 definition of “Construction Project” contained in Section 23-302 of the Code of the City of Fort Collins is hereby amended to read as follows:

*Construction project* shall mean the construction, renovation, remodeling or improvement of any building, structure, street, sidewalk, park, utility or other public improvement by or for the City, including all associated landscaping, parking, design, engineering, equipment or furnishings for such improvement, and all other costs, but excluding the cost of real property acquisition, vehicles, equipment not affixed to public property, replacement of existing building systems, maintenance, and any improvements made by any special improvement district.

Introduced, considered favorably on first reading on October 7, 2025, and approved on second reading for final passage on October 21, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: October 31, 2025  
Approving Attorney: Ted Hewitt

Exhibit: None

**File Attachments for Item:**

**5. First Reading of Ordinance No. 163, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give and Authorizing Transfers of Appropriations.**

The purpose of this item is to request an appropriation of \$16,325 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 21, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

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Emily Land, Director of Philanthropy & Strategic Partnerships

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## SUBJECT

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**First Reading of Ordinance No. 163, 2025, Appropriating Unanticipated Philanthropic Revenue Received Through City Give and Authorizing Transfers of Appropriations.**

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## EXECUTIVE SUMMARY

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The purpose of this item is to request an appropriation of \$16,325 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.

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## STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

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

The City received several individual philanthropic donations in 2025 totaling \$16,325 to support various departments, and these funds are currently unappropriated. Both Section 2.5 of the City's Financial Management Policy 2 – Revenue, as approved by Council, and the Administrative Philanthropic Governance Policy 6.04, adopted by the City Manager, (together the "City Give Policies"), provide the bases and processes for the responsible and efficient management of charitable donations to the City.

Gifts totaling \$16,325 have been received for various programs. These gifts include: \$9,325 from individual donors to benefit programs including: The Utilities Payment Assistance Fund, The Parks Department, and The Forestry Department; \$500 from Elevations Credit Union to support the HR Wellness Fair, \$500 from RSLI to benefit the HR Wellness Fair, \$500 from Alerus to benefit the wellness fair, \$500 from Alight to benefit the Wellness Fair, and \$5,000 from Elevations Credit Union to benefit The Recreation Department.

**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 \$16,325 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	AMOUNT	DONOR	PROGRAM & CAMPAIGN	LAPSING or NOT
Benefits Fund	\$500	Elevations Credit Union	HR Health Fair	Lapsing
Benefits Fund	\$500	RSLI	HR Health Fair	Lapsing
Benefits Fund	\$500	Alerus	HR Health Fair	Lapsing
Benefits Fund	\$500	Alight	HR Health Fair	Lapsing
General Fund	\$500	Anderson	Living Tree Tribute	Lapsing
General Fund	\$3,000	Kathryn & Brandon Kitzerow	Parks Tribute Bench	Lapsing
Recreation Fund	\$5,000	Elevations Credit Union	Kids in the Park Sponsorship	Lapsing
Light & Power Fund	\$2,800	Miller Family Fund	Utilities Payment Assistance	Non Lapsing
Light & Power Fund	\$25	Kyle Lewis	Payment Assistance Fund	Non Lapsing
Light & Power Fund	\$1,000	Lori and Danny Sandoval	Utilities Payment Assistance	Non Lapsing
Light & Power Fund	\$2,000	Don Novy	Utilities Payment Assistance	Non Lapsing

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

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

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

None.

**PUBLIC OUTREACH**

None.

**ATTACHMENTS**

1. Ordinance No. 163, 2025

ORDINANCE NO. 163, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
APPROPRIATING UNANTICIPATED PHILANTHROPIC  
REVENUE RECEIVED THROUGH CITY GIVE AND  
AUTHORIZING TRANSFERS OF APPROPRIATIONS

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

B. The appropriation of these funds 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, employee health, parks and recreation, and utility payment assistance.

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

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

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

F. The City Council wishes to designate the appropriation herein in the Light and Power Fund, which is for the Payment Assistance Fund, as an appropriation that shall not lapse until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

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

Section 1. There is hereby appropriated from the following funds these amounts of philanthropic revenue received in 2025 to be expended as designated by the donors in

support of the various City programs and services as described in the Agenda Item Summary.

Light and Power Fund	\$ 5,825
Benefits Fund	\$ 2,000
General Fund	\$ 3,500
Recreation Fund	\$ 5,000

Section 2. The appropriation in Section 1 in the Light and Power Fund, which is for the Payment Assistance Fund, is hereby designated, as authorized in Article V, Section 11 of the City Charter, as an appropriation that shall not lapse at the end of this fiscal year but until the earlier of the expiration of the donation or the City's expenditure of all funds received from such donation.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Dianne Criswell

Exhibit: None

**File Attachments for Item:**

**6. First Reading of Ordinance No. 164, 2025, Making a Supplemental Appropriation for 2025 Transfort Operational Expenses.**

The post-pandemic Transit industry has experienced unprecedented levels of cost increases resulting in estimated operating cost increases of 50%-70% across the industry for 2025. Transfort is experiencing similar expense impacts with significant cost increases across the three largest segments of its budget: personnel, vehicle repair services, and contracted transportation services. Compounding the impact of Transfort specific expense overruns are citywide fiscal pressures that require a reduction in the previously allocated General Fund support of the Transit Fund. As a result, Transfort is requesting a supplemental appropriation of \$2.8M from the 2050 Tax Parks Rec Transit OCF Fund ("2050 Transit Tax") to support Transfort's 2025 operational expenses.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



## STAFF

Monica Martinez, PDT Finance Manager  
Kaley Zeisel, Director Transfort

## SUBJECT

**First Reading of Ordinance No. 164, 2025, Making a Supplemental Appropriation for 2025 Transfort Operational Expenses.**

## EXECUTIVE SUMMARY

The post-pandemic Transit industry has experienced unprecedented levels of cost increases resulting in estimated operating cost increases of 50%-70% across the industry for 2025. Transfort is experiencing similar expense impacts with significant cost increases across the three largest segments of its budget: personnel, vehicle repair services, and contracted transportation services. Compounding the impact of Transfort specific expense overruns are citywide fiscal pressures that require a reduction in the previously allocated General Fund support of the Transit Fund. As a result, Transfort is requesting a supplemental appropriation of \$2.8M from the 2050 Tax Parks Rec Transit OCF Fund ("2050 Transit Tax") to support Transfort's 2025 operational expenses.

## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

## BACKGROUND / DISCUSSION

The post-pandemic transit industry has experienced ongoing and significant cost pressures that have resulted in an estimated increase of 50% - 70% in 2025 operating expenses across the industry. In some cases, transit agencies have chosen to decrease service areas while simultaneously experiencing continued increases to both operational costs and per/passenger costs. The table below, which uses 2023 data, is illustrative of these trends that have continued through 2025. The peer cities selected for this comparison represent a select group that demonstrated strong ridership and post-pandemic recovery.

**Table 3. Key Characteristics of Peer Agencies**

Characteristic	Transfort	METRO Akron, OH	CityBus Lafayette, IN	Unitrans Davis, CA	FAST Fayetteville, NC	GP Metro Portland, ME	WRTA Worcester, MA	Summary
<b>2023 vs. 2019</b>								
Service Area	<b>No Change</b>	<b>7% Decreased</b>	<b>8% Increased</b>	<b>14% Decreased*</b>	<b>1% Decreased*</b>	<b>9% Decreased*</b>	<b>14% Decreased*</b>	On average, most peer agencies have reduced their service area by approximately <b>6%</b> .
Service Population	<b>3% Increased</b>	<b>5% Decreased</b>	<b>6% Increased</b>	<b>6% Increased</b>	<b>5% Increased</b>	<b>1% Increased</b>	<b>1% Decreased*</b>	
Total Operating Funds	<b>10% Decreased</b>	<b>8% Increased</b>	<b>27% Increased</b>	<b>45% Increased</b>	<b>19% Increased</b>	<b>28% Increased</b>	<b>24% Increased</b>	Operating funds have increased across all peers, ranging from <b>8% to 45%</b> .
Operating Expenses/ Passenger	<b>76% Increased</b>	<b>37% Increased</b>	<b>46% Increased</b>	<b>84% Increased</b>	<b>20% Decreased</b>	<b>57% Increased</b>	<b>4% Decreased</b>	Operating expenses per passenger have increased across most agencies, except for two peer agencies.
Number of Fleet Operated in Max. Service	<b>17% Decreased</b>	<b>17% Decreased</b>	<b>15% Decreased</b>	<b>14% Decreased</b>	<b>3% Decreased</b>	<b>14% Decreased</b>	<b>4% Increased</b>	The number of fleets in operation is generally lower in 2023 compared to 2019.
#Passengers/ Revenue Hour	<b>9% Decreased</b>	<b>9% Decreased</b>	<b>9% Decreased</b>	<b>9% Decreased</b>	<b>90% Increased</b>	<b>14% Decreased</b>	<b>22% Increased</b>	Productivity declined by 9% to 22% for most agencies except for two agencies.

Transfort is facing similar cost pressures and has identified the need for additional funding at current service levels. Currently, Transfort is not running at full-service levels as defined by pre-pandemic expectations. While the original intent was to return to 2019 service levels, Transfort has proactively paused returns to service in reaction to both internal and external financial pressures. Transfort anticipates maintaining current service levels for the short-term with the only planned addition being a return to Sunday & Holiday service. This is planned for 2026 and is in response to strong community support for this specific service return. Due to the City’s current fiscal position, the 2050 Transit Tax has been identified as the available funding source to meet Transfort’s financial needs.

**2050 Transit Tax**

Staff recognizes the importance of ensuring that all 2050 Transit Tax is expended per ballot language for infrastructure improvements, equipment purchases & upgraded and expanded services. An additional concern is the use of 2050 Transit Tax to supplement and not supplant prior General Fund support. To that end, the General Fund level of support in 2023 of \$11.5M to the Transit Fund has been established as the base level at which General Fund must continue to be in compliance with 2050 Transit Tax. This criterion has been satisfied for 2025, as \$11.9M has been allocated to Transfort from the 2025 General Fund. Staff recommends use of the 2050 Transit Tax for those items outlined in ballot language with the outcome of short-term maintenance of current service levels. This is a short-term fix awaiting further discussion and decision guided by Transfort’s Optimization Study. The table in the “City Financial Impacts” section below outlines the recommendation of staff for the 2025 and 2026 years and highlights the anticipated remaining amount balance of the 2050 Transit Tax at the end of 2026. The additional funding for 2026 is being requested via the concurrently occurring 2026 revision process.

**Transfort Revenue & Expense Context**

At current 2025 service levels, Transfort’s revenue budget is projected to \$22.8M while its expense budget is projected to \$25M. This represents a \$2.2M dollar shortfall in terms of revenue vs expense. This shortfall is compounded by the unavailability of \$0.6M in General Fund dollars. The expense overruns will be individually discussed in the subsequent section.

Since 2019, Transfort has seen a 31% increase in its revenue sources. Most of this increase comes from the General Fund which has grown its support by 30%. Notably, during the same period, federal operational grant amounts increased by only 19%. Contractual funding sources have seen increases; however, they are overall a smaller percentage of the budget. Thus, support of the transit system has shifted away from federal funds and onto local sources.

On the expense side, the budget is projected to end 2025 with a growth of approximately 44% while maintaining reduced service levels. At full service, it is estimated that total expenses would demonstrate a growth rate of around 46%. While there have been increased costs in all areas, the key areas of

unprecedented increases for Transfort are personnel, vehicle repair services, & contracted services with growth ranging from 33% - 94% over the period.

**2025 Transfort Projected Overspend**

The anticipated overspend for Transfort is driven by four main factors: personnel, vehicle repair services, contracted transportation services, & a reduction in General Fund support. The reduction in General Fund support is Transfort’s contribution to 2025 citywide reductions of 5% as a result of unavailable General Fund allocations.

As compared to the original budget of \$13.5M and at current service levels, Transfort personnel project to an overspend of approximately \$700k. This overspend is largely due to an unrealized assumed vacancy factor. The 2025 assumed vacancy factor for Transfort has proven to be both overly aggressive in current conditions and potentially misaligned with the operational demands of a transit service. Overall growth in personnel costs is due to industry dictated increases in wages and is also a product of the City’s merit increases. A personnel budget of roughly \$13.5M that is assigned a merit increase of 4% will result in over \$500k in increases per year.

Overspend in vehicle repair services is projected to an overspend of just over \$400k. Analysis of Transfort’s actual vs projected spend identified that the service levels being used for cost calculations were being partially driven by a post pandemic low in 2022. This has been addressed for future cost estimates. Overall growth in vehicle repair services is due to a 33% increase in the hourly cost of a technician and an average cost increase of 34% from the most commonly used parts.

Contracted Transportation Services includes Dial-A-Ride, bus-stop-to-bus-stop, and some fixed route services. At current service levels, an overspend of \$1.1M is projected. Approximately, \$300k of the overspend is driven by the ongoing use of bus-stop-to-bus-stop services employed to mitigate continued pandemic era route stoppages. As of 2025 budget reduction conversations, these services are being reduced by 50%. Additional cost pressures include a substantial increase in ridership for Dial-A-Ride and a one-time contractual increase of 15%. Yearly contracted increases of 3% are anticipated going forward. Notably, Transfort is unable to dictate Dial-A-Ride ridership as it is a federally mandated service contingent on a ¾ mile radius of the current service area. A small portion of 2025’s large overspend is due to recently identified year end accounting timing.

As previously noted, Transfort is also requesting \$.6M in 2050 Transit Tax to replace unavailable General Fund support. The total request for 2025 is \$2.8M.

**2026 Transfort Projected Overspend**

For 2026, Transfort is requesting an additional amount of \$3.2M from the 2050 Transit Tax via the budget revision process. This request is driven by an anticipated overspend of \$0.9M in personnel, \$0.64M in vehicle repair services, \$0.97M in contracted transportation services, and a backfill of \$0.77M due to the unavailability of previously allocated General Fund amounts. This is being requested via the revision process and is noted here for informational purposes only.

**CITY FINANCIAL IMPACTS**

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Staff recommends approval of a supplemental appropriation of \$2.8M in 2050 Transit Tax for 2025 operational expenses. This request is bolded in the table below.

The table below includes the 2026 request that is currently being pursued through the 2026 revision process for informational purposes only.

<b>2050 Transit Tax</b>	<b>Amounts</b>
<b>Revenue</b>	
2024 Reserve Balance	\$1.4M
2025 Estimated Revenue	\$5.5M
2026 Estimated Revenue	\$5.6M
<b>Total Revenue Available</b>	<b>\$12.5M</b>
<b>Expense</b>	
2025 BFO	\$2.8M
2026 BFO	\$2.5M
2025 Prior Supplemental Appropriations (grant local matches)	\$ .875M
<b>2025 Supplemental Appropriation Request</b>	<b>\$2.8M</b>
2026 Revision Request	\$3.2M
<b>Total Expense Requested</b>	<b>\$12.2M</b>
<b>Estimated Balance End of Year 2026</b>	<b>~\$.3M</b>

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

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This was presented and received support at the September 2025 Council Finance Committee meeting.

#### **PUBLIC OUTREACH**

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None.

#### **ATTACHMENTS**

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1. Council Finance Committee Minutes, September 4, 2025
2. Ordinance No. 164, 2025



Council Finance Committee Hybrid Meeting  
 CIC Room / Teams  
 September 4, 2025  
 4:00 - 6:30 pm

Council Attendees: Mayor Arndt, Emily Francis, Kelly Ohlson

Staff: Kelly DiMartino, Tyler Marr, Caleb Weitz, Teresa Roche, Karen Burke, Kelley Vodden, Dianne Criswell, Terri Runyan, Taryn Moran, Jen Poznanovic, Victoria Shaw, Wendy Bricher, Jo Cech, Carissa Clinton, Alexis Coppello, Joe Wimmer, Caryn Champine, Monica Martinez, Jeff Rochford, Gerry Paul, Trevor Nash, Adam Halvorson, Garrison Dam, Lawrence Pollack, Jill Wuertz, Drew Brooks, Ginny Sawyer, Josh Birks, Mallory Gallegos, Peggy Streeter, Annabelle Phillips, Jacob Castillo, Carolyn Koontz

Others: Lance Smith  
 Nancy Salazar  
 Timothy StAndrew, Plante Moran  
 Josh Yde, Plante Moran

Meeting called to order at 4:00 pm

Approval of minutes from August 7, 2025, Council Finance Committee meeting.  
 Motion made to approve by Emily Francis and seconded by Kelly Ohlson.  
 Approved via roll call.

- A) Audit Update**  
 Trevor Nash, Senior Accounting Manager  
 Timothy StAndrew, Plante Moran  
 Josh Yde, Plante Moran



## Required Post-Audit Communications

- **Significant Audit Findings**
  - No transactions entered into by the City lacking authoritative guidance
  - No significant transactions that have been recognized in a different period than when the transaction occurred
  - No difficulties encountered in performing the audit
  - No disagreements with management
  - Summary of Unrecorded Possible Adjustments includes adjustments related to the Sales and Use Tax Fund



## Federal Single Audit

- **Federal expenditures of \$35.3 million**
- **Four major programs tested in 2024**
  - ALN 14.239 – Home Investment Partnerships Program
  - ALN 20.205 – Highway Planning and Construction
  - ALNs 20.507, 20.526 – Federal Transit Cluster
  - ALN 21.027 – Coronavirus State and Local Fiscal Recovery Funds
- **Unmodified opinions**
- **Federal award findings – material weakness on compliance: Timing of expenditures on the SEFA**

### DISCUSSION / NEXT STEPS

Kelly Ohlson; thank you for your work -

Mayor Arndt; thank you – see you next year

## B) 2026 Budget Revisions

Caleb Weitz, CFO

Lawrence Pollack, Budget Director

Jen Poznanovic, Sales Tax & Revenue Director

### EXECUTIVE SUMMARY

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The purpose of this agenda item is to familiarize and seek feedback from the Council Finance Committee on the City Manager's recommended revisions to the 2026 Budget before the recommendations are reviewed and discussed at the Council Work Session scheduled for September 23. Based on direction from Council, the 2026 Budget Revisions will be combined with the previously adopted 2025-26 Biennial Budget. The 2026 Annual Budget Appropriation Ordinance is scheduled for 1st Reading on November 3, followed by 2nd Reading on November 18.

### GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

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- Are there additional considerations Council Finance Committee would like to see prior to presenting the 2026 budget revisions recommendations to the Council on September 23?
- What specific data will be most helpful to present to Council on September 23?

### BACKGROUND / DISCUSSION

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**OVERVIEW:** The mid-cycle Revision Process is different from the biennial budgeting process in that there is no broad request for new budget offers. This is because the City is operating within the approved 2025-26 Biennial Budget, and these revisions should be exceptions based on information not known at the time the budget was adopted in November 2024. The City Manager and the executive team conducted a comprehensive review to determine which changes should be forwarded for Council's consideration. Revised revenue projections and available fund reserves were carefully considered when making these recommendations.

The 2026 Budget Revisions include both 1) reductions to 2026 ongoing expenses to align them with a decreased 2026 Sales Tax forecast and unexpectedly low turnover; and 2) additional offers for consideration. The following are key objectives which the 2026 Budget Revision recommendations are intended to address:

- Matching appropriations for ongoing expenditures to current ongoing revenue estimates, if declining
- Council priorities, high-priority projects, and other needs not known at the time of the adoption of the 2025-26 Budget
- Fiduciary responsibilities & fund balance requirements

**ECONOMIC CONSIDERATIONS:** Through most of 2025 there has been significant economic uncertainty, which continues today. At the national level, impacts from the tariffs will not be known for many months, while unemployment continues to climb. Inflationary rate increases have slowed to only 2.7% as of July, but the increased costs experienced in many commodities over the past few years has not subsided. However, consumer confidence has rebounded from earlier this year and there is anticipation of potential federal reserve rate cuts.

At the state level, unemployment also continues to rise as the State faces at least a \$750M budget shortfall that is being addressed, with local implications. Coloradoans also continue to hold some of the highest amounts of debt of any state in the nation.

These economic conditions and uncertainty have resulted in lower than forecasted growth in ongoing Sales Tax collections. Although there are some more recent positive indicators, at this point in time the City will need to use the 2026 Revision process to right-size the budget from both revenue and expense adjustments.

**REVENUE:** Overall, most significant City revenue sources are coming in at, or above, the 2025 budget. Based on year-to-date actual collections and other information, however, there are 4 areas of revenue concern: Ongoing Sales Tax (not 1-Time sources like audits), Camera Radar Red Light revenue, Interest on Investments in the General Fund and the State's marijuana share back. All of these revenue sources are recommended to be decreased for 2026.

*Sales Tax:* Overall, staff anticipates sales tax collections to be under budget and use tax collections to be over budget, with combined sales and use tax collections to end the year at or near the 2025 budget.

Cumulatively, sales and use tax collections through July are 2.3% over budget driven by strong use tax collections in the first half of the year. Sales tax is \$1.3M under budget and use tax is \$4.1M over budget. Sales and use tax combined is \$2.8M over budget. The favorability is largely driven by volatile one-time revenue for audits, voluntary disclosure agreements and building permit use tax.

For 2026, staff is currently forecasting 2% sales tax growth on 2025 sales tax collections (adjusted for one-time revenue) or a 4% reduction (\$7.1M) from the current 2026 budget. For use tax, staff is forecasting flat growth from the 2025 budget and recommends keeping the current 2026 budget for use tax.

*Camera Radar Red Light:* Delay were experienced with the deployment of the newly, State allowed transportable speed cameras intended to support Net Vision Zero. This delay along with potentially higher than expected modifications to driving behavior is anticipated to have up to a \$1.5M shortfall compared to 2026 collections.

*Interest on Investments in the General Fund:* Due to increased use of reserves over the past few years and the lack of reserve generation to backfill those reserves, forecasted interest is estimated to be \$800k less than the \$2.8M included in the 2026 Budget.

*State of Colorado Marijuana Share Back:* The State of Colorado is reducing the forecasted share back by 50%, which is a revenue reduction of \$450k.

**EXPENSES:** Increased budget accuracy since COVID, along with inflationary pressures, has significantly reduced the amount of unspent budget each year. Although this is good at not letting City funds sit idle, it does directly impact the availability of reserves. As such, an increased focus on financial monitoring is necessary.

Since personnel costs are a large portion of the City's budget, total compensation costs are budgeted at less than 100% so as to not lock up budget that will go unused, like for position vacancies. So far this year the City has experienced a sharp decrease in turnover, driven by the City's employee engagement strategies, as well as economic concerns and uncertainty. These realities are the main drivers of the personnel overspend being experienced so far this year, and thus, it is financially prudent to adjust the 2026 Budget to assume a lower level of turnover.

There are also additional budgetary pressures being experienced within Police Services. The most recent collective bargaining agreement (CBA) increased personnel expenses by nearly \$1.0M for sworn positions. Those increased costs were addressed in 2025 via the use of General Fund reserves, but no such reserves are anticipated to be available for 2026. Beyond those increased expenses, it has also been determined that some personnel cost line items were not budgeted correctly and are coming in over budget. These unavoidable expenses also need to be adjusted in the 2026 Budget.

Financial analysis has also identified other areas of expense pressures, where budgets are expected to experience overages. For example, there will likely be a need for a supplemental appropriation for Snow Removal. In a warmer year, with lower snowfalls, such a contingency may not be necessary. Historically, when increased snow removal costs are necessary, those were covered with General Fund reserves. However, given the lack of General Fund reserves available for nearly any purpose, it would

also be financially prudent to make an adjustment in the 2026 Budget with anticipated contingency needs.

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In addition to the recommended budget revisions, there are a few other administrative changes for the 2026 Budget, as follows:

- 1) Modification to 2025-26 Offer 40.7 - Timberline Recycling Center (TRC): With the move of TRC operations from the Environmental Services Department to the Streets Department now complete, this revision authorizes transfer of the \$1.0M budget in the General Fund to be expended in the Transportation Fund. There is no change in expenses for the Timberline Recycling Center or the City
- 2) As with all other dedicated ¼ cent Sales and Use Taxes, the Open Space Yes! tax will now be received directly into the Natural Areas Fund, where that revenue is spent. This change eliminates the need for the transfer from the Sales Tax Fund to the Natural Areas Fund. Although the total appropriation goes down, there is no actual change in City expenses.

### **CITY FINANCIAL IMPACTS**

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Adjustments to the 2026 Budget are needed due to both revenue and expense pressures being experienced in 2025 and expected to continue into the following year. Revenue shortfalls are anticipated at about \$8.7M, the bulk of which are being driven by lower than anticipated ongoing growth in Sales Tax. On the expense side, 2026 is currently expected to be about \$6.7M over budget. Most of this is being driven by personnel expenses, with the remainder coming from contingent expenses, for which General Fund reserves are not available to be authorized to cover those expenses.

### **PUBLIC OUTREACH**

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Not applicable

### **Discussion / Next Steps;**

Mayor Arndt; what makes you think we are going to grow by 2%?

**Trends & Projections: Front Range Cities Sales Tax Growth**

| City          | 2025 Budget | 2025 YTD*** |
|---------------|-------------|-------------|
| Windsor       | 5.0%        | 6.2%        |
| Aurora        | 4.5%        | 4.9%        |
| Westminster   | 5.4%        | 4.5%        |
| Commerce City | 6.2%**      | 3.2%        |
| Fort Collins* | 4.2%*       | 1.2%        |
| Lakewood      | 3.4%        | 1.0%        |
| Englewood     | 0.0%        | 1.0%        |
| Longmont      | 4.5%        | 0.7%        |
| Thornton      | 2.5%        | 0.6%        |
| Boulder       | 0.0%**      | -0.4%       |
| Greeley       | 5.5%        | -1.0%       |
| Centennial    | 3.0%        | -1.2%       |
| Loveland      | 3.5%        | -2.4%       |

- Most Front Range cities are realizing budget shortfalls
- Some cities like Windsor, Westminster and Aurora are seeing growth
- Some cities have one-time revenue affecting YTD growth
- Denver's 2025 revised forecast is 0.3% revenue growth and 0.0% in 2026

\* Fort Collins budgeted growth was 3.0%. Due to 2024 sales tax shortfall, 4.2% growth is needed to hit budget  
 \*\* 2025 budget figure is for both sales and use tax  
 \*\*\* 2025 July YTD or most recent data available

Caleb Weitz; historical trend is about 3% per year – we are being conservative forecasting under that. It was a good data point that other front range communities are also using 2% for forecasting. As Jen mentioned, with the use tax, there is always some potential for upside and coming in above budget.

**Revenue – Other Areas of Concern**

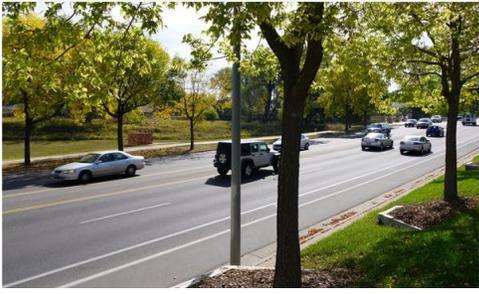
**Photo Traffic Enforcement**

- Transportable units to support Vision Zero goals were delayed in deployment – Total budget of \$2 million.
- \$1.5 million revenue shortfall expected in 2025; potentially a similar amount in 2026.
- Only \$200k of offsetting expenditure savings



**Other Revenues**

- Less investment revenue due to lower fund balance
- Reduction in the state's Marijuana tax share back



Mayor Arndt; can you talk more about the state – was that done in a special session?

Caleb Weitz; we get a portion of marijuana tax back from the state and they are reducing the share back portion by about 50% - instead of \$1M – we will get approximately \$500K. It was not in a special session because we have known about it since early in the summer.

Tyler Marr; it was a JBC (Joint Budget Committee) decision.

Mayor Arndt; photo traffic enforcement – the human behavior aspect of that - the drop off in the number of tickets and the changed behavior happened a lot faster than we anticipated.

Lawrence Pollack; I don't know if we have enough data points since citations just started in June.

**ACTION ITEM:**

Kelly Ohlson; for the work session, could we get more detail on the camera radar; how much we got and when – a little more meat on the bone. I trust it – I just want to see it. The red light and speed cameras were mentioned at separate times and are different things – clarify the difference between the speed and red light programs for the work session.

Caleb Weitz; the entire photo enforcement program is budgeted for \$5M revenue per year. Due to the delay and other issues, we are now forecasting \$3.5M to materialize. Red light cameras are on track. It is quite an open question as to what that will look like going into the future.

Kelly Ohlson; it is real money and is an important project for the council and right on the money.

Kelly Ohlson; I am a big audit fan – if I pay my taxes everyone else should too. What is a voluntary disclosure agreement?

Jen Poznanovic; when a business voluntarily comes forward and says, we have been collecting tax but not submitting. Economic nexus, a business that is an online retailer and they owe us tax. When they come forward, we usually waive the penalty but not the interest.

## 2025 Actions Implemented & Next Steps



- **Projected current year General Fund deficit without corrective action**
- **Reacted quickly to evolving economic conditions and expenditure patterns with corrective action:**
  - Governmental fund one-time expenditure reductions
  - Hiring 'pause' shifted to 'freeze' as of Aug. 4 to help address budgeted personnel costs
  - Tighter management of expenditures
- **Known additional needs to address:**
  - Transfort – recommend 2050 tax appropriation
  - Grocery Tax Rebate – recommend digital inclusion reserve funding
- **Continuing budget monitoring**
- **Potential additional for additional actions based on forecast year-end position**

**ACTION ITEM:**

Kelly Ohlson; for the work session, I would like to see what positions were paused and frozen. Every vacancy is frozen.

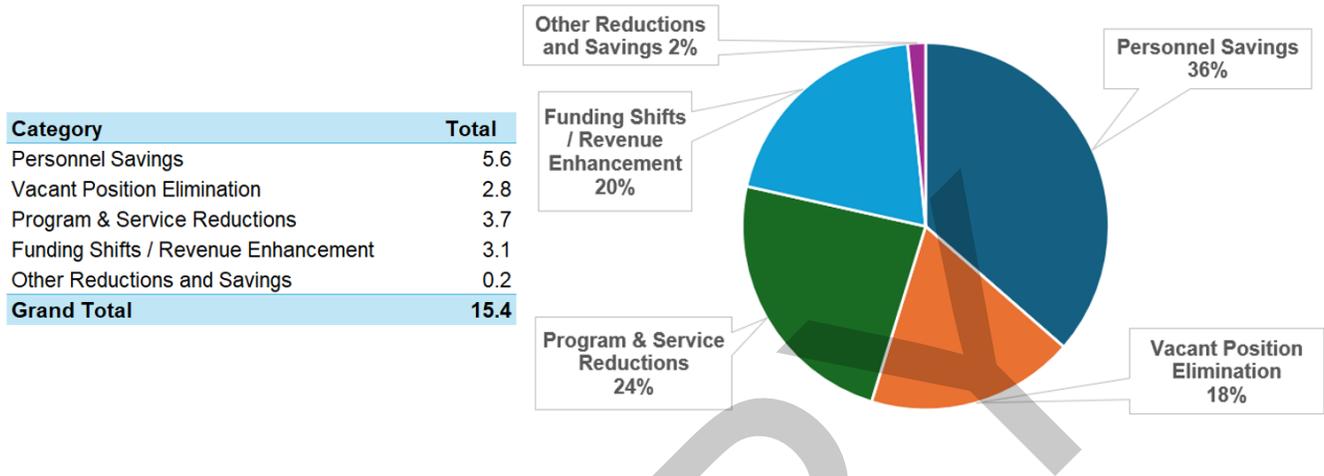
Kelly DiMartino; I would say that every governmental funded position is frozen. We do have positions that are still being filled as they are fully funded by Utilities, Connexion or Natural Areas (not drawing on governmental funds).

**2026 Budget Picture**

- **Approximately \$15.4 million (6.1%) General Fund budget deficit\***
  - **\$8.7 million lower revenue projections**
    - Lower sales/use tax forecast
    - Photo traffic enforcement trend uncertainty
    - Other areas
  - **\$6.7 million in higher expense projections**
    - Adjusting personnel budgets and assumed vacancy factor
    - Contingency due to lack of available reserves

\*Does not include Transfort or Grocery Tax rebate

## 2026 City Manager Proposed Reductions by Category City of Fort Collins



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## 2026 City Manager Proposed Reductions by Service Area City of Fort Collins

| Service Area       | Total Reductions in \$M (excluding Citywide actions) | 2026 Reductions as a % of Unrestricted Budgets * | 2026 Service Area % of all Governmental Budgets |
|--------------------|------------------------------------------------------|--------------------------------------------------|-------------------------------------------------|
| PDT                | \$3.2                                                | 5.3%                                             | 24.0%                                           |
| IES                | 3.1                                                  | 10.2%                                            | 20.7%                                           |
| Comm Svcs          | 1.5                                                  | 6.7%                                             | 22.6%                                           |
| Police             | 1.1                                                  | 1.7%                                             | 20.7%                                           |
| Sustainability     | 0.7                                                  | 6.8%                                             | 5.5%                                            |
| Fin Svcs           | 0.4                                                  | 5.3%                                             | 1.9%                                            |
| Exec Svcs          | 0.2                                                  | 5.3%                                             | 2.1%                                            |
| Legal Services     | 0.1                                                  | 2.8%                                             | 1.5%                                            |
| Judicial Svcs      | 30k                                                  | 1.1%                                             | 0.9%                                            |
| <b>Grand Total</b> | <b>\$10.4</b>                                        | <b>5.0%</b>                                      | <b>100%</b>                                     |

\* These amounts are the total 2026 Budgets by Service Area after subtracting restricted funding. For example, the Community Capital Improvement Program (CCIP) 1/4 cent tax is backed out because delaving those projects does not help address budatary challenges in the Governmental Funds 21

Mayor Arndt; for the benefit of any residents watching, what is a benefits holiday?

Caleb Weitz; we have a central benefits fund here in the city, that pays for health insurance for employees. There is a budgeted amount in each department that pays the employer's costs of the benefits.

Employees also pay via payroll deduction - skipping payment from the employer and employee sides We have had strong performance in the benefits fund due to the good work of Teresa Roche and her team, as well as some program design changes. The benefits holiday is taking one pay period and skipping the payments both from the employer and employee sides. No interruption or change to benefit but this allows us to take advantage of the balance in the benefits fund.

## Reduced Vacant Positions

| <u>Department</u>      | <u>Name</u>                                                                                                                   |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Parks                  | 2.0 FTE - Parks 2.0 FTE Reducing Staffing and Services                                                                        |
| City Manager's Office  | 1.0 FTE - Administrative                                                                                                      |
| Strategic Finance      | 1.0 FTE: FP&A Director & Sales Tax Auditor                                                                                    |
| IT                     | 1.0 FTE - Administrator I, Analyst II, Engineer I                                                                             |
| City Attorney's Office | Defer hiring Office Management Supervisor                                                                                     |
| Community Dev          | 1.0 FTE - Business Support & Code Compliance                                                                                  |
| Streets                | 2.0 FTE - Asphalt Patching & Reduce Redeployment from 4.0 FTE to 2.0 FTE - No Added Traffic Control Technicians               |
| Traffic                | 2.0 FTE - Vision Zero                                                                                                         |
| <u>Transfort</u>       | 1.0 FTE - Transfort IT Analyst & Transit Service Planner                                                                      |
| Police various         | 1.0 FTE - Hiring pause for (1) Records & BWC release Supervisor funded in 2026, criminalist, and property analysis technician |
| SSA wide               | 2.0 FTE - Various within SSA and Reduced Hourly Support                                                                       |
| Police various         | 1.0 FTE - Continue hiring pause for (1) Criminalist                                                                           |
| HR                     | 1.0 FTE - Talent Acquisition Advertising and Program                                                                          |
| <u>Transfort</u>       | 1.0 FTE - Transfort IT Analyst                                                                                                |
| City Manager's Office  | 1.0 FTE - Administrative                                                                                                      |
| Police various         | 1.0 FTE - Continue hiring pause for (1) Property and Evidence Technician                                                      |
| <u>Transfort</u>       | 1.0 FTE - Transit Service Planner                                                                                             |
| Community Dev          | 1.0 FTE - Code Compliance                                                                                                     |
| Community Dev          | 1.0 FTE - Business Support                                                                                                    |

Kelly Ohlson; slide 22 (see above)

Sales tax auditor is a recommended addition – it is not on the list above, but is included in the packet materials. Is it 1 or 2 code compliance resources? I need to see a clean slide

Caleb Weitz; the sales tax auditor position is an add not a reduction – that is a revenue generating position

Lawrence Pollack; since materials were published and as a result of conversations with staff, there was a shifting of a position due to funding and a reduction. So this will go to 25. We will provide the detail you requested for the work session.

# Balancing 2026 General Fund

The following \$15.4M of reductions is comprised of \$10.9M of ongoing reductions and \$4.5M of 1-time savings

| <b>Recommended Actions to Balance 2026 General Fund</b> | <b>Savings<br/>(in \$M)</b> |
|---------------------------------------------------------|-----------------------------|
| Service Area Reductions                                 | \$ 10.4                     |
| Phased release of hiring freeze                         | 2.6                         |
| 1% Reduction in pay increase pool down to 2%            | 1.2                         |
| Benefits Holiday                                        | 0.5                         |
| Approx. 2.5% less of a PEPM* benefit cost increase      | 0.5                         |
| Anticipated organizational design changes               | 0.2                         |
| <b>Total</b>                                            | <b>\$ 15.4</b>              |
| <b>Total Remaining Shortfall</b>                        |                             |
|                                                         | <b>0.0</b>                  |

\* PEPM = the Per Employee Per Month rate paid by employer for employee benefits

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Kelly Ohlson; (slide 20 – see above) what do cuts to service mean? I understand that will be flushed out in the work session materials as well. So, the 1% reduction in pay increases from 3-2 % will save us \$1.2M.

Lawrence Pollack; there are two benefits solutions and both save us \$.5M each.

**ACTION ITEM:**

Kelly Ohlson; for the work session, can you give us an estimate on how much the benefits holiday will benefit staff as opposed to the pay increase reduction?

**ACTION ITEM:**

Kelly Ohlson;; from slide 21 (see above)  
Sustainability – 6.8% cut - Can you translate this into detail for us for the work session?  
Also, some of fought for years to get certain positions funded – I want to make sure those are not part of this list. I hope we are careful the next time we negotiate next police contract.

Emily Francis; why are Transfort and the Grocery tax Rebate in that amount?

Caleb Weitz; in looking at the general fund, the reason it was not included in the deficit specifically, is because we have recommended solutions for those; for grocery tax, using an assigned reserve in the general fund that is available and for Transfort using a non general fund funding source.

## Highlights of Proposed Reduction Categories



| Reduction Strategy:                    | Amount: | Highlights:                                                                                                                                                                                                                                                                                   |
|----------------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Personnel Savings                      | \$5.6 M | <ul style="list-style-type: none"> <li>• Phased hiring freeze release</li> <li>• 1% reduction to merit increase</li> <li>• Benefits fund savings opportunities</li> </ul>                                                                                                                     |
| Vacant Position Elimination            | \$2.8 M | <ul style="list-style-type: none"> <li>• 24 positions</li> <li>• Management will have the opportunity to reassess eliminated positions as additional vacancies occur</li> </ul>                                                                                                               |
| Program and Service Reductions         | \$3.7 M | <ul style="list-style-type: none"> <li>• Reduced levels of service: <ul style="list-style-type: none"> <li>○ Street and Alley Maintenance</li> <li>○ Medians</li> <li>○ Forestry</li> <li>○ Internal Services</li> </ul> </li> <li>• Various non-personnel programmatic reductions</li> </ul> |
| Funding Shifts and Revenue Enhancement | \$3.1 M | <ul style="list-style-type: none"> <li>• Use of Equipment Fund reserves</li> <li>• Parks/Recreation earned revenue</li> <li>• Sales tax auditor</li> <li>• Early retirement of legacy technology systems</li> <li>• Anticipated organizational design changes</li> </ul>                      |
| Other Reductions and Savings           | \$0.2 M | <ul style="list-style-type: none"> <li>• Departmental discretionary spending</li> </ul>                                                                                                                                                                                                       |

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Emily Francis; on slide 19 (see above) it says \$3.7M for program and service reductions and on the next slide is says \$10.4M

Caleb Weitz; between slides 18 and 19 there is a categorization way to slice and dice the reductions It is the same list but if is categorized in a different way. There is \$10.4M of service area initiated reductions.

Lawrence Pollack; the service area reductions came from the 6% reduction ideas that were requested by the City Manager – the \$10.4 includes citywide type actions to help balance the budget but weren't necessarily part of the 6% reductions submitted by the service areas.

Kelly DiMartino; we need to cross walk the slides differently for clarity.

### **ACTION ITEM:**

Emily Francis; I know you said that the police budget is 80% personnel. Can you also provide that percentage for the other service areas?

Emily Francis; I am also concerned about sustainability reductions. We have increased their workload significantly over the last six years due to council priorities.

Kelly DiMartino; huge thank you to all teams

Kelly Ohlson; great work and very well presented

**C) Transfort Budget**

Monica Martinez, PDT Finance Manager  
 Kaley Zeisel, Director, Transfort

**EXECUTIVE SUMMARY**

The post-pandemic Transit industry has experienced unprecedented levels of cost increases resulting in estimated operating cost increases of 50%-70% across the industry for 2025. Transfort is experiencing similar expense impacts with significant cost increases across the three largest segments of its budget: personnel, vehicle repair services, and contracted transportation services. Compounding the impact of Transfort specific expense overruns are citywide fiscal pressures that require a reduction in the previously allocated General Fund support of the Transit Fund. As a result, Transfort is now seeking feedback on a proposed supplemental appropriation of \$2.8M for 2025 and an additional budget appropriation of \$3.2M for 2026. These requests have both identified 2050 Tax Transit as the recommended funding source.

**STAFF RECOMMENDATION**

Staff recommends use of 2025 Tax to meet identified Transit needs for 2025 & 2026

**BACKGROUND / DISCUSSION**

The post-pandemic transit industry has experienced ongoing and significant cost pressures that have resulted in an estimated increase of 50% - 70% in 2025 operating expenses across the industry. In some cases, transit agencies have chosen to decrease service areas while simultaneously experiencing continued increases to both operational costs and per/passenger costs. The table below, which uses 2023 data, is illustrative of these trends that have continued through 2025. The peer cities selected for this comparison represent a select group that demonstrated strong ridership and post-pandemic recovery.

Table 3. Key Characteristics of Peer Agencies

| Characteristic                           | Transfort     | METRO<br>Akron, OH | CityBus<br>Lafayette, IN | Unitrans<br>Davis, CA | FAST<br>Fayetteville, NC | GP Metro<br>Portland, ME | WRTA<br>Worcester, MA | Summary                                                                                             |
|------------------------------------------|---------------|--------------------|--------------------------|-----------------------|--------------------------|--------------------------|-----------------------|-----------------------------------------------------------------------------------------------------|
| <b>2023 vs. 2019</b>                     |               |                    |                          |                       |                          |                          |                       |                                                                                                     |
| Service Area                             | No Change     | 7% Decreased       | 8% Increased             | 14% Decreased*        | 1% Decreased*            | 9% Decreased*            | 14% Decreased*        | On average, most peer agencies have reduced their service area by approximately 6%.                 |
| Service Population                       | 3% Increased  | 5% Decreased       | 6% Increased             | 6% Increased          | 5% Increased             | 1% Increased             | 1% Decreased*         |                                                                                                     |
| Total Operating Funds                    | 10% Decreased | 8% Increased       | 27% Increased            | 45% Increased         | 19% Increased            | 28% Increased            | 24% Increased         | Operating funds have increased across all peers, ranging from 8% to 45%.                            |
| Operating Expenses/ Passenger            | 76% Increased | 37% Increased      | 46% Increased            | 84% Increased         | 20% Decreased            | 57% Increased            | 4% Decreased          | Operating expenses per passenger have increased across most agencies, except for two peer agencies. |
| Number of Fleet Operated in Max. Service | 17% Decreased | 17% Decreased      | 15% Decreased            | 14% Decreased         | 3% Decreased             | 14% Decreased            | 4% Increased          | The number of fleets in operation is generally lower in 2023 compared to 2019.                      |
| #Passengers/ Revenue Hour                | 9% Decreased  | 9% Decreased       | 9% Decreased             | 9% Decreased          | 90% Increased            | 14% Decreased            | 22% Increased         | Productivity declined by 9% to 22% for most agencies except for two agencies.                       |

Transfort is facing similar cost pressures and has identified the need for additional funding at current service levels. Currently, Transfort is not running at full-service levels as defined by pre-pandemic expectations. While the original intent was to return to 2019 service levels, Transfort has proactively paused returns to service in reaction to both internal and external financial pressures. Transfort anticipates maintaining current service levels for the short-term with the only planned addition being a return to Sunday & Holiday service. This is planned for 2026 and is in response to strong community support for this specific service return. Due to the City’s current fiscal position, the 2050 Tax Transit has been identified as the available funding source to meet Transfort’s financial needs.

## 2050 Tax Transit

Staff recognizes the importance of ensuring that all 2050 Tax Transit is expended per ballot language for infrastructure improvements, equipment purchases & upgraded and expanded services. An additional concern is the use of 2050 Tax Transit to supplement and not supplant prior General Fund support. To that end, the General Fund level of support in 2023 of \$11.5M to the Transit Fund has been established as the base level at which General Fund must continue in order to be in compliance with 2050 Tax Transit. Staff recommends use of the 2050 Tax Transit for those items outlined in ballot language with the outcome of short-term maintenance of current service levels. This is a short-term fix awaiting further discussion and decision guided by Transfort's Optimization Study. The table in the "City Financial Impacts" section outlines the recommendation of staff for the 2025 and 2026 years and highlights the anticipated remaining amount balance of the 2050 Transit Tax at the end of 2026.

### Transfort Revenue & Expense Context

At current 2025 service levels, Transfort's revenue budget is projected to \$22.2M while its expense budget is projected to \$25M. This represents a \$2.2M dollar shortfall in terms of revenue vs expense. This shortfall is compounded by the unavailability of \$.6M in General Fund dollars. The expense overruns will be individually discussed in the subsequent section.

Since 2019, Transfort has seen a 27% increase in its revenue sources. Most of this increase has come from the General Fund which has grown its support by 33%. Notably, during the same period, federal operational grant amounts increased by only 19%. Contractual funding sources have seen increases, however, they are overall a smaller percentage of the budget. Thus, support of the transit system has shifted away from federal funds and onto local sources.

On the expense side, the budget is projected to end 2025 with a growth of approximately 44% while maintaining reduced service levels. At full service, it is estimated that total expenses would demonstrate a growth rate of around 46%. While there have been increased costs in all areas, the key areas of unprecedented increases for Transfort are personnel, vehicle repair services, & contracted services with growth ranging from 33% - 94% over the period.

### 2025 Transfort Projected Overspend

The anticipated overspend for Transfort is driven by four main factors: personnel, vehicle repair services, contracted transportation services, & a reduction in General Fund support. The reduction in General Fund support is Transfort's contribution to 2025 citywide reductions of 5% as a result of unavailable General Fund allocations.

As compared to the original budget of \$13.5M and at current service levels, Transfort personnel is projecting to an overspend of approximately \$700k. This overspend is largely due to an unrealized assumed vacancy factor. The 2025 assumed vacancy factor for Transfort has proven to be both overly aggressive in current conditions and potentially misaligned with the operational demands of a transit service. Overall growth in personnel costs is due to industry dictated increases in wages and is also a product of the City's merit increases. A personnel budget of roughly \$13.5M that is assigned a merit increase of 4% will result in over \$500k in increases per year.

Overspend in vehicle repair services is projected to an overspend of just over \$400k. Analysis of Transfort's actual vs projected spend identified that the service levels being used for cost calculations were being partially driven by a post pandemic low in 2022. This has been addressed for future cost estimates. Overall growth in vehicle repair services is due to a 33% increase in the hourly cost of a technician and an average cost increase of 34% from the most commonly used parts.

Contracted Transportation Services includes Dial-A-Ride, bus-stop-to-bus-stop, and some fixed route services. At current service levels, an overspend of \$1.1M is projected. Approximately, \$300k of the overspend is driven by the ongoing use of bus-stop-to-bus-stop services employed to mitigate continued pandemic era route stoppages. As of 2025 budget reduction conversations, these services are being reduced by 50%. Additional cost pressures include a substantial increase in ridership for Dial-A-Ride and a one-time contractual increase of 15%. Yearly contracted increases of 3% are anticipated going forward. Notably, Transfort is unable to dictate Dial-A-Ride ridership as it is a federally mandated

service contingent on a 3/4 mile radius of the current service area. A small portion of 2025's large overspend is due to recently identified year end accounting timing.

As previously noted, Transfort is also requesting \$.6M in 2050 Tax Transit to replace unavailable General Fund support. The total request for 2025 is \$2.8M.

**2026 Transfort Projected Overspend**

For 2026, Transfort is requesting an additional amount of \$3.2M from the 2050 Tax Transit via the budget revision process. This request is driven by an anticipated overspend of \$.9M in personnel, \$.64 in vehicle repair services, \$.97M in contracted transportation services, and a backfill of \$.77 due to the unavailability of previously allocated General Fund amounts.

**CITY FINANCIAL IMPACTS**

Staff recommends additional appropriations of \$2.8M in 2025 & \$3.2M in 2026 to meet identified Transfort needs.

| 2050 Transit Tax                                             | Amounts          |
|--------------------------------------------------------------|------------------|
| <b>Revenue</b>                                               |                  |
| 2024 Reserve Balance                                         | \$1.4M           |
| 2025 Estimated Revenue                                       | \$5.5M           |
| 2026 Estimated Revenue                                       | \$5.6M           |
| <b>Total Revenue Available</b>                               | <b>\$12.5M</b>   |
| <b>Expense</b>                                               |                  |
| 2025 BFO                                                     | <b>\$2.8M</b>    |
| 2026 BFO                                                     | <b>\$2.5M</b>    |
| 2025 Prior Supplemental Appropriations (grant local matches) | <b>\$.875M</b>   |
| 2025 Supplemental Appropriation Request                      | <b>\$2.8M</b>    |
| 2026 Supplemental Appropriation Request                      | <b>\$3.2M</b>    |
| <b>Total Expense Requested</b>                               | <b>\$12.2M</b>   |
| <b>Estimated Balance End of Year 2026</b>                    | <b>~(-\$.3M)</b> |

**DISCUSSION / NEXT STEPS**

Mayor Arndt; did you bring back advertising?

Kaley Zeisel; yes, they did bring back advertising on buses - revenue

\$2.2M additional funding needed

Kelly Ohlson; do we use a vendor for techs or do we use our own people?

Monica Martinez; those are our techs – that is what we get invoiced as if it were a contracted service.

Contracted services include; Bus stop to bus stop, Dial A Ride which is a federally mandated program

Tight balance on the Transit Tax – 2026 - use 2050 tax to fill needs

Kelly Ohlson; could not want for more information. It seems legit and is well presented. 2050 tax – was \$11.5M – even in tight budget times, we are not supposed to dip into that. Have it clear so that future councils and managers realize that you can't just dip into that.

Built in - inflation alone – \$11.5 won't mean as much unless you add CPI to honor the Council direction and what the voters voted on - just with inflation alone over a 25 year period – a very long period of time – to honor the language – build that in – to honor the intent

Kelly DiMartino; let me take that as a follow-up - how we might memorialize that – ballot language should match the intent

Caleb Weitz; certainly, the 2023 base year amount is very clear and understanding the intent in the conversation around the 2050 tax incrementally increase the funding for transit in conjunction with this request

Kelly Ohlson; I am really nervous due to the length of the tax – eating away as the \$11.5M starting point

Kelly DiMartino; we are for sure going to be true to the legal requirement – no question about that. We are working closely with legal to make sure. Here is the intent of that – I think about how we document that. Prevent future councils from having the flexibility. We do have some follow up to do based on this conversation

Kelly Ohlson; after I leave Council, I will still be very interested in future ballot language so these type of things do not happen. That we stay with the intent. The language should match the intent.

Mayor Arndt; the reduction was out of our control when Loveland pulled back. Look at the share that CSU gives - that could go away too. When other budgets tighten up – they are going to be looking at some of these shared services. Just an observation I am making, I think some of it will come down to communication to the public. We have to stick to both the good and bad side of TABOR. We will be paying for things that look like extras when it looks like some of our core funding is shrinking.

Kelly Ohlson; fix systematically, it is not going to kill the city. 2.5% inflation but over the 25 years, that spits in the face of the intent of what we said.

Mayor Arndt; we could be in some kind of pickle

**D) Grocery Tax Rebate Program**

Adam Molzer, Manager, Sustainability Services Area  
 Jacob Castillo, CSO, Sustainability Services Area  
 Jeff Rochford, Manager, FP&A, Connexion

**EXECUTIVE SUMMARY**

The Grocery Tax Rebate program’s 2025 budget affords \$450,000 for rebates to qualified residents. Due to increased participation in the program, the total rebate payouts in 2025 are anticipated to be nearly \$770,000. An appropriation of general fund dollars of \$320,000, sourced from the Digital Inclusion reserve balance, has been requested through Clean-Up and would fulfill the budget necessary to meet this obligation. In addition, modifying the program to constrain spending in 2026 and beyond will be necessary to bring future rebate expenses within the approved \$450,000 budget.

**STAFF RECOMMENDATION**

1. Are there other considerations Council Finance Committee would like to see prior to using the Digital Inclusion reserve balance to make the Grocery Tax Rebate program budget whole in 2025?
2. Does the Council Finance Committee have feedback or considerations for modifying the Grocery Tax Rebate program design in 2026 to remain in budget?

**BACKGROUND / DISCUSSION**

**Program Details:**

Established in 1984, the Grocery Tax Rebate is intended to provide financially insecure residents relief from City sales tax charged on purchased food. The rebate amount is currently \$80 per person, annually.

Grocery Tax Rebate qualifications include:

- Resident inside the Fort Collins Growth Management Area (GMA).
- Household income between 0-60% of Area Median Income (AMI).
- Must have a document that aligns the applicant’s identity with a Fort Collins address.

Applications are submitted via the Get FoCo online platform, where staff manually review each application and the uploaded documentation (EBT card copy, Medicaid card, LEAP letter, Free/Reduced Lunch letter) to verify income and residency eligibility. This is the fourth year partnering with Get FoCo and 100% of applications are now received via the web platform.

One 0.75-FTE staff member assists residents with the application process, manually uploads payment data, and supports a variety of other program functions to ensure a positive customer experience.

**Program Growth:**

| Year            | Applications | Household Members | Grocery Rebate | Budget Allowance | Repeat | %   | 65+ | %   | Single HH | %   | GetFoco | %    |
|-----------------|--------------|-------------------|----------------|------------------|--------|-----|-----|-----|-----------|-----|---------|------|
| 2020            | 1006         | 1890              | \$123,435      | \$138,000        | 886    | 88% | 509 | 51% | 641       | 64% | N/A     | N/A  |
| 2021            | 948          | 1758              | \$117,987      | \$138,000        | 844    | 89% | 446 | 47% | 588       | 62% | N/A     | N/A  |
| 2022            | 1281         | 2626              | \$181,186      | \$138,000        | 857    | 67% | 486 | 38% | 686       | 54% | 614     | 48%  |
| 2023            | 1966         | 4654              | \$354,121      | \$150,000        | 866    | 44% | 453 | 23% | 911       | 46% | 1572    | 80%  |
| 2024            | 3150         | 7227              | \$578,240      | \$165,000        | 1351   | 43% | 597 | 19% | 713       | 23% | 3093    | 98%  |
| YTD 2025 - July | 2160         | 5489              | \$439,000      | \$450,000        | 1357   | 63% | 288 | 13% | 906       | 42% | 2160    | 100% |

\* Rebate amounts above are tabulated by application receipt date, resulting in slight variations from the City's fiscal year due to timing.

Between 2020-2024, the number of applications received increased over 213%, and rebates issued grew by 368%.

In 2024, the City processed 3,150 applications. The total amount issued in 2024 for the grocery rebate program was \$578,240. The FY2024 budget afforded \$165,000 for rebates, and a one-time appropriation from the general fund in September 2024 made the budget whole for the year. From January to July 2025, the City has processed 2,160 applications. The total amount issued year-to-date (end of July) in 2025 is \$439,000. The FY2025 budget affords \$450,000 for rebates. Using the year-over-year growth rate of 33% currently realized in the first 7-months of 2025, then applied to the actual rebate payments realized for August-December 2024 (\$250,000), an anticipated \$331,000 is necessary for August-December 2025. With approximately \$11,000 remaining in the budget, an appropriation of \$320,000 is necessary to meet the 2025 rebate obligations.

| <b>Actual &amp; Anticipated</b>     | <b>Obligation &amp; Budget</b> |
|-------------------------------------|--------------------------------|
| January – July 2025 Obligated       | + \$439,000                    |
| August – December 2025 Anticipated  | + \$331,000                    |
| FY2025 Rebate Budget (general fund) | - \$450,000                    |
| <b>Estimated Funding Needed</b>     | <b>\$320,000</b>               |

To meet this funding need in 2025, utilizing the Digital Inclusion reserve is the preferred option due to scope alignment, immediate availability of funds and limited impacts to residents receiving grocery tax rebates. Other options considered were to modify or suspend the rebate program mid-year, or to secure other General Fund dollars.

Since inception, the balance of the Digital Inclusion reserve has grown over time due to the rapid growth of Connexion’s Internet revenue. This revenue funds the reserve through a 6% payment-in-lieu-of-taxes or PILOT, and at year-end 2024 the reserve reached a balance of \$1.017M. The PILOT funds Digital Inclusion activities including staff salaries, grants to local schools for hardware and education to improve digital literacy, as well as funding the Get FoCo app’s software maintenance and support costs. Additionally, the PILOT funds a reimbursement back to Connexion to offset a discount to qualified customers who receive a \$50 reduction in the price of their internet service (1GB, normally \$70/month, for \$20/month).

While there exists a positive and expanding balance in the reserve, current projections show, due to the relatively rapid growth in Connexion’s Digital Equity customers, an expected decline in reserves sometime in 2027 or 2028 with an expectation of depletion sometime in 2030 or 2031 at which point Connexion was expecting to self-fund new Digital Equity discounts. The consequence of utilizing Digital Inclusion reserve balance in 2025 will be to advance those timelines.

**Program Scaling for 2026:**

To achieve a balanced budget in 2026, a combination of program modifications will be necessary to scale rebate obligations downward to remain within the existing budget of \$450,000. Each option provides variable budget savings based on the number of eligible applicants that may apply and the size of households.

At the current rebate amount of \$80 per person, the rebate program can support 5,625 eligible Fort Collins residents. In 2024 and 2025, this number was eclipsed each year in August or September, requiring the need for additional funding appropriations.

To remain within the 2026 budget of \$450,000 and support the heightened number of households applying for a grocery tax rebate, the following options could be implemented:

**Modification A – Reduced Per Person Rebate Amount**

*Current State:* Rebate amount is \$80 per person, annually.  
Recalculated annually using Consumer Price Index growth over 2019 baseline (\$65).  
*Modified State:* Reset the rebate amount to the 2019 baseline of \$65 (or lower).

*Trade-Offs:* \$15 per person reduction.  
In Q1 + Q2 (2025), this modification alone would have reduced rebates by \$73,100.  
Equity considerations for disproportionately impacted communities.  
Code change required.

#### **Modification B – Reduced Household Member Maximum**

*Current State:* Households with up to 8 eligible members may receive the \$80 rebate per person.  
This may provide a household up to \$640 in rebate.

In 2005, the number of eligible household members increased from 4 to 8.

*Modified State:* Lower the maximum household rebate ceiling to 3 members.  
The average household size in Fort Collins is 2.27 people.  
The average household size of rebate applicants in Q1 + Q2 (2025) was 2.5.

*Trade-Offs:* Households with 4+ members would only receive the 3 member maximum rebate.  
In Q1 + Q2 (2025), this modification alone would have reduced rebates by \$81,000.  
Equity considerations for disproportionately impacted communities.  
Code change required.

#### **Modification C – Remove Growth Management Area (GMA) from Eligibility**

*Current State:* Eligible applicants with proof of address within the GMA qualify for a rebate.

In 2017, a Code change expanded rebates eligibility to residents in the GMA.

*Modified State:* Reverse 2017 Code change and disallow GMA residents from rebate eligibility.

*Trade-Offs:* Further analysis is needed to determine estimated rebate savings.  
Equity considerations for mobile home park residents in the GMA.  
Code change required.

#### **Modification D – Suspend Program When Budget is Exhausted**

*Current State:* Get FoCo allows unlimited number of eligible households to apply throughout the year.  
Rebates are provided to all eligible residents that apply.

Rebates began exceeding budget in 2022.

*Modified State:* Suspend Grocery Tax Rebate option in Get FoCo when \$450,000 budget is met.

*Trade-Offs:* May create an application surge if the community believes there is a scarcity of funding.  
Administrative staff would be reassigned new work during suspended period.  
Residents lose access to this financial assistance at an undetermined date each year.

### **CITY FINANCIAL IMPACTS**

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\$320,000 appropriation from the Digital Inclusion reserve balance for the Grocery Tax Rebate program (November 2025 Clean-Up Ordinance).

Funding from the Digital Inclusion reserve will reduce the balance of the reserve by approximately 30%. Consequentially the ability of the reserve to fund ongoing Digital Inclusion efforts and reimbursement to Connexion of Digital Equity customer discounts will be reduced, advancing the timeline of when the reserve was projected to be depleted naturally through the continued growth in Connexion Digital Equity customers.

Scaling the program design in 2026 to remain within the approved \$450,000 budget will remove the need for additional appropriation requests of new funding.

## **PUBLIC OUTREACH**

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Public outreach has not been conducted for the budget appropriation, nor the potential program modifications needed to scale expenses to remain in budget.

## **DISCUSSION / NEXT STEPS**

Options;

- Look at a reduced benefit - down from \$80 to \$60 or \$65 per house
- Current family members up to 8 - reduce that to 3 -4 or more – you are only going to get the 3 person benefit
- Removing the GMA from eligibility - currently city limits and GMA - prior to 2017 it was just the city limits – did not include the GMA

Mayor Arndt; my world view – residents don't ask for a rebate on food unless they need it. I would be very reticent to cut the program.

Kelly DiMartino; I don't mean to minimize the need for this program in any way. I want to be clear that people are not asking for it, they are being auto enrolled with the Get FoCo app. That is a huge change - automatic enrollment. Before Get FoCo, we were never actually able to spend the budgeted amount. To council's credit, one of your priorities was around removing barriers and Get FoCo has been a huge win in that area.

Mayor Arndt; so, after you qualify (60% AMI or less), what else does Get FoCo offer?

Adam Molzer; Get FoCo is housed in our equity office – grocery tax rebate is the lowest barrier – automatically checked that box, then you can select recreation pass

Jacob Castillo; Get Foco is a selling point for folks in the community getting on Connexion - more people signing up. Awareness has skyrocketed.

Emily Francis; how is this program funded?

Caleb Weitz; it is a general fund planned expenditure. We give back approximately 6% of the grocery taxes we collect.

Emily Francis; if we thought – 6%

Caleb Weitz; we are on track to rebate approximately 6% of grocery sales taxes this year. We were budgeted at a much lower amount. Before Get FoCo, we had trouble spending the \$100K budget.

Emily Francis; why did we expand it to the GMA in 2017?

Jacob Castillo; my hunch is that they are purchasing their groceries in the city of Fort Collins.

Emily Francis; Connexion - are we forecasting that the pilot would end in 2030?

Jeff Rochford; 6% funding is currently \$108K per month and is growing over time

Expecting at least on an incremental basis- funded through the pilot.  
New digital equity customers that we would self-fund.  
Any impact is significant over a long time frame.

Emily Francis; I am still not clear on the impact to digital equity. If we did the grocery tax rebate and it moves the timeline – what would the impact be to people receiving this?

Caleb Weitz; the impact – there would be decisions to be made about finding other funding sources supplement Connexion, that decision point for how to address digital customers would be moved up by a year or two. We don't know the policy outcome would be yet, because we haven't discussed this with Council.

Kelly DiMartino; with Connexion, we are always slightly on the edge with the competitive piece – Executive Session with Council - we will build in conversation around this.

Emily Francis; Is this scheduled to go directly to council or to a work session? I would feel more comfortable with understanding what Connexion's plan would be.

Kelly DiMartino; it is currently scheduled to go directly to Council unless you feel you want a work session.

Jeff Rochford; there will be tradeoffs - we can change pricing – we can slow down the rate of capital development

Tyler Marr; there would not be a management decision to remove the Get FoCo Challenges & tools to address in terms of other funding sources – management decision

Emily Francis; I don't know what the impact to Connexion but what are those tradeoffs?

Mayor Arndt; what percent goes to the GMA? Is there any verification that they are shopping in the city?

Jeff Rochford; we haven't been able to map that out.

Kelly DiMartino; a wide variety of things including reduced rate Connexion, E bikes and scooters, reduced fee for recreation programs, Grocery tax rebate

Kelly Ohlson; moving parts Programs – equity office is over the Get FoCo program?

Jacob Castillo; the grocery tax rebate program is within social sustainability. The Get FoCo app- the larger umbrella in the equity office

Kelly Ohlson; I think it is important that we keep 94% of taxes collected on groceries and not eliminate that like other front range communities have. How is the 60% AMI arrived at for this particular program?

Jacob Castillo; there are a lot of programs that use that as the threshold - and that is a dial we can turn on this – it could be 30% -

Kelly Ohlson; I am open to removing the GMA from eligibility and to reducing the per person rebate - \$80 – where did that amount comes from?

Adam Molzer; the \$80 is recalculated annually and is based on a number that was established in 2019 which was \$65 – there is a CPI index year over year growth rate that has ratcheted that up.

Emily Francis; how much are we looking to reduce the program in 2026?

Adam Molzer; \$320K in 2025 - a bigger swing at programmatic options.

Kelly DiMartino; we do anticipate that it will continue to grow. There are two separate questions; a 2025 question and a 2026 question. I think we feel confident that using this one-time funding from the Digital Equity Reserve for 2025. Also, the recent infusion of the Open dollars coming back in. 2026 is the bigger question as we will have longer term policy tradeoffs. We may want to come back with another work session – vetting around the options that are conceptual at this time.

Kelly Ohlson; I am fine w/recommendation #1 especially with the infusion of the settlement. How do we know if someone has 8 household members?

Adam Molzer; the data is taken from their qualifying EBT card or free lunch information

Kelly Ohlson; long term – it should be general fund – but that doesn't work for 2026 We finally got it right. The key was accessibility to the program, and it is a success now. We have to deal with the success of the program. A basic thing – a good program.

Mayor Arndt; one of the last programs I would reduce or cut and that also goes for the digital equity program. I don't think people ask for grocery rebates unless they need it. The other consideration is the GMA but I don't want to take it away from folks.

| Program Scaling for 2026                                                    |                                                                                                                                                                                                                          | City of Fort Collins |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <p><b>Modification A</b></p> <p><b>Reduced Per Person Rebate Amount</b></p> | <p>Current Amount → <b>\$80</b></p> <p>Modified Amount → <b>\$65</b> or lower</p> <p>Resets rebate to the 2019 baseline</p> <p>Would have reduced rebates by \$73,100 (2025 Q1+Q2)</p>                                   |                      |
| <p><b>Modification B</b></p> <p><b>Reduced Household Member Maximum</b></p> | <p>Current Max. → up to <b>8</b> household members</p> <p>Modified Max. → up to <b>3</b> household members</p> <p>Average rebate household is 2.5 members</p> <p>Would have reduced rebates by \$81,000 (2025 Q1+Q2)</p> |                      |

## Program Scaling for 2026



### Modification C

## Remove Growth Management Area from Eligibility

Current Eligibility → City Limits + GMA

Modified Eligibility → City Limits Only

Resets Code to the 2017 residency terms

### Modification D

## Suspend Program when Budget is Exhausted

Current Process → Unlimited Applications

Modified Process → Stop at \$450,000

10

Kelly Ohlson; (see slides 9 and 10 above) Modifications A & D are off for me.

Jacob Castillo; I would like to make sure we are clear on the 2025 solution.

As Kelly DiMartino said, I think we have something that gets us through the end of the year.

We can come back with more detail if necessary. And for 2026, this may not be just one option but there may be multiple dials that need to be ratcheted and calibrated to the 2026 budget. We can do the math to get to a balanced set of options that live within our means. We are committed to staying within the 2026 budget amount of \$450K.

Emily Francis; is it possible to backfill the Connexion pilot with the Open funds?

Jeff Rochford; defacto yes, if you think of it from a Connexion point of view, the worst scenario - magnitude – we would rather not have that challenge and we are in phase where we need external financing and we don't want to come back - we want to stick to our plan, beat our plan.

### **ACTION ITEM:**

Emily Francis; I would like a plan to be presented at the next Connexion update. I don't think we have a plan for 2026, and this amount needs to be included in the deficit problem and looked at more holistically. I would rather have this added and we problem solve for this.

Kelly DiMartino; we will include that

Mayor Arndt; I think what you are hearing here is that we don't want to adjust the program. Scale it to meet the demand and adjust other things.

Emily Francis; I am curious if we would offer a smaller amount for children under a certain age. I don't think we should shrink the program.

Caleb Weitz; summary

Consensus from the committee on the 2025 question

Committee is not interested in significant program design changes heading into 2026. So, some options to look at – how that forecasted dollar amount could be addressed in the 2026 budget.

What we are bringing as resolutions for the 2026 General Fund- \$11M in recurring reductions so it possible there are one-time solutions. As this program grows, there will be budgetary pressures that we will need to address in a future budget process. What our full 2-year budget proposal will look like.

Kelly Ohlson; we would be open if you brought reasons for eliminating the GMA - If the dollar figure is legitimate – we don't want to reduce it. I would be open to update household members - children versus adults – economies of scale – potential tweaking there - Amount, household size and GMA. Further evaluation

Mayor Arndt; come back with 2026 program.

## E) 2025 Annual Adjustment Ordinances

Caleb Weitz, CFO

Lawrence Pollack, Budget Director

### **SUBJECT**

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**First Reading of Ordinance No., 2025, Making Supplemental Appropriations in Various City Funds.**

**First Reading of Ordinance No., 2025, Appropriating Prior Year Reserves and Authorizing Transfers in Various City Funds.**

### **EXECUTIVE SUMMARY**

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The purpose of these Annual Adjustment Ordinances 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 2025 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.

### **GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED**

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- What questions or feedback does the Council Finance Committee have on the 2025 Annual Adjustment Ordinances?
- Does the Council Finance Committee support moving forward with bringing the 2025 Annual Adjustment Ordinances to the full City Council on the Consent Agenda?

### **BACKGROUND / DISCUSSION**

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These Ordinances appropriate unanticipated revenue and prior year reserves in various City funds and authorizes the transfer of appropriated amounts between funds and/or projects. The City Charter permits the City Council to appropriate unanticipated revenue received as a result of rate or fee increases or new revenue sources, such as grants and reimbursements. The City Charter also permits the City Council to provide, by ordinance, for payment of any expense from prior year reserves. Additionally, it authorizes the City 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 City Charter, require City Council approval to make the transfer. A table with the specific use of prior year reserves appears at the end of the AIS.

| <b>Funding</b>               | <b>Additional Revenue</b> | <b>Prior Year Reserves</b> | <b>Transfers</b> | <b>TOTAL</b>       |
|------------------------------|---------------------------|----------------------------|------------------|--------------------|
| General Fund                 | \$811,080                 | \$370,329                  | \$0              | \$1,181,409        |
| Cultural Services Fund       | 711,000                   | 0                          | 0                | 711,000            |
| Recreation Fund              | 450,000                   | 0                          | 0                | 450,000            |
| Transportation Services Fund | 140,000                   | 0                          | 115,000          | 255,000            |
| Self-Insurance Fund          | 653,461                   | 0                          | 0                | 653,461            |
| Utility CS&A Fund            | 0                         | 543,582                    | 0                | 543,582            |
| Light & Power Fund           | 2,009,443                 | 0                          | 0                | 2,009,443          |
| Water Fund                   | 352,958                   | 0                          | 0                | 352,958            |
| Wastewater Fund              | 106,479                   | 0                          | 0                | 106,479            |
| Stormwater Fund              | 51,479                    | 0                          | 0                | 51,479             |
| Golf Fund                    | 550,000                   | 374,600                    | 0                | 924,600            |
| <b>GRAND TOTAL</b>           | <b>\$5,835,900</b>        | <b>\$1,288,511</b>         | <b>\$115,000</b> | <b>\$7,239,411</b> |

## **A. GENERAL FUND**

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

- a. \$7,590 – Police Northern Colorado Drug Taskforce: As a part of the City of Fort Collins contribution to the Northern Colorado Drug Taskforce, any Drug Offender Surcharge or Court Ordered Restitution that is remitted from Larimer County Court to Fort Collins Police, is then passed along to the NCDTF. Any additional restitution that is collected by FCPS is additionally passed along to the NCDTF.
- b. \$3,000 – Police 2024/2025 HVE Grant: Police Services was awarded a grant from Law Enforcement Assistance Fund to pay for overtime for DUI enforcement. There was a \$3,000 amendment to the original grant.

- c. \$95,443 – 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.
- d. \$468,863 – 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.
- e. \$120,498 – Police School Resource Officers: Police Services has a contract with Poudre School District to provide Officers on location at a majority of the schools for safety and support. The school district pays Police Services based on a predetermined contract amount and also partially reimbursing for overtime incurred. This request is for the previously billed overtime and anticipated overtime for the remaining year.
- f. \$4,978 – Police DUI Enforcement: Proceeds that have been received for DUI enforcement.

**TOTAL APPROPRIATION**

|                                                                       |                         |
|-----------------------------------------------------------------------|-------------------------|
| FROM: Unanticipated Revenue (Police Northern Colorado Drug Taskforce) | \$7,590                 |
| FROM: Unanticipated Revenue (2024-2025 HVE Grant)                     | \$3,000                 |
| FROM: Unanticipated Revenue (Police Miscellaneous Revenue)            | \$95,443                |
| FROM: Unanticipated Revenue (Police Reimbursable Overtime)            | \$468,863               |
| FROM: Unanticipated Revenue (School Resource Officers)                | \$120,498               |
| FROM: Unanticipated Revenue (DUI Enforcement)                         | <u>\$4,978</u>          |
| <b>TOTAL:</b>                                                         | <b><u>\$700,372</u></b> |
|                                                                       |                         |
| FOR: Northern Colorado Drug Taskforce                                 | \$7,590                 |
| FOR: Monitor DUI Compliance                                           | \$3,000                 |
| FOR: Police Miscellaneous Revenue                                     | \$95,443                |
| FOR: Police Reimbursable Overtime for Events                          | \$468,863               |
| FOR: Overtime for School Resource Officers                            | \$120,498               |
| FOR: DUI Enforcement                                                  | <u>\$4,978</u>          |
| <b>TOTAL:</b>                                                         | <b><u>\$700,372</u></b> |

**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 |  |
| \$21,750                        |  |
| FOR: Citywide Tree Planting     |  |
| \$21,750                        |  |

**3. Parks- Overland Park Unanticipated Revenue**

The Parks Department collected higher than anticipated revenues from rental facilities at the Overland Park complex. The funds are used to support general operations in the Overland Park.

FROM: Unanticipated rental revenue  
 \$10,575  
 FOR: Overland Park  
 \$10,575

**4. Manufacturing Equipment Use Tax**

Finance requests the appropriation of \$28,329 to cover the amount due for the 2024 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: Prior Year Reserves (Manufacturing Rebate reserve  
 \$28,329  
 within the General Fund)  
 FOR: Manufacturing Equipment Use Tax  
 \$28,329

**5. Fort Collins Retail Strategy funded by PRPA**

Platte River Power Authority (PRPA) annually contributes to the economic health of the Fort Collins community. In the past, the City has utilized these funds to support local, small businesses and continue to utilize these funds in this manner. This year, the funds were utilized to support a citywide retail study to understand the changing landscape of retail, implications to our sales tax base, and development of Council Priority #4 - Advance a 15-Min City by Igniting Neighborhood Centers.

FROM: Unanticipated Revenue (PRPA)  
 \$52,500  
 FOR: Citywide retail study  
 \$52,500

**6. Radon Kits**

Environmental Services sells radon test kits at cost 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 kit sales) \$1,403  
 FOR: Purchase of radon kits to sell \$1,403

**7. 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. In addition, this year CTW contracted with another community in Washington to train on the Restore model, a restorative justice model for shoplifting offenses which was designed and implemented here in Fort Collins. CTW would like to appropriate these funds to use for expenses related to volunteer training, support and appreciation. 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 youths will request this support and who will qualify.

FROM: Unanticipated Revenue (CTW)  
\$16,680  
FOR: Conflict Transformations Works Program  
\$16,680

**8. Grocery Rebate Program Participation**

The Grocery Tax Rebate is intended to provide financially insecure residents relief from City sales tax charged on purchased food. The rebate amount is currently \$80 per person. From January to July 2025, the City processed 2,160 applications. The total amount issued during this period is \$439,000; a 33% increase year-over-year from 2024. The FY2025 budget affords \$450,000 for rebates, leaving \$11,000 for the remainder of 2025.

A monthly average of \$66,200 for August-December 2025 is anticipated, bringing the total rebate obligation for 2025 to \$770,000. Additional appropriation to cover the gap of \$320,000 will come from General Fund sub-reserves from Payments in Lieu of Taxes (PILOTs) and will meet the anticipated 2025 grocery rebate obligations.

FROM: Prior Year Reserves (PILOT) \$320,000  
FOR: Grocery rebates for financially insecure residents  
\$320,000

**9. Land Bank Operating Expenses**

This request is intended to cover expenses related to the land bank property operation costs for 2025. Since expenses vary from year to year, funding is requested annually through the Annual Adjustment process to cover these costs. Expenses in 2025 include general maintenance of properties, raw water and sewer expenses, electricity, repairs, pest control, and other as applicable.

FROM: Prior Year Reserves (Land Bank)  
\$22,000  
FOR: Land Bank Operational Expenses  
\$22,000

**10. Volunteer Services Hourly Personnel Support**

This is a request to appropriate \$7,800 in unanticipated revenue collected from NextGenServe Volunteer services to fund hourly employees that support the Volunteer Services programs. NextGenServe is the City's teen volunteer service club run out of HR and funded from the Volunteer Service Program budget. NextGen is in its fifth year and has been grant-supported thus far. To move to a more sustainable funding model, Volunteer Services launched a fee-based program in 2025. Each participant was required to pay \$200 unless they accessed our scholarship program through GetFoCo. With 43 participants, the program generated \$7,800 in unanticipated revenue to help support Volunteer services hourly personnel.

FROM: Unanticipated Revenue from NextGenServe \$7,800  
FOR: Fund hourly employees that support Volunteer Services \$7,800

**B. CULTURAL SERVICES FUND**

**1. Lincoln Center Artists & Musicians Fees**

The Lincoln Center is requesting additional budget for the expenses related to LC live show promoters and artists to accommodate higher than expected revenues and expenditures for additional productions, as well as national and international tour shows presented or produced by the City. This appropriation has no net impact on the Cultural Services and Facilities Fund and requires no subsidy from the General Fund.

In 2025, the Lincoln Center brought major touring shows to Fort Collins, including Dear Evan Hansen, Mean Girls, and Ain't Too Proud. In addition, since the adoption of the 2025 budget, we added additional shows for the Live at The Gardens concert series that the LC manages, including well-known artists Mary Chapin Carpenter/Brandy Clark, The Music of Billy Joel with the Fort Collins Symphony, and The Commodores. The existing budget for Artist Fees paid for shows is not sufficient to cover the expenses related to the shows in 2025. The additional cost will be covered by revenue by a margin of at least 100% for at least a net zero impact to the Lincoln Center budget.

|           |                                                |
|-----------|------------------------------------------------|
| FROM:     | Unanticipated Revenue                          |
| \$711,000 |                                                |
| FOR:      | Lincoln Center live show promoters and artists |
| \$711,000 |                                                |

**C. RECREATION FUND**

**1. Excess Revenue from Higher Participation**

The purpose of this item is to consider an appropriation of \$450,000 of unanticipated 2025 revenue in the Recreation Fund to support expenses related to higher participation rates than anticipated during the 2025-2026 Budgeting for Outcomes cycle. Recreation is currently forecasted to finish 2025 with surplus revenue of about \$700,000 and needs to appropriate a portion of these funds to cover the expenses related to increased participation compared to budget (driven primarily by increased hourly support).

|           |                                             |
|-----------|---------------------------------------------|
| FROM:     | Unanticipated Revenue                       |
| \$450,000 |                                             |
| FOR:      | Expenses related to higher participate rate |
| \$450,000 |                                             |

**D. 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 \$1,400 in fees that have been collected to date in 2025, and a projection of another \$3,600 we expect to collect for the remainder of 2025. It is important that we are able to offset our costs with these fees, since our operating budget is not large enough to support this event without incoming revenue.

|       |                                     |         |
|-------|-------------------------------------|---------|
| FROM: | Unanticipated Revenue (Vendor Fees) | \$5,000 |
| FOR:  | Open Streets Program                | \$5,000 |

**2. Spin Annual Payment**

Per the contract between the City and Spin, Spin pays an annual fee of \$10,000. These funds can be used at the City's discretion and typically are used for projects related to the Spin program. In 2025, funds were used to install bike/scooter boxes for better parking options, and to support the Which Wheels Go Where project to update City code regulating what types of micromobility can be used on what facilities.

|          |                                                    |
|----------|----------------------------------------------------|
| FROM:    | Unanticipated Revenue (Spin annual payment)        |
| \$10,000 |                                                    |
| FOR:     | Installation of bike and scooter boxes for parking |
| \$10,000 |                                                    |

**3. Crushing Facility Work for Other Program**

The Planning, Development and Transportation Work for Others program is a self-supported program for all "Work for Others" activities within Streets. Customers are charged for the products they purchase from the Hoffman Mill Crushing Facility. Due to unanticipated projects and equipment/parts needs, additional funding of \$125,000 is requested to cover expenses through the end of 2025. Revenue generated at the facility will offset the expense (expense will not be incurred if revenue is not received).

|           |                                                       |
|-----------|-------------------------------------------------------|
| FROM:     | Unanticipated Revenue (Work for Others)               |
| \$125,000 |                                                       |
| FOR:      | Work for Others program within the Streets Department |
| \$125,000 |                                                       |

**4. Transfer of Appropriations for Concrete Work**

The Laporte Avenue Bridges capital project (400902140) was completed in 2023. There was an issue with the concrete used on the side path. The City and the contractor agreed that \$115,000 would be withheld by the City for the deficient work. This withheld funding is proposed to be transferred to the Streets Department operating fund. This funding will be utilized for concrete work within the Streets program in 2025.

|           |                                   |
|-----------|-----------------------------------|
| FROM:     | Previous Unexpended Appropriation |
| \$115,000 |                                   |
| FOR:      | Concrete work                     |
| \$115,000 |                                   |

**E. SELF-INSURANCE FUND**

**1. Self Insurance Fund Revenue**

City insurance premiums and claim settlements are projected to exceed the 2025 budget within the Self Insurance Fund. 2025 Fund revenues in the amount of \$653,461 are available for appropriation to cover excess insurance expenditures.

FROM: Unanticipated Revenue  
\$653,461  
FOR: City insurance premiums and claim settlements  
\$653,461

**F. 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: Unanticipated Revenue from customer growth/rate increases  
\$506,778  
FOR: Utilities Banking & Credit Card Fees  
\$506,778

**2. Utilities Legal Expenses Appropriation - Part 1 of 5**

This request will appropriate revenue received from the Open International judgement to cover the related unplanned legal expenses incurred in 2025. Legal expenses will exceed currently budgeted amounts in Light & Power, Water, Wastewater, Stormwater, and Customer Service & Administration (CS&A) Funds.

FROM: Unanticipated Revenue from Open Intl judgement  
\$36,804  
FOR: Unplanned legal expenses  
\$36,804

**G. 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 2025, revenues generated from development are over budget by \$1,504,528.

FROM: Unanticipated Revenue Light & Power Development Fees  
\$1,504,528

FOR: Electric Infrastructure Costs  
\$1,504,528

**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 2025 amounts.

FROM: Unanticipated Revenue PILOT  
\$299,000  
FOR: PILOT Expenses  
\$299,000

**3. Utilities Legal Expenses Appropriation - Part 2 of 5**

This request will appropriate revenue received from the Open International judgement to cover the related unplanned legal expenses incurred in 2025. Legal expenses will exceed currently budgeted amounts in Light & Power, Water, Wastewater, Stormwater, and Customer Service & Administration (CS&A) Funds.

FROM: Unanticipated Revenue from Open Intl judgement  
\$205,915  
FOR: Unplanned legal expenses  
\$205,915

**H. 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 2025 amounts.

FROM: Unanticipated Revenue PILOT  
\$250,000  
FOR: PILOT Expenses  
\$250,000

**2. Utilities Legal Expenses Appropriation - Part 3 of 5**

This request will appropriate revenue received from the Open International judgement to cover the related unplanned legal expenses incurred in 2025. Legal expenses will exceed currently budgeted amounts in Light & Power, Water, Wastewater, Stormwater, and Customer Service & Administration (CS&A) Funds.

FROM: Unanticipated Revenue from Open Intl judgement  
\$102,958  
FOR: Unplanned legal expenses  
\$102,958

**I. 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 2025 amounts.

FROM: Unanticipated Revenue PILOT  
\$55,000  
FOR: PILOT Expenses  
\$55,000

**2. Utilities Legal Expenses Appropriation - Part 4 of 5**

This request will appropriate revenue received from the Open International judgement to cover the related unplanned legal expenses incurred in 2025. Legal expenses will exceed currently budgeted amounts in Light & Power, Water, Wastewater, Stormwater, and Customer Service & Administration (CS&A) Funds.

FROM: Unanticipated Revenue from Open Intl judgement  
\$51,479  
FOR: Unplanned legal expenses  
\$51,479

**J. STORMWATER FUND**

**1. Utilities Legal Expenses Appropriation - Part 5 of 5**

This request will appropriate revenue received from the Open International judgement to cover the related unplanned legal expenses incurred in 2025. Legal expenses will exceed currently budgeted amounts in Light & Power, Water, Wastewater, Stormwater, and Customer Service & Administration (CS&A) Funds.

FROM: Unanticipated Revenue from Open Intl judgement  
\$51,479  
FOR: Unplanned legal expenses  
\$51,479

**K. 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 (\$550,000) and related increased expenses (\$50,000 for banking fees and \$500,000 for contract labor).

FROM: Unanticipated Revenue  
\$550,000  
FOR: Contract Labor and Banking Fees  
\$550,000

**2. Capital Projects and City Park 9 Fairway Damages**

Golf is experiencing unforeseen increases in expenses related to minor capital projects and City Park 9 fairway damages. This requested adjustment is to cover these additional costs (\$362,600 for minor capital expenses and \$12,000 for City Park 9 fairway damages). This request would be paid for by Golf Fund reserves.

FROM: Golf Fund Reserves  
 \$374,600  
 FOR: Minor capital projects and City Park 9 Fairway Damages  
 \$374,600

**CITY FINANCIAL IMPACTS**

This Ordinance increases total City 2025 appropriations by \$7,239,411. Of that amount, this Ordinance increases General Fund 2025 appropriations by \$1,181,409, including use of \$370,329 in prior year reserves. Funding for the total increase to City appropriations is \$5,835,900 from unanticipated revenue, \$1,288,511 from prior year reserves, and \$115,000 from transfers from reserves or previously appropriated funds.

The following is a summary of the items requesting prior-year reserves:

| Item #                                   | Fund              | Use                                              | Amount             |
|------------------------------------------|-------------------|--------------------------------------------------|--------------------|
| A4                                       | General Fund      | Manufacturing Equipment Use Tax                  | \$28,329           |
| A8                                       | General Fund      | Grocery Rebate Program participation             | 320,000            |
| A9                                       | General Fund      | Land Bank Operating Expenses                     | 22,000             |
| F1                                       | Utility CS&A Fund | Banking & Credit Card Fee Appropriation          | 506,778            |
| F2                                       | Utility CS&A Fund | Utilities Legal Expenses Appropriation           | 36,804             |
| K2                                       | Golf Fund         | Capital Projects and City Park 9 Fairway Damages | 374,600            |
| <b>Total Use of Prior Year Reserves:</b> |                   |                                                  | <b>\$1,288,511</b> |

**DISCUSSION / NEXT STEPS**

Do you support us moving forward to full council on September 16<sup>th</sup>?

Mayor Arndt; yes

**ACTION ITEM:**

Kelly Ohlson; I would like to request a small memo addressing police overtime when they have outside jobs. I don't get why we do that –why we track and help support outside jobs for police overtime. I have brought this up in the past but didn't get a really good answer.

Kelly Ohlson; page 106 Laporte bridges work - Did we get enough back to make the work right? Work was a failure – we went after it – got the money back. Did it cover fixing the problem?

Emily Francis; I am good

Kelly Ohlson; I am good

Meeting adjourned at 6:15 pm

COPY

ORDINANCE NO. 164, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING A SUPPLEMENTAL APPROPRIATION FOR 2025  
TRANSFERT OPERATIONAL EXPENSES

A. Following the COVID-19 pandemic, the transit industry has experienced unprecedented levels of cost increases resulting in estimated operating increases of fifty to seventy percent across the industry in 2025. Similarly, Transfort is experiencing significant impacts to its expenses in the three largest segments of its budget including personnel, vehicle repair services, and contracted services.

B. Transit agencies like Transfort that share a strong ridership and have also chosen to decrease service areas, are simultaneously experiencing continued increases to both operational costs and per passenger costs. Transfort is facing similar cost pressures and has identified the need for additional funding at current service levels. Currently, Transfort is not running at full-service levels as defined by pre-pandemic expectations. While its original intent was to return to 2019 service levels, Transfort has proactively paused returns to current service levels for the short-term with the only planned addition in 2026 being to return to Sunday and Holiday service following strong community support for this specific service return.

C. At the same time, citywide fiscal pressures have necessitated a reduction in General Fund support for Transfort's operating budget. Nonetheless, as a result of increasing costs to the transit industry, Transfort requires additional funding to maintain its current service levels through the remainder of 2025. In light of the City's current fiscal position, City staff has identified the transit system line item of the 2050 Tax Parks Rec Transit OCF Fund ("Transit") as an available funding source to meet Transfort's financial needs, allowing it to maintain its current service levels in the short term.

D. This appropriation Ordinance will transfer \$2,800,000 from the 2050 Tax Parks Rec Transit OCF Fund (Transit) to support Transfort's 2025 operational expenses through infrastructure improvements, equipment purchases, and upgraded and expanded services.

E. A prerequisite for use of the 2050 Tax Parks Rec Transit OCF Fund (Transit) is that annual General Fund support of the Transit Fund must be maintained at no less than \$11,500,000, and \$11,900,000 has been allocated to the Transit Fund from the 2025 General Fund.

F. This appropriation benefits the public health, safety, and welfare of the residents of Fort Collins and the travelling public and serves the public purpose of supporting the essential transportation services that many transit-dependent members of the community rely on to get to and from work, buy groceries and other essentials, to receive medical care, and to care for family and friends.

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 the funds to be appropriated are available and previously unappropriated from the 2050 Tax Parks Rec Transit OCF Fund (Transit) and that this appropriation will not cause the total amount appropriated in the 2050 Tax Parks Rec Transit OCF Fund (Transit) to exceed the current estimate of actual and anticipated revenues and all other funds to be received in this Fund during this fiscal year.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that there is hereby appropriated from new revenue or other funds in the 2050 Tax Parks Rec Transit OCF Fund (Transit) the sum of TWO MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$2,800,000) to be expended in the 2050 Tax Parks Rec Transit OCF Fund (Transit) for 2025 Transfort Operating Expenses.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Madelene Shehan

Exhibit: None

**File Attachments for Item:**

**7. First Reading of Ordinance No. 165, 2025, Declaring Certain City-Owned Property at Fossil Creek Wetlands Natural Area as Right-of-Way.**

The purpose of this item is to declare approximately 0.2 acres of Fossil Creek Wetlands Natural Area as Right-of-Way for the Trilby Road Bridge Replacement project.

The Trilby Road Bridge Replacement project is one element of Utilities' comprehensive stream rehabilitation along Fossil and Stanton Creeks. This portion of the project will facilitate the installation of a replacement bridge and culvert and permit future bicycle and pedestrian infrastructure. The existing culvert is structurally deficient and blocks fish passage and stream habitat connectivity. The bridge replacement will restore passage for native fish and macroinvertebrates and connect a soon-to-be restored reach of Fossil Creek (slated for Fall 2025/early-2026) to an upstream reach slated for restoration in the next few years. This portion of the project will also support future bicycle and pedestrian infrastructure. The additional right-of-way proposed for the bridge replacement encompasses 8,890.61 square feet or 0.2 acres.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council




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## STAFF

Katie Donahue, Natural Areas Director  
 Tawnya Ernst, Natural Areas Land Conservation Lead Specialist  
 Jin Wang, Capital Projects Civil Engineer  
 Jonathan Piefer, Senior Real Estate Specialist

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## SUBJECT

**First Reading of Ordinance No. 165, 2025, Declaring Certain City-Owned Property at Fossil Creek Wetlands Natural Area as Right-of-Way.**

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## EXECUTIVE SUMMARY

The purpose of this item is to declare approximately 0.2 acres of Fossil Creek Wetlands Natural Area as Right-of-Way for the Trilby Road Bridge Replacement project.

The Trilby Road Bridge Replacement project is one element of Utilities' comprehensive stream rehabilitation along Fossil and Stanton Creeks. This portion of the project will facilitate the installation of a replacement bridge and culvert and permit future bicycle and pedestrian infrastructure. The existing culvert is structurally deficient and blocks fish passage and stream habitat connectivity. The bridge replacement will restore passage for native fish and macroinvertebrates and connect a soon-to-be restored reach of Fossil Creek (slated for Fall 2025/early-2026) to an upstream reach slated for restoration in the next few years. This portion of the project will also support future bicycle and pedestrian infrastructure. The additional right-of-way proposed for the bridge replacement encompasses 8,890.61 square feet or 0.2 acres.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

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## BACKGROUND / DISCUSSION

The 229-acre Fossil Creek Wetlands Natural Area is located immediately south of Trilby Road and west of Timberline Road. Fossil and Stanton Creeks run through the property. The natural area provides quality habitat for wildlife including numerous species of birds. A 0.5-mile section of Fossil Creek Trail runs through the natural area's west side. The natural area is also bisected by the Union Pacific Railroad. The proposed ROW declaration would cross the northern boundary of the natural area adjacent to Trilby Road and west of the railroad.

More than a decade ago, Stormwater identified areas along creeks in Fort Collins where rehabilitation projects are needed. Out of this recognition, the Stream Rehabilitation and Enhancement Program (SREP) was established. The program's goals are to:

- Stabilize eroding banks and channels
- Create sustainable native fish and wildlife habitat
- Improve water quality in the stream
- Preserve natural and beneficial functions of floodplains
- Increase emphasis on stormwater quality and protection of the City's urban watersheds
- Incorporate the triple bottom line environmental, social and economic benefits to the project and overall drainage basin

In the intervening years, more than 1.5 stream miles have been restored including stretches of Mail Creek (through Two Creeks Natural Area).

As this segment of stream rose to the top as a restoration priority, Utilities staff engaged the Natural Areas team to assess feasibility and conditions of the project. While plans developed, it became apparent that the current culvert would limit goals for a full restoration of the creek segments on the natural area. Subsequently, in February 2024, Engineering staff approached Natural Areas staff with a need to expand existing right-of-way to construct the bridge replacements and to accommodate the relocation of an existing Fort Collins-Loveland Water District waterline. The stream and bridge project exemplifies the City's new One Water approach by bringing together four departments (Utilities, Natural Areas, Engineering, and Park Planning & Development) to solve complex stormwater, water quality, and stream health challenges in the Fossil Creek Drainage Basin while providing a safe crossing over Fossil Creek and improving safety for the trail users downstream. The scope of this project aligns with the Natural Areas values of Ecological Function, Connectivity, Partnership, and Safety and Wellbeing.

### **Existing Conditions**

The Fossil Creek and Stanton Creek segments flowing through Fossil Creek Wetlands are heavily incised with vertical banks throughout most of the reach. The aquatic habitat in Fossil Creek is interrupted by a significant fish and aquatic life barrier at the Trilby Road culvert (Photo 1). The creek flows through an existing 60-inch corrugated metal pipe culvert then drops 2.3 feet into a four-foot-deep scour pool (Photo 1). It is not possible for fish that enter the pool to travel back upstream.

The Fossil Creek underpass, bridge, and trail infrastructure currently cross the western side of the natural area. In addition, there are two easements, a South Fort Collins Sanitary District easement and a Platte River Power Authority easement.

The Trilby Road bridge (just east of the trail and underpass) over Fossil Creek is failing and in need of replacement. This structurally deficient bridge has a sufficiency rating of 7 out of possible 100. The bottom of the culvert is corroded and susceptible to failing. There are gaps as wide as 2.5 inches with a void as deep as 14 inches along the culvert. This bridge is only 27' wide between the guardrails. The narrow width results in the guardrails being hit frequently, especially during icy winter conditions.

### **Alternatives Analysis**

Several structure types and alternatives were analyzed. Bridge opening size, fish passage, structural bottom, flood event, stream alignment and elevation, as well as impact to existing infrastructure and property were all considered in selection of the structure type. The selected design concept attempts to replace the bridge with minimal impact to the natural area.

The alignment and placement of the ROW expansion was also considered.

## ROW Alternative A

This alternative would involve shifting the existing East Trilby Road alignment and culvert 35 feet north of the existing right-of-way. Photo 1 shows the impact of this shift. The main flaw of this alignment is that the road curve only meets the requirement of 20 miles per hour (mph) which does not meet Larimer County Urban Area Street Standard (LCUASS) requirements for 4-lane arterial street classification (design speed of 50 mph). This alignment also impacts Fossil Creek Trail, the trail bridge over Fossil Creek, several utilities, and two residential houses in the Paragon Point subdivision. The toe-of-slope is not shown in this figure, which will increase the impact of this alignment. Another challenge for this option is the Southridge Greens intersection, which is too close to the Union Pacific Railroad bridge, to shift the alignment back within the design requirement and to fit under the railroad bridge. With all these constraints it is not possible to utilize this alternative and meet 4-lane arterial roadway design criteria.

## ROW Alternative B – Preferred

This alternative, which expands ROW south, attempts to replace the bridge with minimal impact to the Natural Area property. The current LCUASS call for a 115' right-of-way. The roadway cross section at the bridge structure as designed has a cross section of 78', a reduction of 37' (32%) from the LCUASS requirement. This reduced cross section aligns with the existing Fossil Creek Trail underpass just west of the Project. The roadway pavement at this location will remain at the same width (2-lanes) as existing until it is widened in the future to 4-lanes arterial as shown in the Master Street Plan.

Working together with Utilities, Natural Area, and Parks Planning and Development, the replacement bridge incorporates an increased opening for flood events, improved stream flow, and current best practices for fish passage with a natural creek bottom. The proposed new culvert design will improve aquatic habitat connectivity and fish passage by raising the creek channel and tying into the proposed culvert elevation to eliminate the drop height and lower the velocities. This will restore connectivity for fish. Additionally, the bottom of the culvert will contain sand and cobble material (Figure 3) instead of concrete or steel. The culvert design and sizing, material, invert elevation, and stream alignment are all designed in conjunction with Utilities and Natural Areas.

The roadway by the bridge will be supported by the wingwalls of the bridge, with the rest of the grading tied back to the existing ground outside the wingwall. This will allow the existing guardrail on the north edge of the natural area to be removed, improving both safety and aesthetic of the Natural Area.

The expanded ROW incorporates room for a future bike lane and sidewalk along Trilby Road. For the interim condition, the space between the edge of asphalt/road and the bridge railing will be landscaped with an approved seed mix in conformance with the Natural Areas policy. This condition will remain until Trilby Road is improved in the future.

Engineering and Utilities submitted a joint application for a Section 404 Individual Permit from the Army Corps of Engineers. As part of the permit requirement, an Ecological Characterization Study (ECS) was performed. The design of the Project has been routed for Field Inspection Review (FIR) and Final Office Review (FOR) which includes coordination and compliance with City Departments, utility providers internal, and partners external to the city.

The Project is anticipated to take five months to construct with completion in Q2 2026. The Utilities stream rehabilitation project is expected to start construction in November 2025 and with anticipated completion also in Q2 2026.

## **CITY FINANCIAL IMPACTS**

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All costs associated with the ROW and Stream restoration project will be incurred by Engineering and Utilities respectively. The ROW project, fully funded by the City Bridge Program, is estimated to cost approximately \$2.976 million and Utilities stream rehabilitation project is projected to cost \$1.775 million. Real Estate Services staff completed a Comparative Market Analysis to derive the value of the ROW declaration - \$8,891. With the ecological benefits of the overall umbrella project far exceeding the monetary value of the ROW, the typical fees for ROW declaration will be waived for this project.

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

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At its September 10, 2025, meeting, the Land Conservation and Stewardship Board voted unanimously (6-0) in support of Council adoption of the declaration of right-of-way on Fossil Creek Wetlands Natural Area for the Project.

## **PUBLIC OUTREACH**

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None.

## **ATTACHMENTS**

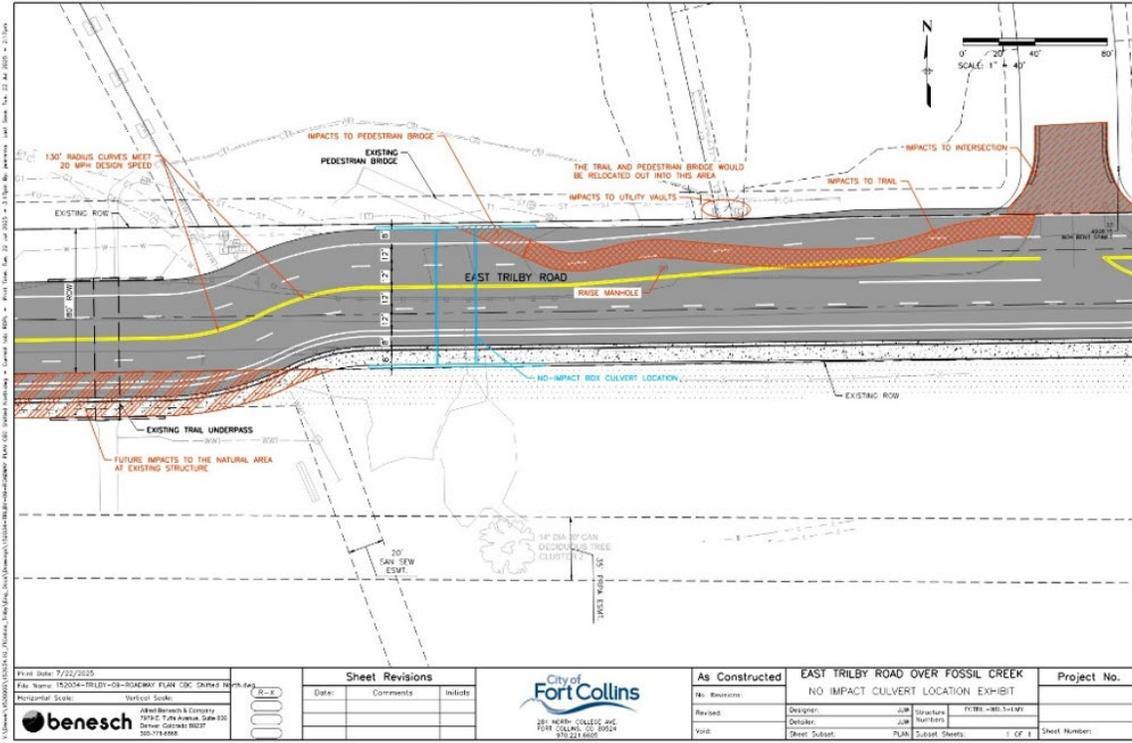
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1. Photo of Scour Pool
2. Alternatives A and B
3. Vicinity Map
4. Land Conservation and Stewardship Board Minutes excerpt, September 10, 2025
5. Ordinance No. 165, 2025

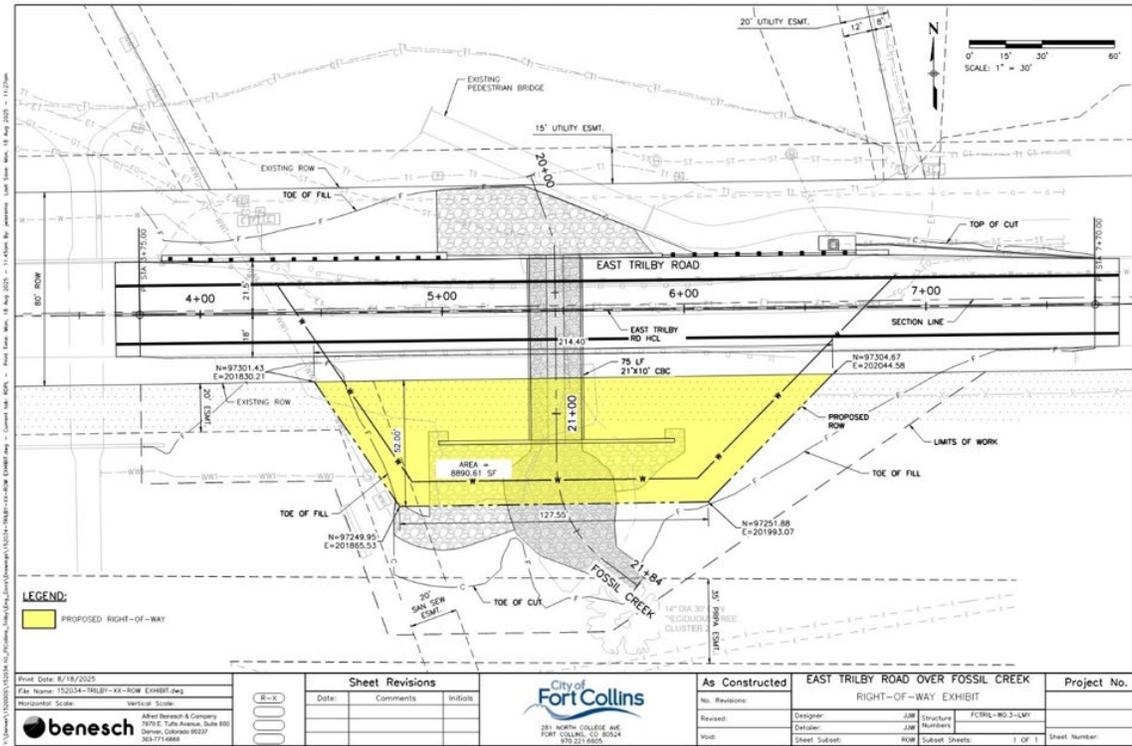


Photo 1. End of culvert looking south with four-ft deep scour pool and elevation drop (no fish passage)

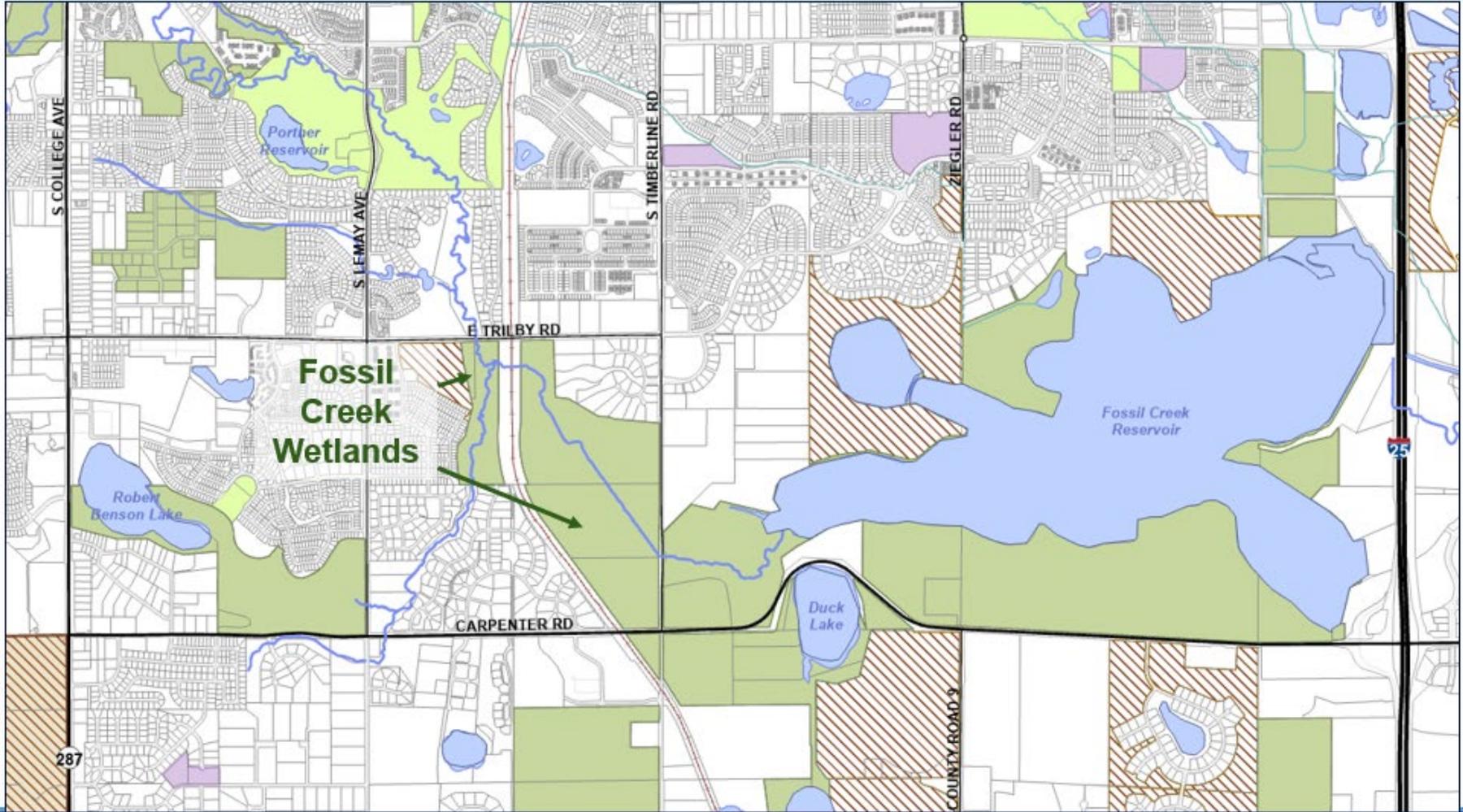
Alternative A



Alternative B (preferred)



### Vicinity Map



## Land Conservation & Stewardship Board September 10, 2025 Regular Meeting – Excerpt

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Members:

Ross Cunniff, Chair  
Scott Mason, Vice Chair  
Denise Culver, Member  
Jennifer Gooden, Member

Holger Kley, Member  
Elena Lopez, Member  
Mark Sears, Member  
Tom Shoemaker, Member

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**1. CALL TO ORDER:** Meeting was called to order at 5:30 pm.

**2. ROLL CALL:**

**LCSB:** Denise Culver, Jennifer Gooden, Elena Lopez, Mark Sears, Tom Shoemaker, Ross Cunniff

**Absent:** Holger Kley, Scott Mason

**NAD Staff:** Katie Donahue, Bernadette Kuhn, Nick Van-Lanen, Tawnya Ernst, Julia Feder, Aaron Reed, Elaine Calaba, Emily Shingler, Matt Parker, Mary Boyts

**City Staff:** April Silva, Assistant City Attorney, Jin Wang, Civil Engineer, Dana Hornkuhl, Director, Civil Engineering, Jason Stutzman, Special Projects Manager

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***Excerpt related to this Council Meeting Agenda Item: Fossil Creek Wetlands Natural Area – Right of Way Request Related to Restoration of Fossil Creek and Stanton Creek***

**6. ACTION ITEMS**

**ROW Request Related to Restoration of Fossil Creek and Stanton Creek**

**Tawnya Ernst, Land Conservation Lead Specialist** stated she was seeking a recommendation from the LCSB that City Council approve the declaration of a certain portion of City-owned Property on Fossil Creek Wetlands Natural Area as right-of-way.

Tawnya described the ROW easement as one element of the Utilities' comprehensive stream rehabilitation project along Fossil and Stanton Creeks. The existing culvert is structurally deficient and blocks fish passage and stream habitat connectivity. With the ecological benefits of the overall umbrella project, including restoring native fish passage and restoring the connected segment of Fossil Creek, far exceeding the monetary value of the ROW, the typical fees for ROW declaration will be waived for this project.

LCSB Question: Do we know what the culvert design would be?

Staff Answer: The new culver is 21'x12' concrete box with a natural bottom and an inert, waterproof membrane on the top.

LCSB Comment: What is the source of funding for the project?

Staff Answer: The stream rehabilitation portion comes out of the Utility Stormwater

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Item 7.

## Land Conservation & Stewardship Board

### Regular Meeting

funds. The project funding is approved through the BFO process and is a high priority for Council. The bridge program is responsible for replacing the culvert.

LCSB Question: Is the aim to keep the 100-year flood inside the channel or is there any kind of flood plain connectivity in the open space?

Staff Answer: This section of the channel is complex. The flow that passes underneath the railroad cannot transfer a 100-year flood event and will back up and overtop Trilby into the open space. The larger culvert will probably fully convey a 25-year event and will help reduce velocity, water pressure and scouring during larger storm events. The stream bank between Trilby and the railroad will be laid back to open up flows.

LCSB Question: Is the intent to increase the size of the channel so that it can maintain free, unimpeded flow rather than trying to introduce complexity to slow down the energy of the water?

Staff Answer: As the velocity and water levels rise, the laid back the banks allow the water to spread out, slow down and lose energy. We are not able to open it enough for a 100-year event. The railroad trestle causes water to back up and helps with the stability of the channel. The goal of the stream rehabilitation program is to stabilize channels and open things up as much as possible.

***Member Sears made a motion that the Land Conservation and Stewardship Board recommend that City Council approve the declaration of a certain portion of City-owned Property on Fossil Creek Wetlands Natural Area as right-of-way. Member Shoemaker seconded the motion. The motion unanimously passed, 6-0.***

ORDINANCE NO. 165, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
DECLARING CERTAIN CITY-OWNED PROPERTY AT FOSSIL  
CREEK WETLANDS NATURAL AREA AS A RIGHT-OF-WAY

A. Immediately south of Trilby Road, just west of Timberline Road, lies the City's 229-acre Fossil Creek Wetlands Natural Area (the "Property").

B. Fossil and Stanton Creeks run through the Property. Where Fossil Creek flows under Trilby Road there is an underpass, a bridge, and trail infrastructure. In addition, there are two easements along Trilby Road, a South Fort Collins Sanitary District easement and a Platte River Power Authority easement.

C. The City seeks to replace the bridge over Fossil Creek (the "Project"), permitting future road, bicycle, and pedestrian infrastructure. The Project is also one element of the City Stormwater Utility's comprehensive stream rehabilitation along Fossil and Stanton Creeks. The existing culvert under Trilby Road is structurally deficient and blocks fish passage and stream habitat connectivity. The Project will restore passage for native fish and macroinvertebrates and connect a soon-to-be restored reach of Fossil Creek (slated for Fall 2025/early-2026) to an upstream reach slated for restoration in the next few years.

D. The Project will use 8,890.61 square feet of the Property as permanent right of way (the "ROW Parcel"), shown in the attached Exhibit A. Real Estate Services staff completed a Comparative Market Analysis to derive the value of the right-of-way declaration at \$8,891.

E. The financial value of the ecological benefits of the Project's stream restoration work to the Property far exceed the monetary value of the ROW. Accordingly, the City's Natural Areas program is receiving a financial benefit for the ROW declaration.

F. In order to establish a public record that the ROW Parcel is intended for use by the City as right-of-way for a public roadway and related improvements, including public utilities, pedestrian, transit, and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, staff recommends that the City Council declare the ROW Parcel to be right-of-way.

G. Converting a piece of property owned by the City in fee simple to right-of-way constitutes a conveyance of an interest in the property, as doing so creates certain public rights in the property that would not otherwise exist on City-owned property.

H. Section 23-111(a) of the City Code authorizes the City Council to sell, convey, or otherwise dispose of any interests in real property owned by the City, provided the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

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

Section 1. The City Council hereby declares that the real property described on Exhibit A shall constitute right-of-way at Trilby Road, just west of Timberline Road, and may be used for related improvements, including for public utilities, pedestrian, transit and bicycle access and improvements, landscaping, and such other related purposes as may now or in the future be determined appropriate, and hereby finds that such declaration is in the best interests of the City.

Section 2. The City Clerk shall cause this Ordinance to be recorded in the real property records of the Larimer County Clerk and Recorder's office once the Ordinance becomes effective.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Ted Hewitt

Exhibits: A – ROW Parcel

**DESCRIPTION OF PROPERTY OWNED BY THE CITY OF FORT COLLINS  
TO BE DECLARED AS RIGHT OF WAY**

A TRACT OF LAND TO BE DECLARED AS RIGHT OF WAY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH P.M.; CITY OF FORT COLLINS, COUNTY OF LARIMER, STATE OF COLORADO; BEING A PORTION OF THAT PARCEL OF LAND DESCRIBED IN THE PUBLIC TRUSTEE'S DEED RECORDED JANUARY 28, 1994 AT RECEPTION NO. 94008973 IN THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18, AND CONSIDERING THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18 TO BEAR N89°08'02"E, SAID LINE BEING MONUMENTED ON ITS WEST END BY A 3" ALUMINUM CAP STAMPED LS 12374, AND ON ITS EAST END BY A 2-1/2" ALUMINUM CAP STAMPED LS 17497, BASED UPON GPS OBSERVATIONS AND THE CITY OF FORT COLLINS COORDINATE SYSTEM, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO;

THENCE ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, N89°08'02"E, A DISTANCE OF 1,842.56 FEET;  
THENCE S00°51'58"E, A DISTANCE OF 30.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF TRILBY ROAD, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE, N89°08'02"E, A DISTANCE OF 214.40 FEET;  
THENCE S44°18'14"W, A DISTANCE OF 73.76 FEET;  
THENCE S89°08'02"W, A DISTANCE OF 127.55 FEET;  
THENCE N34°27'46"W, A DISTANCE OF 62.43 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 8,891 SQUARE FEET (0.204 ACRES), MORE OR LESS, AND BEING SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR THAT NOW EXIST ON THE GROUND.

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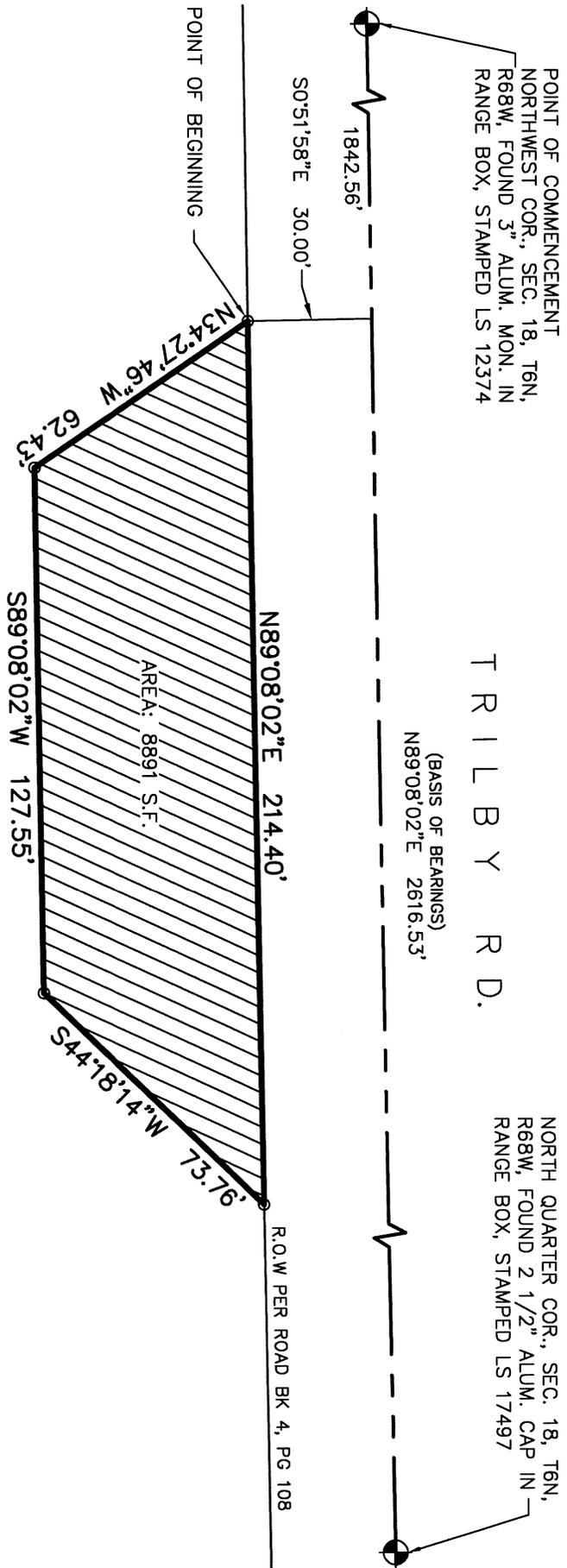
I HEREBY STATE THAT THE ABOVE DESCRIPTION WAS PREPARED BY ME AND IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF, AND OPINION.

JOHN STEVEN VON NIEDA, COLORADO P.L.S. 31169  
FOR AND ON BEHALF OF THE CITY OF FORT COLLINS  
P.O. BOX 580, FORT COLLINS, CO 80522



S:\Engineering\TRILBY ROAD AT FOSSIL CREEK\Legals\Trilby-Fossil Ck ROW revised.docx

EXHIBIT OF  
PROPERTY OWNED BY THE CITY OF FORT COLLINS  
TO BE DECLARED RIGHT OF WAY



AREA: 8891 S.F.

CITY OF FORT COLLINS  
PER PUBLIC TRUSTEE'S DEED, REC. NO. 94008973



AUGUST 14, 2025  
1" = 40'

THIS EXHIBIT'S SOLE INTENT IS TO GRAPHICALLY REPRESENT AND AUGMENT THE ATTACHED PROPERTY DESCRIPTION. IT DOES NOT REPRESENT A MONUMENTED LAND SURVEY AS DEFINED IN C.R.S. 38-51-102. IN THE EVENT OF DISCREPANCIES BETWEEN THIS EXHIBIT AND THE ATTACHED PROPERTY DESCRIPTION, THE INFORMATION CONTAINED WITHIN THE ATTACHED PROPERTY DESCRIPTION SHOULD BE RELIED UPON.

**File Attachments for Item:**

**8. Resolution 2025-087 Approving Fort Fund Program Support Grant Disbursements.**

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Program Support Grant – August Deadline category, based upon the recommendations of the Cultural Resources Board.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



## STAFF

Solara Clark, Lead Specialist  
Eileen May, Cultural Services Director

## SUBJECT

**Resolution 2025-087 Approving Fort Fund Program Support Grant Disbursements.**

## EXECUTIVE SUMMARY

The purpose of this item is to approve Fort Fund grants from the Cultural Development and Programming Account and the Tourism Programming Account for the selected community events in the Program Support Grant – August Deadline category, based upon the recommendations of the Cultural Resources Board.

## STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

## BACKGROUND / DISCUSSION

The Fort Fund grant program, established in 1989, disburses lodging tax revenues deposited in the City's Cultural Development and Programming Account and the Tourism Programming Account in accordance with the provisions of Section 25-244 of the City Code, where 25% of the revenue from the lodging tax fund is applied to the Cultural Development and Programming Account and 5% of revenue from lodging tax is dedicated to the Tourism Programming Account. Local non-profit organizations may apply to Fort Fund for cultural and/or tourism event support. The Cultural Resources Board is authorized to review grant applications based on approved guidelines and make recommendations for Fort Fund disbursements to Council, pursuant to Section 2-145 (b) of the City Code. There are three funding categories available and a total of five deadlines: Special Event Grant (January and June deadlines), Program Support Grant (March and August deadlines), and Cross-Sector Impact Grant (October deadline).

Fort Fund grants support arts and cultural events that enrich the creative vitality of the community, promote local heritage and diversity, and provide opportunities for arts and cultural participation. The grants help promote Fort Collins as a creative center and tourist destination and promote the health and well-being of all residents and visitors.

### September 25, 2025 Funding Session

At their September 25, 2025, funding session, the Cultural Resources Board reviewed sixteen (16) Program Support Grant – August Deadline applications with total requests equaling \$261,791.50. Thirty (30) applications were found eligible and recommended for funding for \$125,000.

The following table summarizes the Program Support Grant – August Deadline requests, available funds and grant award amounts:

| <b>Grant Requests</b> | <b>Available Funds</b> | <b>Grant Awards</b> |
|-----------------------|------------------------|---------------------|
| \$261,791.50          | \$125,000              | \$125,000           |

The Cultural Resources Board scored each application using the funding criteria outlined in the Fort Fund Guidelines and discussed the applications at its September 25, 2025, meeting. The Board’s approval and discussion is outlined in the draft minutes. (Attachment 1) The Board is recommending disbursement of \$125,000 to the eligible applicants as outlined in Exhibit A to the Resolution.

**CITY FINANCIAL IMPACTS**

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The Fort Fund grant program, established in 1989, disburses lodging tax revenues deposited in the City’s Cultural Development and Programming Account and Tourism Programming Account in accordance with the provisions of Section 25-244 of the City Code. This Resolution would distribute \$125,000 from the Cultural Development and Programming Account and Tourism Programming Account to local non-profit organizations. Each grantee organization must provide funds to match the grant amount. These funds were budgeted and appropriated in the 2025 budget. Lodging tax is collected pursuant to Section 25-242 of the City Code.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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The Cultural Resources Board is presenting these recommendations to Council for programs and organizations to receive funding at the recommended grant amounts from the Cultural Development and Programming Account and Tourism Programming Account.

Exhibit A to the Resolution presents the allocations recommended by the Cultural Resources Board to the Council for Program Support Grant – August Deadline funding.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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1. Cultural Resources Board Minutes, July 24, 2025
2. Resolution 2025-087

## Cultural Resources Board REGULAR MEETING

Thursday, July 24, 2025 – 5:30 PM

Center for Creativity, White Pine Room

### CALL TO ORDER: 5:30 PM

### ROLL CALL

- Board Members Present – Sheri Emerick (Chair), Cori Hixon, Conner Horak-Flood, Jessica MacMillan, Eleanor VanDeusen, Leslie Walker
- Board Members Remote –
- Board Members Absent –
- Staff Members Present – Solara Clark, Eileen May
- Guest(s) – Nancy Zola

### AGENDA REVIEW

### CITIZEN PARTICIPATION

- Nancy Zola, an Art in Public Places Board member, attended and participated in the meeting.

### APPROVAL OF MINUTES

- One correction was requested. Under noise ordinance, “10,000” should read “1,000”.
- Approval of July 2025 minutes. Jessica MacMillan made a motion to accept the minutes with the correction. Cori Hixon seconded the motion. The motion passed unanimously.

### UNFINISHED BUSINESS

### NEW BUSINESS

- Review of Funding Recommendations for Program Support Grant, August Deadline
  - Solara Clark reviewed the funding results with the Board.
  - The Board discussed the applications.
  - Conner Horak-Flood made a motion to accept the funding results with the correction. Jessica MacMillan seconded the motion. The motion passed unanimously.
  - Solara Clark informed the Board that the next and final round of scoring will be in October for the Cross-Sector Impact Grant.
- Fort Fund and Arts and Culture Board Changes Presentation – Solara Clark
  - Solara Clark presented to the Board about the changes to the Fort Fund Grant Program and the Arts and Culture Board. Changes include:
    - The grant program will now be FoCo Creates Grant Program
    - Discontinue Cross-Sector Impact Grant in the future; reallocate

- its budget to Program Support and Special Event grants.
- Introduce Artist Opportunity Grant (individual artists funding).
- Change in deadlines.
- Applicants will now receive feedback with funding status.
- Flexibility in funding results.
- No longer having Board liaisons for grantees.
- Implementing a community grant panel.
- The Board asked questions about the changes. Solara Clark and Eileen May answered each.

## DIRECTOR'S REPORT

- Eileen May updated the Board on department operations:
  - The planned Noise Ordinance Fall presentation by Arts and Culture and Neighborhood Services has been pushed to Q1 for Council. The survey remains open until end of the month.
  - In April, the Department combined Art in Public Places, the Center for Creativity, FoCo Creates grant program, and the Cultural Community Program into one work group. The change has been successful and positive. Exploring adding education and engagement/outreach to the group.
  - There is a meeting scheduled next week with Katy Schneider and Eileen May to strengthen tourism partnership for business development and marketing, including exploring large-scale events.
  - The first summer of FoCo Pop was successful with about 3,000 attendees across approximately six or seven events.
  - The Department is planning for summer events tied to Colorado's 150th and the nation's 250<sup>th</sup> anniversary. State and federal grants available starting in January for "150-250" events. This could lead to cross-department collaborations (natural areas, arts and culture, parks, recreation) to elevate arts awareness and engage artistic partners for new works reflecting Colorado history and current national conversations.
  - Marketing was centralized approximately 6 months ago. The team is creating consistency across areas of Arts and Culture.
  - The City is continuing a 6% reduction in budget noted in July, requested to extend through the 2027, 2028 cycles (a three-year arc). Overall department budget impact is about \$265,000. Collaborative leadership as helped Arts and Culture avoid larger cuts.
  - There is a hiring freeze preventing resourcing of positions. However, approval was received to move forward on redesigning The Lincoln Center senior manager role to instead oversee all four venues and handle HR and budget as a managing director-type operations role.
  - The Department is developing a maintenance plan to reduce reactionary spending and strengthen financial resiliency.
  - A department-led series rooted in the Community Arts Work Group, in partnership with the Downtown Creative District builds on last year's October grant writing workshop. Six workshops total, one every other month for a year. First workshop was on September 11: "Creating a Marketing Plan Using AI," was a success with 67 attendees at The Lincoln Center. The next workshop on November 13 at the Center for Creativity: "Paint by Numbers: Financial Management for Artists,"

## **BOARD MEMBER REPORTS**

- Leslie Walker attended the Fort Collins Comic Con, the International Keyboard Odyssey Festival and a performance for Off the Hook Arts.
- Cori Hixon attended the Michael Cavanaugh performance at the Gardens on Spring Creek.
- Sheri Emerick watched the International Keyboard and Odyssey Festival on live stream, attended a lecture at the Gregory Allicar Museum and the Michael Cavanaugh performance at the Gardens on Spring Creek.
- Eleanor VanDeusen attended a performance by Soda Shop Movement Company, a performance at Bas Bleu Theatre and the Michael Cavanaugh performance at the Gardens on Spring Creek.
- Conner Horak-Flood visited the Global Village Museum and a performance by the Poudre School District Summer Theatre Intensive.
- Jessica MacMillan attended the Michael Cavanaugh and The Commodores performances at the Gardens on Spring Creek, a performance by Soda Shop Movement Company, a performance by Off the Hook Arts and a quartet performance provided by the Friends of the Symphony.

## **OTHER BUSINESS**

### **ADJOURNMENT:**

- Eleanor VanDeusen made a motion to adjourn at 6:44 PM. Conner Horak-Flood seconded the motion. The motion passed unanimously.

Respectfully submitted,  
Solara Clark  
Lead Specialist

Minutes approved by the Chair and a vote of the Board/Commission on XX/XX/XXXX.

RESOLUTION 2025-087  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 APPROVING FORT FUND PROGRAM SUPPORT GRANT  
 DISBURSEMENTS

A. Providers of lodging accommodations in the City are required by Section 25-242 of the City Code to pay three percent of all revenues derived from such lodging accommodations to the City as a lodging tax.

B. The Fort Fund Grant Program (“Fort Fund”) supports projects and activities that provide arts and cultural programming to the Fort Collins community and visitors. Established in 1989, Fort Fund distributes lodging tax revenues deposited in the City’s Cultural Development and Programming Account and the Tourism Programming Account in accordance with the provisions of Section 25-244 of the City Code.

C. Local organizations may apply to Fort Fund for cultural and tourism event support. There are three Fort Fund funding programs available for applicants: Special Events; Program Support; and Cross-Sector Impact.

D. The City’s Cultural Resources Board reviews applications from the community for Fort Fund monies and makes recommendations to the City Council in accordance with Section 2-145(b) of the City Code and the administrative guidelines for Fort Fund (the “Fort Fund Guidelines”).

E. At its meeting on September 25, 2025, the Cultural Resources Board recommended funding for various proposals in the Program Support category based on the criteria and considerations set forth in Section 2-145(b) of the City Code and the Fort Fund Guidelines.

F. The use of lodging tax revenues will provide a public benefit to the Fort Collins community by supporting cultural development and public programming activities within the City.

G. The City Council has determined it will advance these purposes to approve Fort Fund grant disbursements as set forth in Exhibit A which is attached hereto.

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

Section 1. The City Council hereby finds that the distribution of funds through the Fort Fund program as set forth on Exhibit A will promote the cultural and economic health of the community and in doing so will serve a recognized and valuable public purpose.

Section 2. Funds in the total amount of One Hundred Twenty-Five Thousand Dollars (\$125,000), comprised of Seventy-Nine Thousand Nine Hundred Seventy-One Dollars (\$79,971) from the City’s Cultural Development and Programming Account, and Forty-Five Thousand Twenty-Nine Dollars (\$45,029) from the Tourism Programming Account, are hereby approved for distribution as set forth in Exhibit A.

Passed and adopted on October 21, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: October 21, 2025  
Approving Attorney: Ted Hewitt

Exhibit: Exhibit A – Fort Fund Grant Program Distribution of Funds

## FORT FUND GRANT PROGRAM Program Support: August Deadline

| Approved Funding                                              |                                                        |                     |                                    |                     |                  |                           |
|---------------------------------------------------------------|--------------------------------------------------------|---------------------|------------------------------------|---------------------|------------------|---------------------------|
| APPLICANT                                                     | PROPOSED EVENT                                         | FUNDING REQUESTS    | CULTURAL DEVELOPMENT & PROGRAMMING | TOURISM PROGRAMMING | UNFUNDED BALANCE | PERCENT OF REQUEST FUNDED |
| <b>Approved/Funded Applications</b>                           |                                                        |                     |                                    |                     |                  |                           |
| ACT Human Rights Film Festival (CSU)                          | ACT Human Rights Film Festival 2026                    | \$30,000.00         |                                    | \$16,519            | \$13,481         | 55%                       |
| Community Literacy Center                                     | Walls that Unite Us: Story Exchange Walls              | \$10,000.00         | \$4,589                            |                     | \$5,411          | 46%                       |
| Fort Collins Mural Project                                    | FCMP: Primed Exhibition                                | \$13,500.00         | \$7,021                            |                     | \$6,479          | 52%                       |
| Fort Collins Museum of Discovery                              | FCMoD Exhibitions and Programs                         | \$30,000.00         | \$16,519                           |                     | \$13,481         | 55%                       |
| Fort Collins Musicians Association                            | FoCoMA Annual Programs                                 | \$30,000.00         |                                    | \$16,519            | \$13,481         | 55%                       |
| Friends of Traditional Dance                                  | FOTD Contra Dancing & Waltz                            | \$4,000.00          | \$1,958                            |                     | \$2,042          | 49%                       |
| Global Village Museum of Arts & Cultures                      | The Culture of Self: 2026 at the Global Village Museum | \$25,000.00         | \$12,236                           |                     | \$12,764         | 49%                       |
| In Living Colored                                             | The Thanksgiving Play                                  | \$2,745.00          | \$1,260                            |                     | \$1,485          | 46%                       |
| Lincoln Center Support League                                 | Arts Education Outreach   School Tour 25-26            | \$15,345.00         | \$7,980                            |                     | \$7,365          | 52%                       |
| Opera Fort Collins, Inc.                                      | Season 46 Opera Fort Collins: Bringing Opera to You    | \$28,039.50         | \$13,724                           |                     | \$14,316         | 49%                       |
| Poudre Heritage Alliance                                      | Capture the Cache Exhibition 2026                      | \$5,000.00          |                                    | \$2,447             | \$2,553          | 49%                       |
| The YAY! Foundation                                           | YAY! for Fort Collins                                  | \$19,500.00         |                                    | \$9,544             | \$9,956          | 49%                       |
| Wolverine Farm Publishing                                     | Wolverine Farm Programming Support                     | \$30,000.00         | \$14,684                           |                     | \$15,316         | 49%                       |
| <b>Unfunded Applications</b>                                  |                                                        |                     |                                    |                     |                  |                           |
| Community Radio for Norther Colorado (dba The Colorado Sound) | The Colorado Sound Fort Collins Music Meetings         | \$12,287.00         | \$0                                |                     | \$12,287         | 0%                        |
| High Performance Dance Theatre                                | 30th Season of Dance                                   | \$3,475.00          | \$0                                |                     | \$3,475          | 0%                        |
| Staging Her                                                   | Her Stage, Her Story                                   | \$2,900.00          | \$0                                |                     | \$2,900          | 0%                        |
| <b>Totals</b>                                                 |                                                        | <b>\$261,791.50</b> | <b>\$125,000</b>                   |                     | <b>\$118,130</b> | <b>50%</b>                |

Scores are based on application materials and Fort Fund's "Criteria for Funding."

**File Attachments for Item:**

**9. Resolution 2025-088 Making Extensions to Youth Advisory Board Member Terms.**

The purpose of this item is to extend the terms of three members of the Youth Advisory Board through their graduation year.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



## STAFF

Davina Lau, Public Engagement Specialist

## SUBJECT

**Resolution 2025-088 Making Extensions to Youth Advisory Board Member Terms.**

## EXECUTIVE SUMMARY

The purpose of this item is to extend the terms of three members of the Youth Advisory Board through their graduation year.

## STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

## BACKGROUND / DISCUSSION

In 2023, changes were made to the terms of the Youth Advisory Board. At the time the thought was that youth member terms, for those students interested, would be extended through their graduation date versus having them apply every year. This enables students to work on multi-year projects, maintains leadership and momentum and ensures the board operates more in an advisory capacity versus giving students an introductory board experience. While this approach has been used over the past two years, the terms of those appointed in March, 2024 were not set properly at the time of appointment.

This item extends the terms of three board members appointed in March 2024 to their graduation date. There continues to be students on the board for varying term lengths from 1 year to 4 years. This is allowed by City Code if approved by Council as part of consideration of the appointment Resolution and as long as the terms do not go over four years. Recruitment for the Youth Advisory Board occurs at the same time as other boards and commissions. Terms are now being set from August to June since the board does not meet during the summer months. The Board starts every term with a retreat held in August and then breaks in June for the summer.

### Youth Advisory Board

| Appointments             | Original Expiration Date | New Expiration Date |
|--------------------------|--------------------------|---------------------|
| Sophie Williams (Seat A) | March 31, 2026           | June 30, 2027       |
| Scarlett Marske (Seat B) | March 31, 2026           | June 30, 2027       |
| Maia Turnbull (Seat D)   | March 31, 2026           | June 30, 2027       |

**CITY FINANCIAL IMPACTS**

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None.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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1. Applications
2. Resolution 2025-088

# VOLUNTEER APPLICATION

Scarlett Marske

1/14/2024 12:07 PM

Application: **YAB - Youth Advisory Board**

### Applicant Information

Birthdate: [REDACTED] Gender: Female Education Level: High School

Address: [REDACTED] Phone: [REDACTED] <<

### Availability

|           | S                                   | M                                   | T                                   | W                                   | T                                   | F                                   | S                                   |
|-----------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Morning   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Afternoon | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Evening   | <input checked="" type="checkbox"/> |

### Volunteer Groups Applied For

Youth Advisory Board

### 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> 2
- What school do you attend? If not attending traditional school please list alternative method of school. Fort Collins High School
- I acknowledge that I am willing to make the time commitment to attend monthly board meetings. YES; It may be tricky around girls tennis season this spring, but I'll do my best to make it a priority.
- How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 10
- What is your expected date of graduation? 5/2027
- Volunteer experience (please include dates): Web leader (08/22)  
NextGenServe (summer 2023)  
Tennis Coaching Volunteer (summer 2022)  
Preschool Classroom Volunteer (randomly 21-present)
- Have you applied for this board before? If yes, please explain. No
- Why do you want to become a member of this particular board and what do you hope to gain from this experience? I want to be a part of this board to learn more about how a city functions, give teenagers a voice in the community, and grow as an individual.
- If applicable, please list any other clubs, groups, or other organizational bodies that you are a member. DECA  
Key Club  
Environmental Club

---

Front Range Academy Tennis League  
Genesis Tennis  
NextGenServe

I acknowledge that, as a board member, I must check my email communications regularly and respond to staff members in a timely manner.

YES

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);  
Friend

# VOLUNTEER APPLICATION

Maia Turnbull

12/16/2023 4:31 PM

Application: **YAB - Youth Advisory Board**

## Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: High School  
 Address: [REDACTED] Phone: [REDACTED] <<

## Availability

|           | S                        | M                        | T                        | W                        | T                        | F                        | S                        |
|-----------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Morning   | <input type="checkbox"/> |
| Afternoon | <input type="checkbox"/> |
| Evening   | <input type="checkbox"/> |

## Volunteer Groups Applied For

Youth Advisory Board

## Job Description

I have read the job description

## Questions

|                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Which Council District do you live in? Please refer to the map at: <a href="https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&amp;layerTheme=Council%20Districts">https://gisweb.fcgov.com/HTML5Viewer/Index.html?Viewer=FCMaps&amp;layerTheme=Council%20Districts</a> | 3                                                                                                                                                                                          |
| What school do you attend? If not attending traditional school please list alternative method of school.                                                                                                                                                                           | Fossil Ridge High School                                                                                                                                                                   |
| I acknowledge that I am willing to make the time commitment to attend monthly board meetings.                                                                                                                                                                                      | YES                                                                                                                                                                                        |
| How many hours per month are you willing to put in (including research, work, and meeting time) as a board member?                                                                                                                                                                 | 10, a couple hours a week                                                                                                                                                                  |
| What is your expected date of graduation?                                                                                                                                                                                                                                          | may of 2027                                                                                                                                                                                |
| Volunteer experience (please include dates):                                                                                                                                                                                                                                       | summer of 2023 NextGen, Middle School WEB leaders february-august 2022.                                                                                                                    |
| Have you applied for this board before? If yes, please explain.                                                                                                                                                                                                                    | no                                                                                                                                                                                         |
| Why do you want to become a member of this particular board and what do you hope to gain from this experience?                                                                                                                                                                     | I want to become a member of YAB because I want to help the community, I want to practice my leadership skills and learn more about government as a career, and I want to meet new people. |
| If applicable, please list any other clubs, groups, or other organizational bodies that you are a member.                                                                                                                                                                          | none                                                                                                                                                                                       |
| I acknowledge that, as a board member, I must check my email communications regularly and respond to staff members in a timely manner.                                                                                                                                             | YES                                                                                                                                                                                        |
| Are you willing to complete the required training if appointed?                                                                                                                                                                                                                    | YES                                                                                                                                                                                        |

Maia Turnbull

[REDACTED]

How did you learn of a vacancy on this board or commission?

Other (please specify);  
a friend

# VOLUNTEER APPLICATION

Sophie Williams

12/14/2023 11:02 PM

Application: YAB - Youth Advisory Board

### Applicant Information

Birthday: [REDACTED] Gender: Female Education Level: High School  
 Address: [REDACTED] Phone: [REDACTED] <<

### Availability

|           | S                                   | M                                   | T                                   | W                                   | T                                   | F                                   | S                                   |
|-----------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| Morning   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| Afternoon | <input checked="" type="checkbox"/> |
| Evening   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

### Volunteer Groups Applied For

Youth Advisory Board

### 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> 3
- What school do you attend? If not attending traditional school please list alternative method of school. Fossil Ridge High School
- I acknowledge that I am willing to make the time commitment to attend monthly board meetings. YES
- How many hours per month are you willing to put in (including research, work, and meeting time) as a board member? 24 hours I think is a good time but I'm willing to put in the time needed and I'm not sure what that is at the moment
- What is your expected date of graduation? 2027
- Volunteer experience (please include dates): Summer of 2023 nextgen  
Fall of 2022 cans around the oval  
2022 web leaders(helping 6th graders)  
Summer of 2022 solich leadership academy
- Have you applied for this board before? If yes, please explain. No
- Why do you want to become a member of this particular board and what do you hope to gain from this experience? Being involved with over youth who are interested in city government and I hope to improve the city of Fort Collins in the benefit of the youth
- If applicable, please list any other clubs, groups, or other organizational bodies that you are a member. Fossil ridge tennis and genesis tennis, young life, mock trial, model UN,
- I acknowledge that, as a board member, I must check my email communications regularly and respond to staff members in a timely YES



manner.

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);  
City employees told me about it

RESOLUTION 2025-088  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING EXTENSIONS TO YOUTH ADVISORY BOARD MEMBERS TERMS

A. Three members of the Youth Advisory Board have terms set to expire prior to their graduation dates.

B. The City Code was amended in 2023 to change the terms for the Youth Advisory Board, in order to allow member terms to extend through their graduation rather than the end of March.

C. When appointments were made in March 2024, the term end dates were not adjusted, and so three Board members will have terms that expire three months earlier than intended.

D. City Code Section 2-115 states that no member may serve more than four consecutive years regardless of term length and none of these three members have reached that limit.

E. City Council desires to extend the expiration date of the three members listed below on the Youth Advisory Board to June 30, 2027.

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 terms of the following named persons on the Youth Advisory Board are hereby extended with the new expiration date as noted below next to each appointee's name:

**Youth Advisory Board**

| <b>Appointments</b>      | <b>Original Expiration Date</b> | <b>New Expiration Date</b> |
|--------------------------|---------------------------------|----------------------------|
| Sophie Williams (Seat A) | March 31, 2026                  | June 30, 2027              |
| Scarlett Marske (Seat B) | March 31, 2026                  | June 30, 2027              |
| Maia Turnbull (Seat D)   | March 31, 2026                  | June 30, 2027              |

Passed and adopted on October 21, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: October 21, 2025  
Approving Attorney: Carrie Daggett

Exhibit: None

**File Attachments for Item:**

**10. Resolution 2025-089 Making an Appointment to the Board of Directors of Housing Catalyst.**

The purpose of this item is to fill one vacancy that has existed due to the resignation of Heather Clemenshaw.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



## STAFF

Davina Lau, Public Engagement Specialist

## SUBJECT

**Resolution 2025-089 Making an Appointment to the Board of Directors of Housing Catalyst.**

## EXECUTIVE SUMMARY

The purpose of this item is to fill one vacancy that has existed due to the resignation of Heather Clemenshaw.

## STAFF RECOMMENDATION

Staff recommends adoption of this Resolution.

## BACKGROUND / DISCUSSION

This Resolution makes an appointment to fill one vacancy on the Housing Catalyst Board of Directors. Heather Clemenshaw resigned in September 2025, creating a vacancy in the resident seat.

City Code Section 2-474 provides that the Housing Authority 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 April 17, 2025, Councilmember Emily Francis interviewed applicants for the Housing Catalyst Board.

This term will begin immediately upon adoption of this Resolution. The name of the individual recommended to fill this vacancy is listed below.

### Housing Catalyst

| Appointments             | Term Effective Date                          | Expiration of Term |
|--------------------------|----------------------------------------------|--------------------|
| Amelia Callahan (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 website, media releases for earned coverage in local media sources, and social media promotion of opportunities.

**ATTACHMENTS**

---

1. Application
2. Resolution 2025-089

# VOLUNTEER APPLICATION

Heather Clemenshaw

3/23/2025 5:40 PM

Application: **HC - Housing Catalyst**

## Applicant Information

Birthdate: [REDACTED] Gender: Female Education Level: Associate 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: Early Childhood Educator 3.0 (Colorado Shines)

Current Employer: Young Peoples Learning Center

Prior work experience (please include dates): Senior Care Partners PACE - 2021  
StructurTec- 2020  
Solomon Org. 2019-2020 (Same Property as Fairfield Residential and Associated Estates)  
Fairfield Residential 2018-2019  
Trillium Ventures -2015 - 2018 (same Property as Eenhoorn)  
Jaqua Realtors 2014- 2016  
Eenhoorn 2015

Volunteer experience (please include dates): Junior Chamber International (JCI)  
Kalamazoo MI Chapter 2014 - 2022  
2014 - General Member  
2015 - Director  
2016 - Executive Vice President  
2017 General Member  
2018 - Treasurer  
2019 - General Member  
2020 - Treasurer  
2021 - State (Michigan) Elections Committee  
2022 - Current - Alumni

2022

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 would like to be a board member because I am deeply aligned with the mission of providing affordable housing and fostering community development. With my extensive experience in real estate / property management, I understand the importance of building and preserving affordable homes, especially in the context of long-term sustainability. The work Housing Catalyst does in creating partnerships and administering rental assistance for families is something I am passionate about and can strongly contribute to.

Having worked in various sectors of housing, from multi-family and single-family to luxury and investment properties, I bring a comprehensive understanding of the housing landscape. My experience aligns well with Housing Catalyst's work in moving people out of homelessness, stabilizing families, and creating opportunities for self-sufficiency. I am driven by the idea of making a tangible impact in the community and improving lives, and I believe my skills in leadership, community-building, and relationship management will be valuable to the Board of Commissioners.

Additionally, I have experience working with diverse teams and stakeholders, from government entities to vendors, which will support my ability to navigate intergovernmental agreements and partnerships effectively. The time commitment of 5-6 hours per month is something I can readily accommodate, and I am excited about the opportunity to lend my expertise to such a meaningful cause.

I look forward to being part of a board that plays such an important role in shaping the future of affordable housing in Northern Colorado, and I would welcome the opportunity to contribute to Housing Catalyst's continued success.

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; I have attended two board meetings.

Specify any activities which might create a serious conflict of interest if you are appointed:

None known

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);

Heather Clemenshaw

3/23/2025 5:00 PM

Item 10.

Resident Flyer on door at Village on Plum



Home



My Network



Jobs



Messaging



Notifications

Item 10.

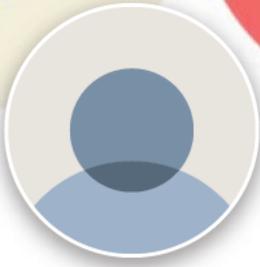
Me ▼

## Public profile settings

You control your profile and can limit what is shown on search engines and other off-LinkedIn services. Viewers who aren't signed in to LinkedIn will see all or some portions of the profile view displayed below.



**Make the world a better place**



**Heather R. Clemenshaw**  
Executive Assistant to CEO, Real Estate Sales Person, National Apartment Leasing Professional (NALP), Early Childhood Educator  
Fort Collins, Colorado, United States  
1K followers · 500+ connections

[Join to view profile](#)

## About

My career in the housing industry has ranged from Multi-Family income based to Luxury Living, Single family ranging from Foreclosures and Investment Properties to Vacation Homes in the Million-Dollar Market. I have been an active participant in the Property Management Association (PMA) and Member of the Greater Kalamazoo Association of Realtors (GKAR). I've held the National Apartment Leasing Professional (NALP) designation as well as a Real Estate Sales



Home



My Network



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Item 10.

Me ▼

member of Junior Chamber International (JCI) Kalamazoo, MI Chapter. I have held Board positions including Director, Executive Vice President and Treasurer. I also held a position on the Elections Committee for JCI Michigan.

I am passionate about my career. I work well with clients, contractors / vendors and personnel. I would like to work with a company that will utilize my knowledge, people skills and passion. I take great pride in the Communities and Teams that I lead. My goal is to develop relationships that allow people to feel involved allowing for established expectations to be met and exceeded.

I look forward to new opportunities. I would like to further discuss my qualifications, goals and experience.

## Experience



### Property Manager

The Solomon Organization

Oct 2019 - Jan 2020 · 4 months

Kalamazoo, Michigan Area

(FORMERLY OWNED BY FAIRFIELD RESIDENTIAL)

Summer Ridge Apartments- 248 units (Kalamazoo, MI)



### Property Manager

Fairfield Residential

May 2018 - Oct 2019 · 1 year 6 months

Kalamazoo, Michigan Area

Portfolio Sold October 2019

(FORMERLY OWNED BY ASSOCIATED ESTATES REALTY CORP)

Summer Ridge Apartments- 248 units (Kalamazoo, MI)



### Property Manager

Trillium Ventures MSV

Oct 2015 - Apr 2018 · 2 years 7 months

Kalamazoo, Michigan and Grand Rapids, Michigan



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Me ▼

Richmond Hills Apartments 222 Units (Grand Rapids, MI)

REPORT DIRECTLY TO OWNERSHIP

The Landing Apartments- 180 units (Kalamazoo, MI) and

As a Property Manager I was responsible for all facets if the property operations including the general administration and maintenance coordination for the property. My focus is to ensure the properties' revenue and profit targets are...

Show more ▼



**Realtor, NALP**

Jaqua Realtors

Jun 2014 - 2016 · 2 years

Greater Kalamazoo, Michigan Area

- Help clients buy, sell, and rent property.
- Study property listings, interview prospective clients, accompany clients to property site
- Discuss conditions of sales
- Prepare Real Estate Contracts
- Host Open Houses
- Advertising and Marketing Materials
- Attend Training Courses in Legal Aspects and Marketing and Prospecting
- Attend and Host Property Tours
- Weekly Marketing and Sales Meetings



**Property Manager**

Eenhoorn LLC

Apr 2015 - Oct 2015 · 7 months

Kalamazoo, Michigan Area

Property Sold 2015 (Trillium Ventures ,MSV)

The Landing Apartments

Remain Current and Compliant with policies and laws affecting the marketing and leasing of the property, including the Company's leasing agreement, Landlord Tenant



- Approve, Code and Submit all invoices to Corporate Office for payment
- Prepare Purchase Orders
- Responsible...

Show more ▼



### Leasing Specialist

Mission Rock Residential, LLC

Jul 2013 - Mar 2014 · 9 months

Fort Collins, Colorado Area

- Handle incoming phone calls requesting information, appointment setting, and customer service. Follow-up calls on all requests in order to establish positive resident relations.
- Maintain an accurate and in-depth knowledge of all aspects of the community, particularly in areas such as pricing, vacancies, apartment availability, lease expirations, etc.
- Responsible for insuring the model and vacant apartment homes, tour path, and amenities are ready for show.
- Accurately and...

Show more ▼



### Leasing Specialist

Associated Estates Realty Corp

Aug 2011 - Jul 2013 · 2 years

Kalamazoo, Michigan Area

Summer Ridge Apartments 248 Units Kalamazoo, MI

- Commit to resident service & investor value by allowing residents, investors , vendors & all "others" to know what the company stands for & where they are heading.
- Maintain an accurate & in-depth knowledge of all aspects of the community, particularly in areas such as pricing information, apartment availability, lease expirations, etc.
- Handle incoming phone calls & email correspondence for information, appointment setting...

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## Education



### University of Phoenix

Associate of Arts (A.A.)



### Rockford High School and South Haven High School

Diploma

1995 - 1998

## Volunteer Experience



### General Member

JCI Kalamazoo

Apr 2014 - Dec 2022 · 8 years 9 months

We Build Leaders

The Kalamazoo Jaycees are made up people age 21-40. We focus on Professional Development, Personal Growth and Community Service.

<http://www.kalamazoojaycees.org/what-we-do/>

When I moved to Kalamazoo I wanted to get involved in the local community and meet new people. That is what drew me to the Kalamazoo Jaycees. Little did I know, there is so much more to this amazing organization.

I signed up on the spot while attending a Mix-n- Mingle event. At...

Show more ▼



### 2015 Director - Kalamazoo Chapter

JCI Michigan

Jan 2015 - Dec 2015 · 1 year

Education



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Me ▼



## 2016 Executive Vice President - Kalamazoo Chapter

JCI Michigan

Jan 2016 - Dec 2016 · 1 year

Education

Focus on Public Relations, Marketing and Chapter Fundraising



## 2018 Treasurer - Kalamazoo Chapter

JCI Michigan

Jan 2018 - Dec 2018 · 1 year

Education

Administer and manage the financial assets and liabilities for the JCI Kalamazoo Chapter.



## Treasurer Board Of Directors 2020 Elect - Kalamazoo Chapter

JCI Michigan

Jan 2020

Education

Administer and manage the financial assets and liabilities for the JCI Kalamazoo Chapter.



## State Elections Committee

JCI Michigan

Jan 2021 - Dec 2021 · 1 year

Education



## Alumni

JCI USA

Dec 2022 - Present · 2 years 4 months

## Licenses & Certifications



Home



My Network



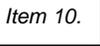
Jobs



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Me

Issued Dec 2023 · Expires Dec 2026  
Credential ID PDIS-0000097786



### NALP (National Apartment Leasing Professional)

National Apartment Association  
Credential ID 1300063



### Real Estate Salesperson License

Career WebSchool  
Credential ID 6501383855

[See credential](#)

## Courses

### Business Information Systems

-

### Contemporary Business Communication

-

### Cultural Diversity

-

### Essentials of Managerial Communication

-

### Financial Accounting Concepts and Principles

-

### Organizational Ethics and Social Responsibility

-

### Legal Aspects



Home



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Jobs



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Item 10.

Me ▼

## Marketing and Prospecting

-

## Marketing and Sales Meeting

-

## Property Tour

-

## 12 C's of Exceptional Leadership

-

## Advanced Leasing

-

## Conflict Resolution

-

## Customer Service as a Competitive Advantage

-

**E-tools for Great Living- Overview of various 3rd party electronic tools and how they work together when electronic data transfers occur and what electronic or manual steps must be performed.**

-

## Ethics, Dispute Resolution and Fair Housing

-

## Fair Housing

-

## Fair Housing (Post 9/11)

-

## Forms



Home



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## Human Trafficking Awareness

-

## Internet Leasing

-

## It's Showtime

-

## Keybox and MLS Training

-

## Keys to Successful Leasing

-

## Lead to Lease- Yardi Workflow/Take it from the Top- Hands on Yardi Training

-

## Leasing Demonstration and Resolving Objections

-

## Leasing and the Internet

-

## Leasing for a Living

-

## Making the Best of Your Chapter Fundraising

-

## Member Orientation

-

## Miserly Marketing

-



Home



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Jobs



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Me ▼

## **NAA Legal Aspects**

-

## **Preventing Sexual Harrassment**

-

## **Rental Policies and Procedures**

-

## **Resident Retention for Today's Savvy Customers**

-

## **So I have a Project Idea, Now What?**

-

## **Telephone Presentations**

-

## **Telephone to Visit-Extraordinary Telephone Presentation, Sell an Address, Gathering Information**

-

## **The Leasing Interview and Qualifying Residents**

-

## **The Psychology of Closing**

-

## **Visit to Lease-WOW factor, Greeting , Qualifying, Touring and Demonstration, Overcoming Objectives, Closing the Sale, and Follow-up**

-

## **What's your Brand?**

-



Home



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## Honors & Awards

### **Best Year Over Year Revenue Growth**

Summer Ridge Apartments

Sep 2019

### **Best Year Over Year Revenue Growth**

-

Sep 2019

### **Jaycees Michigan Junior Chamber Professional Skills Competition**

Jennifer Mansfield- Competitions Chair

Feb 2015

1st Place- Fit for Life Challenge (2014 4th Quarter)

### **Jaycees Passport to Civic Leadership- 1st Degree**

Management Vice President- Tom Quakenbush and Individual Development Program Director- Jennifer Mansfield

Feb 2015

Each Degree represents a level of achievement in the natural evolutionary Jaycee process to tap the abilities and talents of members. This natural, evolutionary process takes a Jaycee from initiation, to learning, to leading, and finally to teaching. Once completed to the Tenth Degree level the Jaycee has accomplished the true goal of the organization, that of "Leadership Training."

### **Presidential Award of Excellence**

Anna Versalle- 83rd President Kalamazoo Jaycees

Feb 2015

Award of Gratitude for Participation in- Stepping up to be a leader on the Board of Directors

### **Jaycees Michigan Junior Chamber Professional Skills Competition**

Jennifer Mansfield-Competitions Chair

Sep 2014

1st Place- Fit For Life Challenge (2014 3rd Quarter)



Home



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Notifications

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Me ▼

Apr 2014

Enthusiasm for new projects

**JCI-USA Certificate of Membership**

FayIn Poissant - President The United States Junior Chamber and Joel Harper- Executive

Director The United States Junior Chamber

2014

Our Mission is to provide development oppurtunities that empower young people to create positive change.

Member of the Michigan Junior Chamber

**Kalamazoo Jaycees- 1 year of Service**

Lisa Miller, MD 82nd President of the Kalamazoo Jaycees

2014

One Year of Service with the Kalamazoo Jaycees

**Best of the Best**

Edward Rose and Sons

2003

I was one of the top five leasing consultant within the Edward Rose and Sons Market with 200+ applications in a 12 month period.

## Test Scores

**Associated Estates Telephone Shop**

Score: 95%

Mar 2013

Telephone Shop

"Wow" Factor

Technical



Home



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Messaging



Notifications

Item 10.

Me ▼

### Associated Estates Telephone Shop

Score: 93%

Jan 2012

Telephone Shop

"Wow" Factor

Technical

Total Score 93%

Possible Score 95%

### Associated Estates Telephone Shop

Score: 86%

Dec 2011

Telephone Shop

"Wow" Factor

Technical

Test Score 86%

Possible Score 95%

## Languages

English

-

## Organizations

### JCI Kalamazoo

General Memeber, Director, Executive Vice President

Apr 2013 - Present

### Greater Kalamazoo Association of Realtors

RESOLUTION 2025-089  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
MAKING AN APPOINTMENT TO THE BOARD OF DIRECTORS OF HOUSING  
CATALYST

A. The Board of Directors of Housing Catalyst has a vacancy due to the resignation of Heather Clemenshaw.

B. The City Council desires to make an appointment to fill this vacancy on the Housing Catalyst Board.

c. 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:

| <b>Housing Catalyst</b>  |                                              |                           |
|--------------------------|----------------------------------------------|---------------------------|
| <b>Appointments</b>      | <b>Term Effective Date</b>                   | <b>Expiration of Term</b> |
| Amelia Callahan (Seat E) | Immediately upon adoption of this Resolution | December 31, 2029         |

Passed and adopted on October 21, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: October 21, 2025  
Approving Attorney: Carrie Daggett

Exhibit: None

**File Attachments for Item:**

**11. Resolution 2025-090 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the Cities of Loveland and Fort Collins Regarding the Joint Operation of the Northern Colorado Regional Airport in Furtherance of a Transition to an Airport Authority.**

The purpose of this item is to consider a Resolution updating the current Intergovernmental Agreement (“IGA”) regarding the Loveland/Fort Collins Airport, eliminating the Airport Commission and reverting to the pre-2015 model in furtherance of the goals of continuing to successfully jointly operate the airport while working towards the formation of an airport authority.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

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Ginny Sawyer, Policy and Project Manager

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## SUBJECT

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**Resolution 2025-090 Authorizing the Mayor to Execute an Intergovernmental Agreement Between the Cities of Loveland and Fort Collins Regarding the Joint Operation of the Northern Colorado Regional Airport in Furtherance of a Transition to an Airport Authority.**

---

## EXECUTIVE SUMMARY

---

The purpose of this item is to consider a Resolution updating the current Intergovernmental Agreement (“IGA”) regarding the Loveland/Fort Collins Airport, eliminating the Airport Commission and reverting to the pre-2015 model in furtherance of the goals of continuing to successfully jointly operate the airport while working towards the formation of an airport authority.

---

## STAFF RECOMMENDATION

---

Staff recommends adoption of the Resolution.

---

## BACKGROUND / DISCUSSION

---

The Cities of Fort Collins and Loveland agreed in 1963 to jointly build and operate a regional airport. It opened in 1964 under joint agreement and ownership and serves as an important niche in our transportation infrastructure. In addition to its many benefits the airport has faced challenges over the years, both financially and in the governance structure which has challenged the ability of the airport to function at its greatest potential.

The airport is jointly owned and operated by the cities of Loveland and Fort Collins; full control and decision-making authority is placed with the Councils of both cities. Under the current governance structure, updated in 2015, the Northern Colorado Regional Airport Commission is charged with facilitating communication between the cities and advising the Councils concerning Airport issues such as general policies, land use, budget, capital improvements and strategic planning.

In 2023, a new effort was initiated to identify and evaluate the full array of governance options available to the airport and the Cities. Both Councils took action to create a Joint Committee Regarding Airport Governance (the “Committee”). Dan Reimer, joint special legal counsel, prepared a report identifying and summarizing governance options. Following the release of the Report, an Airport Governance Committee was formed consisting of two Councilmembers from each city to review, discuss, and make recommendations.

The Committee met four times in 2024 to review and discuss numerous governance options. Ultimately, the Committee recommended an Airport Authority model. Considerations leading to the recommendation included:

- Good steward for regional asset FNL infrastructure.
- Limit liability of airport sponsors to acceptable level.
- Consistency for staff and stakeholders (community) /Clarity to stakeholders on policy direction, day to day operations, etc.
- Streamlining of operational decision making.

In January of 2025, Council adopted Resolution 2025-014, as Loveland City Council Likewise adopted Resolution R-26-2025, to express support and continued effort to pursue the change in governance of the Airport to an Airport Authority model. Throughout 2025, staff from both cities have been meeting to craft a new intergovernmental agreement (“IGA”) and to consider the foundational documents and process to stand up an Authority.

At the September 8, 2025, meeting of the Committee, the following recommendation was put forth: by the end of October 2025 adopt an IGA for joint operation of the Airport between the Cities, similar to the pre-2015 model, that will provide a governance approach while the Cities continue to assess a potential transition to an Airport Authority.

The new IGA and Exhibit set forth the Cities’ joint operation of the Airport, and delegates certain decisions per the agreement and local law to the City Managers and Airport Director. The new IGA replaces the current IGA, executed in 2015 and amended in 2016 and 2019, removing the Airport Commission and shifting process and decision-making to the Councils, City Managers, and Airport Director.

The new IGA and the governance structure is intended to streamline both decision-making and workload, especially when considering three new commissioners would need to be selected and on-boarded in 2026. At the September 29, 2025, meeting of the Airport Commission, concerns were expressed that sunseting the Commission may result in a lack of feedback. There was recognition that comments may be brought to both Councils’ public comment processes and there was a request from the Commission that the Airport Director provide a report of comments at future Airport stakeholder meetings to the Councils.

**CITY FINANCIAL IMPACTS**

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None.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

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None.

**PUBLIC OUTREACH**

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None.

**ATTACHMENTS**

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1. Governance Committee Notes
2. Presentation
3. Resolution 2025-090



NORTHERN COLORADO  
REGIONAL AIRPORT



# Airport Governance

## Transitional Intergovernmental Agreement

- Ginny Sawyer, Project and Policy Manager



January 28, 2025

**Ordinance Adopting a  
Transitional  
Intergovernmental  
Agreement (IGA) with  
the City of Loveland  
Regarding the Northern  
Colorado Regional  
Airport**



Cities co-owners since 1963. Joint venture with 50/50 ownership and responsibility.

- 13 Intergovernmental Agreements (IGAs) enacted between 1981 and 2016.

Major Governance related actions:

- 1986 – City of Loveland annexes the Airport and conducts feasibility study into acquiring Fort Collins' interest in the Airport. Concludes Loveland should not assume full responsibility for the Airport.
- 1990 – Work session for the purpose of discussing governance of the Airport.
- 1990 – IGA adopted for the Joint Operation of the Fort Collins-Loveland Municipal Airport.
- 1994 – IGA affirming original agreement. Also adds Airport Steering Committee.
- 2015 – IGA establishing the Northern Colorado Regional Airport Commission.

- 2023 effort to identify and evaluate alternatives to Airport Governance.
- Worked with special legal counsel, Dan Reimer, an expert in airport matters.
- Following release of summary memo on alternatives and trade-offs Cities created Joint Governance Committee.
- Committee charged with meeting to discuss and refine alternatives and, if practicable, provide recommendations about Airport governance.
- Committee recommended Airport Authority model. Both Councils adopted Resolutions of Support in January 2025.

## Key Elements

- Financial sharing and responsibilities
- “Clean-up” of insurance protocols
- Shift decision-making to City Managers

## Key Airport Activity

- Secure permanent tower
- Runway widening project
- Initiate dialog with airlines



# Decision Making Roadmap

| Necessary Approval                                                                                                                         | Status Quo       | Transitional IGA | Authority  |
|--------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|------------|
| Daily Operation                                                                                                                            | D                | D                | D          |
| Budget                                                                                                                                     | AC, CC           | CC               | AA         |
| Leases                                                                                                                                     | D, AC, CC        | D, CM or CC      | D, AA      |
| Capital Procurement                                                                                                                        | D, P, CM, AC, CC | D, P, CM or CC   | D, AA      |
| Land Acquisition & Disposal (including utility Easements)                                                                                  | AC, CC           | CC               | CC         |
| IGA and Grant Agreements                                                                                                                   | AC, CM, CC       | CM, CC           | AA         |
| D = Airport Director<br>AC = Airport Commission<br>CM = City Mangers<br>CC = City Council<br>P = Purchasing Body<br>AA = Airport Authority | 5 entities       | 4 entities       | 3 entities |



**Thank you!**

## AIRPORT GOVERNANCE

Monday, September 8, 2025; 4:30-6:00PM  
Platte River Power Authority, 2000 E. Horsetooth Road, Fort Collins  
Meeting Notes

Attendees:

Mayors: Jeni Arndt (remote) and Jacki Marsh  
Councilmembers: Julie Pignataro and Andrea Sampson (remote)  
City Managers: Kelly DiMartino and Jim Thompson  
Others: Ginny Sawyer, Laurie Wilson, Dianne Criswall, John Kinney, Carrie Daggett

PURPOSE:

Provide update on creation of Transitional Intergovernmental Agreement (IGA) and confirm next steps.

Staff provided background work that occurred over the past 2 years including:

- Governance Committee recommendation to move towards an Authority model
- Each City Council's action supporting the recommendation
- 2025 work towards a new IGA

Staff then presented current recommendations which include:

- Work towards a transitional IGA which will shift governance to City Managers
- Sunset the Airport Commission
- Develop Authority foundational documents in 2026

Discussion:

- Governance Committee supports the recommendations.
- Suggestions to work on a timeline that gets transitional IGA to both Councils prior to November Election.
- This timeline will remove any further review by Governance Committee or Commission. Everyone supports faster timeline.
- Staff highlighted that resident/stakeholder feedback will now be through the Councils and the airport stakeholder meetings.
- Committee recommends waiting until 2026 to determine if there is any need for additional Governance Committee work.

Next Steps:

- Update Commission at the next meeting (September 30.)
- Staff will finalize transitional IGA and schedule for each Council by the end of October.
- Cancel November Governance Committee meeting.

RESOLUTION 2025-090  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AUTHORIZING THE MAYOR TO EXECUTE AN  
INTERGOVERNMENTAL AGREEMENT BETWEEN  
THE CITIES OF LOVELAND AND FORT COLLINS REGARDING  
THE JOINT OPERATION OF THE NORTHERN COLORADO  
REGIONAL AIRPORT IN FURTHERANCE OF A TRANSITION TO  
AN AIRPORT AUTHORITY

A. In 1963, the City of Fort Collins and City of Loveland (jointly, the “Cities”) agreed to the establishment of a regional general aviation facility and become the owners and operators of the Fort Collins-Loveland Municipal Airport (the “Airport”).

B. Pursuant to Section 29-1-203 of the Colorado Revised Statutes (and Article II, Section 16 of the City Charter), the Cities are authorized by law to contract with one another to provide for the joint exercise of any function, service or facility lawfully authorized to each of the Cities.

C. The Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015 (the “IGA”), as amended in 2016 and 2019, which established the Northern Colorado Regional Airport Commission (the “Commission”) as part of the Airport governance structure. Through the IGA, the Cities delegated certain powers to the Commission while reserving certain powers to the City Councils.

D. In 2023, the Cities commenced a project to study a possible change in governance of the Airport (the “Project”) to enhance the efficiency and effectiveness of the Airport as an important asset of the Cities in the Northern Colorado Region. The Cities were awarded a grant through the Colorado Department of Transportation – Division of Aeronautics to provide funding for the Project.

E. As part of the Project, the Cities, through their expert consultant, conducted interviews with all members of the City Councils of the Cities to discuss governance options and provided a memorandum regarding the information he gathered and the potential governance structures available to the Cities.

F. Through approval of Resolution 2023-101 by the Fort Collins City Council and by motion of the Loveland City Council, each City appointed two City Council members to serve on a Joint Committee Regarding Airport Governance (the “Governance Committee”) to review the Project and ultimately make a recommendation to the City Councils regarding a governance model for the Airport.

G. Throughout 2024, the Governance Committee met four times and ultimately recommended that the City Councils move towards the creation of a public airport authority under the Public Airport Authority Act (C.R.S. §§ 41-3-101, et seq.).

H. Pursuant to Resolution 2025-014 of the Fort Collins City Council and Resolution R-26-2025 of the Loveland City Council, the Cities directed staff of the Cities to pursue the recommendation of the Governance Committee. Through the process of determining and evaluating the various steps required to form an airport authority, City staff carefully reviewed the issues facing the Airport and its financial status.

I. The proposed Intergovernmental Agreement would amend the governance structure of the Airport by eliminating the Commission and delegating powers to the City Councils, City Managers, and Airport staff while the Cities continue to successfully jointly operate the airport while working towards the formation of an airport authority.

J. The City Council has received a favorable recommendation for the proposed Intergovernmental Agreement from Airport staff and has determined that the Intergovernmental Agreement is in the best interests of the City.

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

Section 1. The Intergovernmental Agreement Between the Cities of Loveland and Fort Collins Regarding the Joint Operation of the Northern Colorado Regional Airport in Furtherance of a Transition to an Airport Authority amending the governance structure for the Airport, attached hereto as Exhibit A and incorporated herein by this reference, is approved.

Section 2. The Mayor is authorized to execute said Intergovernmental Agreement together with such changes to the form of said agreement as the City Manager, in consultation with the City Attorney, determines to be necessary or appropriate to protect the interests of the City provided that such changes are materially consistent with the terms and conditions of this Resolution and the intended purpose of said agreement.

Section 3. The Intergovernmental Agreement shall supersede and fully replace the Amended and Restated Intergovernmental Agreement dated January 22, 2015, as amended.

Passed and adopted on October 21, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: October 21, 2025  
Approving Attorney: Dave Gorlin

Exhibit: Exhibit A – Intergovernmental Agreement Between the Cities of Loveland and Fort Collins Regarding the Joint Operation of the Northern Colorado Regional Airport in Furtherance of a Transition to an Airport Authority.

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF LOVELAND  
AND FORT COLLINS REGARDING THE JOINT OPERATION OF THE NORTHERN  
COLORADO REGIONAL AIRPORT IN FURTHERANCE OF A TRANSITION TO AN  
AIRPORT AUTHORITY**

THIS Intergovernmental Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2025, between THE CITY OF LOVELAND, COLORADO, a municipal corporation (“Loveland”), and THE CITY OF FORT COLLINS, COLORADO, a municipal corporation (“Fort Collins”), hereinafter referred to individually as a “City” and collectively as the "Cities."

**RECITALS**

WHEREAS, in 1963, the Cities established a regional general aviation facility and became the joint owners and operators of the Fort Collins-Loveland Municipal Airport, now known as the Northern Colorado Regional Airport (the "Airport"); and

WHEREAS, pursuant to Section 29-1-203 of the Colorado Revised Statutes (and Article II, Section 16, of the Fort Collins City Charter), the Cities are authorized by law to contract with one another to provide for the joint exercise of any function, service or facility lawfully authorized to each of them if such contracts are approved by the Councils of the Cities; and

WHEREAS, the Cities currently operate and maintain the Airport pursuant to that certain Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Airport dated January 22, 2015 (the “IGA”), which established the Northern Colorado Regional Airport Commission (the “Commission”) as part of the Airport governance structure. Through the IGA, the Cities delegated certain powers to the Commission while reserving certain powers to the City Councils; and

WHEREAS, in 2023, the Cities commenced a project to study a possible change in governance of the Airport (the “Project”) to enhance the efficiency and effectiveness of the Airport as an important asset of the Cities in the Northern Colorado Region. The Cities were awarded a grant through the Colorado Department of Transportation – Division of Aeronautics to provide funding for the Project; and

WHEREAS, as part of the Project, the Cities, through their expert consultant, conducted interviews with all members of the City Councils of the Cities to discuss governance options and provided a memorandum regarding the information gathered and the potential governance structures available to the Cities; and

WHEREAS, through approval of Resolution 2023-101 by the Fort Collins City Council and by motion of the Loveland City Council, each City appointed two City Council members to serve on a Joint Committee Regarding Airport Governance (the “Governance Committee”) to review the Project and ultimately make a recommendation to the City Councils regarding a governance model for the Airport; and

WHEREAS, throughout 2024, the Governance Committee met four times and ultimately recommended that the City Councils move towards the creation of a public airport authority under the Public Airport Authority Act (C.R.S. §§ 41-3-101, et seq.); and

WHEREAS, pursuant to Resolution 2025-014 of the Fort Collins City Council and Resolution R-26-2025 of the Loveland City Council, the Cities directed staff of the Cities to pursue the recommendation of the Governance Committee. Through the process of determining and evaluating the various steps required to form an airport authority, City staff carefully reviewed the issues facing the Airport and its financial status, and recommended the adoption of an IGA regarding the joint ownership and operation of the Airport which returns to the pre-2015 governance model; and

WHEREAS, at its meeting on September 8, 2025, the Governance Committee agreed with the recommendation of staff regarding the adoption of a new IGA which would sunset the Airport Commission upon approval and vest decision-making authority in the Airport Director, City Managers, and City Councils in furtherance of the goal of the formation of an airport authority.

### AGREEMENT

1. Continued Joint Airport Operation. The operation and maintenance of the Airport shall be a continued joint venture between the Cities, with full management and policy-making authority vested equally in both Cities. “Policy Issues” shall mean and include, but shall not be limited to, the adoption of the Airport’s Master Plan, approval of and participation in federal and state grant agreements, approval and execution of federal and state grant assurances, the approval of which may be delegated pursuant to Code to the City Managers of each City, purchases and sales of real property or structures, leasing of Airport property, construction of capital projects, adoption or revision of Airport rules and Regulations, adoption of fees and charges, and approval of the annual contributions to the Airport budget.
2. Facility Management. Management authority over Airport operation and commercial, industrial or other operations and activities of any kind located at the Airport is vested in the City Managers of the two Cities pursuant to the authority granted to them by their respective City Charters, Municipal Codes and by the City Councils through any delegation set forth in this Agreement.
3. Provision of Administrative Services. It is agreed that the Cities shall continue to provide administrative services to Airport operations.
  - a. Such services shall include but shall not be limited to personnel, salary and benefits administration, legal services, accounting, budget preparation assistance, engineering, risk management, purchasing and other similar administrative services.
  - b. The City providing such services shall be entitled to recover, out of funds budgeted and appropriated for the Airport, its reasonable expenses incurred. The administrative charge shall be calculated in the same manner as charges made by the providing City to its own governmental enterprise funds.

- c. The City Managers shall maintain administrative guidelines (the “Administrative Guidelines”) which specify the duties and responsibilities of each City and any method or methods by which one City may enter into purchasing, consulting and other contracts pertaining to the Airport on behalf of both Cities, and liability, property, and other insurance or coverage necessary for the Airport. The Administrative Guidelines shall also specify, within the limits set forth in subparagraph B above, the expenses which each City shall be entitled to recover for specific services provided. The Administrative Guidelines which have heretofore been developed are attached hereto as “Exhibit A” and incorporated herein by reference. Modifications may be made to said Administrative Guidelines by mutual agreement of the City Managers in order to effect more efficient administration of the Airport.
4. Procurement. The parties acknowledge entering into contracts and agreements may require different processes to approve, in accordance with their respective charters and ordinances. Unless otherwise agreed by the parties, all contracts or agreements executed shall include a requirement that the contractor, vendor, lessee, or licensee name both Cities as insureds and/or as an additional insured under any insurance policies required in amounts mutually agreed by the parties. Each City may participate equally in the vendor selection process in accordance with a competitive purchasing process mutually agreed by the parties.
5. Airport Director, Appointment and Duties. The City Managers shall appoint an Airport Director, who shall be an employee of the City of Loveland and subject to the regulations and policies of Loveland. The City Managers shall regularly review the performance of the Airport Director. The Loveland City Manager may take necessary employment actions, including any terminations, after consultation with the City Manager for the City of Fort Collins. The Airport Director shall:
  - a. Manage the operations of the Airport in a safe and efficient manner and maintain the grounds, structures and equipment in a clean, orderly, safe and operational condition in conformity with all applicable federal, state and local laws, rules and regulations and other legal requirements;
  - b. Manage such operations in a manner which is compatible with the interests of the Cities;
  - c. Perform all duties normally associated with sound, safe, innovative, prudent and efficient Airport management and provide all services as are customary and usual to such operation:
    - i. Subject to direction from the City Managers and in conformance with applicable procurement requirements set forth in Exhibit A, procure such aviation and related services, equipment, materials and supplies as may be necessary for the proper operation and marketing of the Airport.
  - d. Prepare the Airport Annual Operating Budget in time to submit said budget and plan to the City Managers for approval and to submit the annual request for Airport budget contributions through both Cities’ annual budget processes for approval. The Annual Operating Budget shall itemize all anticipated revenues and operating

- expenses and shall support such items of revenue and expense with records and documents.
- e. In conjunction with the Airport Annual Operating Budget, prepare an Annual Operating Plan which shall include, but not be limited to: a maintenance and repair schedule; a schedule of proposed Airport fees; a list of all aviation and aviation-related concessionaires, contractors and tenants; a schedule of all leases, concessions, contracts and agreements to be negotiated or renegotiated; recommendations, if any, for revisions to the Emergency Contingency Plan, Airport Rules and Regulations, Noise Reduction Plan, Community Information Plan and Airport Security Plan; recommendations, if any, for non-capital equipment; a five-year projection of anticipated revenues and expenses based on a comparison with the previous fiscal year and prepared with reference to other relevant data; a schedule of proposed staffing levels of full-time, part-time and seasonal employees and any factors which may affect Airport operation and management. Appropriate modifications to the Airport Operating Plan shall be made as required to conform to the Airport Operating Budget as adopted or amended.
  - f. Prepare and submit to the City Councils for approval a written five-year Capital Improvement Plan for 2025 and each year thereafter as may be necessary in accordance with this Agreement. Such Capital Improvement Plan shall include, but not be limited to, an appropriate construction schedule for each project; a projection of the total and annual cost of each project; evaluation of the availability of federal, state or private financing options, for each project on the Airport Master Plan and on Airport operations, preliminary data to provide order of magnitude cost estimates for each project; and a statement of all major actions required to implement each such project.
  - g. Provide notification to the City Managers within ten (10) days of any accidents or incidents at the Airport as defined in 49 CFR Part 830. Such notification shall include the entirety of the report submitted to the National Transportation Safety Board when available, and any other information the Airport Director deems pertinent or the City Managers request.
6. Airport Funding. Each City acknowledges that ongoing funding for proper maintenance and capital development of the Airport may be necessary and each City agrees to review any request for funds from the Airport Director during its respective Annual Budget process.
- a. The Cities agree to continue the practice of sharing equally in the revenues and expenses arising from Airport operations. The Cities further agree that the City providing finance and accounting administrative services for the enduring budget year shall maintain a separate Airport fund to hold Airport revenues and pay appropriate Airport expenses in compliance with federal law and FAA regulations. If financially feasible, each City shall appropriate necessary funds for capital items, i.e. for maintenance of an existing facility, to build additional facilities, and to match any grants for Airport Improvement Program projects funded by the FAA.

- b. Financial contributions to the Annual Operating Budget and implementation of the Capital Improvement Plan shall be shared equally between the Cities, except that each party reserves the right to invest additional funds in the Airport as it sees fit.
  - c. Improvements to the real property as well as any personal property resulting from a single City's investments shall be and remain an asset of such investing City. However, single City investments shall have no effect on the percentages of ownership in the Airport as presently divided between the Cities.
  - d. It is understood and agreed that the City providing finance and accounting administrative services for the Airport may collect, hold, invest and disburse funds belonging to the other City (whether such funds are revenues from the Airport or financial contributions made by such other City or other funds belonging to such other City) only as an agent of such other City, and subject to the general duties and responsibilities of an agency relationship. Accordingly, the City providing such services shall, with respect to such funds of the other City, be under the control of the Chief Financial Officer of such other City and shall make monthly reports to such Chief Financial Officer, which reports shall contain a detailed accounting of all such funds collected, held, invested and disbursed by the City providing such services for the period of time covered by such report.
7. Effective Date. This Agreement shall become effective on the date of mutual execution of this Agreement by the parties.
  8. Effect Upon Prior Agreements. This Agreement shall extinguish and replace all intergovernmental agreements related to the operation and management of the Airport entered into between the Cities except for the terms and conditions of the Intergovernmental Agreement dated June 19, 1992, concerning the Airport fire station, which agreement shall be considered an amendment to the provisions of this Agreement should the provisions conflict.
  9. Term, Modifications, Extensions. This Agreement shall remain in full force and effect until December 31, 2026, unless earlier terminated by mutual written agreement of the parties hereto. This Agreement may be modified only by the written agreement of the parties hereto. This Agreement shall automatically renew for successive one-year terms unless a party provides notice to the other no less than 180 days prior to expiration of a term of an intent not to renew.
  10. Liability. Each party shall be responsible for any and all claims, damages, liability and court awards including costs, expenses and attorney fees incurred as a result of any action or omission of such party or its respective officers, employees and agents in connection with such party's performance of this Agreement. Notwithstanding anything in this Agreement to the contrary, nothing herein shall be construed as a waiver of the notice requirements, defenses, immunities, and limitations of liability the parties and their respective officers, directors, councilors, employees, volunteers, and agents may have under the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101, et seq., or to any other defenses, immunities, or limitations of liability available to the parties by law.
  11. Ownership of Land and Facilities. Except for single City purchases which shall become vested in the purchasing City in accordance with the provisions of Paragraph 5, ownership

of the real and personal property, buildings, structures and facilities located in the Airport shall be divided according to the date of acquisition as follows:

- a. Real property, improvements and personal property acquired prior to July 3, 1979, as described on “Exhibit B” and attached hereto and made a part hereof, or as established by extrinsic evidence shall be deemed to be vested in both Cities according to the following proportions:
    - i. An undivided one-third (1/3) interest to the City of Loveland; and
    - ii. An undivided two-thirds (2/3) interest to the City of Fort Collins.
  - b. Real property, improvements and personal property acquired on or after July 3, 1979, as well as any appreciation in value accruing to such properties or the properties described in Paragraph A above, shall be deemed to be vested in both Cities according to the following proportions:
    - i. An undivided one-half (1/2) interest to the City of Loveland; and
    - ii. An undivided one-half (1/2) interest to the City of Fort Collins.
  - c. In the event either party does not pay its one-half (1/2) share of agreed expenses in any given year, such City must immediately, through the respective City’s City Manager, report such non-payment to the other City Manager, report the amount as a liability to its independent auditor, and shall schedule the liability or obligation for discussion at the non-paying City’s next regularly scheduled City Council meeting.
12. Non-multiple year fiscal obligation. Nothing in this Agreement shall be construed to create a multiple fiscal year direct or indirect financial obligation of or on behalf of any party to this Agreement.
  13. Non-liability of Individuals. No officer, agent or other employee of either party hereto shall be charged personally or held contractually liable by or to the other party under any term of provision of this Agreement or of any supplement, modification or amendment to this Agreement because of any breach thereof, or because of his, her or their execution or attempted execution of the same.
  14. Benefits. This Agreement is made for the sole and exclusive benefit of the Cities, their successors and assigns, and is not made for the benefit of any third party.
  15. Relationship of Parties. The parties enter into this Agreement as separate, independent governmental entities and maintain such status throughout.
  16. No Assignment. The parties covenant and agree that they will not assign this Agreement, any interest or part thereof or any right or privilege pertinent thereto, without written consent of the other party first having been obtained.
  17. Entire Agreement/Ambiguities. This Agreement embodies the entire agreement of the parties. The parties shall not be bound by or be liable for any statement, representation, promise, inducement or understanding of any kind or nature not set forth herein. No changes, amendments or modifications of any of the terms of conditions of this Agreement shall be valid unless reduced to writing and executed by both parties. In the event of any ambiguity in any of the terms of this Agreement, it shall not be construed for or against any party hereto on the basis that such party did or did not authorize the same.

18. Applicable Law, Severability, Dispute Resolution. The laws of the State of Colorado shall be applied in the interpretation, execution and enforcement of this Agreement. Any provision rendered null and void by operation of law shall not invalidate the remainder of this Agreement to the extent that this Agreement is capable of execution. The parties agree to submit any dispute over the interpretation or application of this Agreement to mediation by a mediator agreed upon jointly by the parties. The cost of mediation shall be borne equally by the parties.

THE CITY OF LOVELAND, COLORADO  
A Municipal Corporation

By: \_\_\_\_\_  
City Manager

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy City Attorney

THE CITY OF FORT COLLINS, COLORADO  
A Municipal Corporation

By: \_\_\_\_\_  
City Manager

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Senior Assistant City Attorney

**EXHIBIT A****Administrative Guidelines**  
(Services Provided by the City of Loveland)

All services described below are to be provided by the City of Loveland, except as otherwise specifically noted.

**Legal Services**

The City Attorney's office will provide legal services to the Airport.

In the event that it is necessary to use the services of outside counsel, the cost incurred would be included in charges to the Airport.

**Accounting and Purchasing**

Accounting will maintain financial records for the Airport in a separate accounting fund. Services provided will include monthly reports, accounts payable, payroll processing, processing and payment of purchase orders, and preparation of work papers for the annual audit.

Performance of the annual audit would be included as an item in City's bid for audit services.

For purchasing, consulting, and other contracts pertaining to the Airport on behalf of both Cities, Loveland shall comply with Loveland Municipal Code Section 3.12 and related Loveland administrative regulations with respect to any and all procurements entered into pursuant to these Administrative Guidelines and the IGA. Loveland will act as sole signatory for any contracts entered into pursuant to this Agreement, except that both Cities must approve: any lease or other agreement for possession, use, or transfer of Airport property; and for the City of Fort Collins, any contract without a prior appropriation in place approving the specific expenditures in support of the agreement, any contract term that is longer than five years, any agreement that was not competitively bid, or when a grant condition, assurance, or agreement term differs for the City of Fort Collins from the City of Loveland.

**Personnel and Benefits Administration**

The Employee Relations Department will maintain employment records, assist in recruiting, disciplinary action and discharge of employees; assist with classification and compensation of employees; administer claims and benefits plans; and provide training programs for Airport employees.

Participation of Airport employees in training programs will be on the same basis as for employees of the City of Loveland. There is no cost except for those programs for which there is an additional cost for City employees.

All Airport employees shall be subject to the employee regulations and policies of the City of Loveland.

#### Engineering

Engineering will provide consultation on routine pavement management issues, bidding and administration of pavement maintenance contracts.

#### Facilities Maintenance

Facilities Maintenance can assist in establishing preventive maintenance schedules for the terminal and other buildings, and providing consultation on facilities maintenance issues.

#### General Administration

Environmental services including storm water discharge permitting and regulatory compliance, can be provided through civil engineers, environmental resource assistance, industrial pretreatment coordinators and other professionals, .

#### Street Sweeping

Parking lot and other sweeping are available.

#### Security

Security services which are outside the scope of the duty of the Loveland Police Department can be provided by off-duty officers, when available.

#### Risk and Insurance

The City of Loveland shall maintain liability coverage for the Airport. Risk management services related to this coverage will include claims administration; implementation of incident reporting to track and monitor problem areas; periodic meetings with the Airport manager to review the incident reports; and periodic safety inspections of the premises.

The City of Fort Collins shall maintain property coverage. Risk management services related to this coverage will include assistance with claims administration, periodic meetings with the airport manager, and other services as requested. There will be no charge for these services.

If a claim is payable for which a deductible, coverage limit, or self-insured retention coverage applies, the cities of Loveland and Fort Collins will share equally in the difference between the budgeted deductible, and the lesser of the amount of the claims and deductible amount provided for in the insurance policy. Such amount will not be charged to the Airport's Annual Operating Budget.

**EXHIBIT B**

The lands known as the Fort Collins-Loveland airport, including the following: the NW 1/4 of Section 28, Township 6 North, Range 68 West of the 6th P.M., lying South of and above the Loudon Ditch, except the following described portion: Considering the North line of the NW 1/4 of said Section 28 as bearing East and West and with all bearings herein relative thereto: Commencing at the Northwest corner of said Section 28; thence along the North line of said Section 28 East 820.14 feet to the point of beginning; thence S 28°47' E 164.69 feet; thence S 41°55' E 152.85 feet; thence S 00°09' E 157.83 feet; thence East 208.45 feet to the Southwesterly bank of the Loudon Ditch; thence Northwesterly along said Southwesterly bank of the Loudon Ditch to a point 20.00 feet East of the point of beginning; thence West 20.00 feet to the point of beginning; ALSO

The South 1/2 of Section 28, Township 6 North, Range 68 West of the 6th P.M.; ALSO

The West 1/2 of Section 33, Township 6 North, Range 68 West of the 6th P.M. except that part lying on the South side of the Union Pacific Railway Company right of way; ALSO

The East 1/2 of Section 33, Township 6 North, Range 68 West of the 6th P.M.

EXCEPT the portion of said property used for airport operations and rights of way for ingress and egress to the airport as now established and used.

**File Attachments for Item:**

**12. Items Relating to Amendments to the Land Use Code, Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.**

A. First Reading of Ordinance No. 166, 2025, Amending the Land Use Code of the City of Fort Collins Regarding Commercial Corridors and Centers.

B. First Reading of Ordinance No. 167, 2025, Updating the Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.

The purpose of this item is to seek Council approval of the proposed code changes. These code changes are intended to:

Enable more housing and mixed-use buildings, especially near existing and future transit.

Allow for more flexibility and adaptability, especially within the Harmony Corridor and Employment areas.

Create clearer building and site design standards to promote transit use and pedestrian access.

Improve predictability of the Land Use Code, especially to support small business owners.

Align the Harmony Corridor plan to the proposed Land Use Code changes.

Staff is proposing second reading of this Ordinance to take place on December 2, 2025, in order to allow sufficient time for any suggested changes between first and second reading.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



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## STAFF

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Sylvia Tatman-Burruss, Senior Policy & Project Manager  
Megan Keith, Senior Planner  
Noah Beals, Development Review Manager

## SUBJECT

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**Items Relating to Amendments to the Land Use Code, Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.**

## EXECUTIVE SUMMARY

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A. First Reading of Ordinance No. 166, 2025, Amending the Land Use Code of the City of Fort Collins Regarding Commercial Corridors and Centers.

B. First Reading of Ordinance No. 167, 2025, Updating the Harmony Corridor Plan and Harmony Corridor Standards and Guidelines.

The purpose of this item is to seek Council approval of the proposed code changes. These code changes are intended to:

- Enable more housing and mixed-use buildings, especially near existing and future transit.
- Allow for more flexibility and adaptability, especially within the Harmony Corridor and Employment areas.
- Create clearer building and site design standards to promote transit use and pedestrian access.
- Improve predictability of the Land Use Code, especially to support small business owners.
- Align the Harmony Corridor plan to the proposed Land Use Code changes.

Staff is proposing second reading of this Ordinance to take place on December 2, 2025, in order to allow sufficient time for any suggested changes between first and second reading.

## STAFF RECOMMENDATION

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Staff recommends adoption of the Ordinances on First Reading.

## BACKGROUND / DISCUSSION

The Land Use Code (LUC) Update: Commercial Corridors and Centers, focuses on changes along major roadways with frequent bus service to encourage more housing and mixed-use development, create more resilient commercial and employment centers, and improve predictability through site design standards and clear site improvement requirements.

### Foundational Land Use Code Changes

Several foundational LUC changes were adopted by Council on April 16, 2024. These include:

- Reorganized content so the most used information is first in the code
- Reformatted zone districts with consistent graphics, tables, and illustrations
- Created a menu of building types and form standards to guide compatibility
- Updated use standards, rules of measurement, and definitions to align with new building types and standards
- Expanded and re-calibrated incentives for affordable housing
- Regulate density through form standards and building types instead of dwelling units per acre
- In addition to the Foundation Land Use Code Changes adopted in 2024, there are similar changes being made with this round of code updates. Those include:
  - Reorganizing and consolidating portions of the code, most notably in Articles 4 and 5
  - Simplifying text within the LUC and using tables and illustrations where possible
  - Clarifying rules of measurement for and standards for commercial development
  - Clarifying, simplifying, and codifying micro- minor- and major-amendment standards

The desire for these changes to simplify the process toward greater clarity and predictability within the development review process were expressed during public engagement, most specifically within the Focus Group conversations. These changes, in addition to the changes detailed below, are meant to result in a more predictable and simplified process in applying the LUC, especially in Commercial and Employment areas.

### State Legislation

Several bills were passed last year through the state legislature that will affect local Land Use Policy. Some compliance work related to these bills is ongoing, and some of these requirements have already been addressed as LUC updates within the last year.:

#### HB-1313 Housing in Transit-Oriented Communities:

This bill requires the establishment of a Housing Opportunity Goal and ongoing reporting to ensure a minimum zoned housing capacity along high frequency transit corridors. In addition, the bill requires communities to review and permit multifamily and mixed-use projects in transit areas without requiring a public hearing and to develop anti-displacement strategies. The City has complied with the first deadline to submit a preliminary transit-oriented community assessment report on or before June 30, 2025, and this Preliminary Housing Opportunity Goal was accepted by the Department of Local Affairs (DOLA). Transit Center analysis will take place following the Commercial Corridors and Centers Land Use Code updates. This report is due to DOLA by December 31, 2026.

HB-1152 Accessory Dwelling Units:

This bill required updating our Land Use Code to permit Accessory Dwelling Units (ADUs) wherever we allow single-family detached homes. As of February 14, 2025, the LUC was updated to be compliant with HB-1152.

HB-1304 Minimum Parking Requirements:

This bill required updates to the Land Use Code to remove minimum parking requirements for multi-family and certain mixed-use projects close to transit. As of February 15, 2025, the LUC is compliant with HB-1304.

**Policy Foundation**

Code updates are complex, multifaceted efforts that build on years of previous planning work. The LUC is the City's primary regulatory tool for implementing our community's vision as described in various policies and adopted plans. The City has over 300 pages of adopted policies and information to inform the LUC Updates that primarily come from the following documents:

- City Plan
- Housing Strategic Plan (HSP)
- Economic Health Strategic Plan
- Our Climate Future (OCF)
- Transit Master Plan
- 15-Minute City Analysis
- Land Use Code Audit (which identified opportunities to align LUC with the newly adopted City Plan)
- Council Priorities (affordable and achievable housing strategies; 15-minute communities)
- Urban Forest Strategic Plan

**Relevant Council Priorities**

- Council Priority No. 1: Operationalize City resources to build and preserve affordable housing
- Council Priority No. 3: Advance a 15-minute city by igniting neighborhood centers
- Council Priority No. 4: Pursue an integrated, intentional approach to economic health
- Council Priority No. 8: Advance a 15-minute city by accelerating our shift to active modes

These documents and priorities serve as primary inputs to the formation of Guiding Principles and code language, augmented by work accomplished in Phase 1 of the LUC update. Staff have been engaging internal staff and providing monthly updates at work sessions with the Planning & Zoning Commission.

**Guiding Principles**

The following Guiding Principles were developed utilizing goals, policies and action items from the adopted policy plan documents mentioned above, in addition to Council priorities.

- Enable more housing and mixed-use buildings, especially along roads with frequent bus service
- Create resilient commercial and employment centers that are adaptable to future needs

- Create clearer building and site design standards that promote transit use, walking, and rolling along roads with frequent bus service
- Improve Predictability of the Land Use Code, especially to support small business owners

## **COMMERCIAL CORRIDORS AND CENTERS LAND USE CODE CHANGES**

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Focus areas for Land Use Code updates have been identified based on Guiding Principles, community input, and analyses conducted by the consultant team and City staff. These project focus areas are presented in four categories including:

- Transit-Oriented Development (TOD) Overlay
- Harmony Corridor & Employment Zones
- Building Types & Design Standards
- Change of Use & Amendments

### **Transit Oriented Development Overlay Changes**

**Corresponding Guiding Principle:** Enable more housing and mixed-use buildings, especially along roads with frequent bus service

The Purpose of the Transit-Oriented Development Overlay District is to modify the underlying zone districts along College Avenue south of Prospect Road to encourage denser development, and supportive land uses close to transit. The TOD Overlay offers height bonuses if projects meet various criteria. These criteria include building affordable units (at least 10%), including structured parking, and including mixed-use. Height bonuses are meant to incentivize greater density in certain areas. Most of the underlying zone district south of Prospect Road within the TOD Overlay is General Commercial.

**Example:** A 4-story building is currently allowed in General Commercial zoning (CG). With the TOD Overlay Zone Incentives, up to a 7-story building would be allowed if all incentives were used.

### ***Standalone Residential***

- Although the TOD Overlay encourages higher-intensity mixed-use development, most of the built and proposed development and redevelopment in this area continues to be suburban in character and generally low-intensity uses.
- Testing the various potential configurations for market feasibility reveals that most configurations to include mixed-use, even with the additional height allowances, do not achieve a feasible internal rate of profitability return that would make a developer willing to take on a project. Primarily, costs of construction and low commercial rents disincentivize building more floors.
- Only with tax increment financing does the prospect of adding the additional 3 floors allowed within the TOD Overlay and a ground floor commercial component begin to achieve a feasible internal rate of return.

However, a test scenario to assume one-story additional height allowance (5-story residential building) without a mixed-use component is found to be the most market feasible development type available today. Based on these findings, a change related to height allowance is included in the recommended LUC changes

## **TOD Allowed Uses**

Another reason why the development pattern within the TOD Overlay continues to be low-density and auto-centric could be the land uses that are allowed by the LUC. Permitted land uses in the TOD currently include gas stations, self-storage, drive-thru restaurants, drive-thru pharmacies, car washes, drive-thru banks & credit unions, and stand-alone parking lots, amongst others. Auto-centric uses are already concentrated within most of the TOD Overlay, particularly in the area south of Prospect Road. Additional concentration of these uses makes it more difficult to achieve the dense, mixed-use environment as envisioned by the TOD Overlay.

Staff recognize that the existing function and conditions of College Avenue/Highway 287 as a state highway are partially at odds with the vision for both the TOD overlay as well as how City Plan and other policy plans envision this area. For this reason, staff considered many approaches when formulating recommendations related to the TOD overlay. Options under consideration and shared during community engagement included:

- Make no changes to allowed uses within the TOD Overlay
- Limit all new auto-centric uses within the TOD Overlay
- Limit certain auto-centric uses with geographic parameters (such as distance requirements between uses, or distance from MAX stations)
- Introduce additional design standards to influence the form and design of future auto-centric uses

Through these conversations, staff, community members, and focus group participants also recognized that there are many different contexts within the TOD Overlay. For example, the character of the area surrounding the College and Prospect intersection is much different than the context of College Avenue south of Harmony Road. And although all of these areas within the TOD Overlay are envisioned to become transit-oriented, mixed-use places over time, there could be more readiness for a larger shift in the northern portion of the TOD overlay closer to the CSU campus and closer to Downtown. For these reasons, staff initially proposed subdividing the TOD overlay into multiple Zones A, B, and C to respond to the existing context within the corridor. However, when presented to City Council, Councilmembers provided feedback that breaking the TOD overlay into subareas would cause greater confusion and add complexity. Therefore, the recommendations related to uses are as follows:

### **Recommended LUC and Policy Changes – TOD Land Uses**

- Limit new Gasoline Stations (gas stations) within 1000' of MAX Stations, other existing gas stations, and Convenience Stores with Fuel Sales within the entire TOD Overlay
- Prohibit new enclosed mini-storage use in entire TOD Overlay
- Prohibit new boat sales with storage use in entire TOD Overlay

## **Parking**

Community engagement for this project thus far has documented a large volume of comments about the amount of existing surface parking provided by many of the commercial developments across Fort Collins, but particularly in the TOD overlay. Currently in the Land Use Code, there is a parking minimum and a parking maximum that must be met by non-residential uses. Like the topic of the TOD Overlay, many different scenarios related to parking were considered and discussed. Some options under consideration and shared during community engagement included:

- Keep parking minimums and maximums as-is
- Lower parking minimums and/or lower parking maximums
- Eliminate parking minimums for non-residential uses in the TOD
- Eliminate parking minimums for non-residential uses citywide (including the TOD)

### **Recommended LUC and Policy Changes – TOD Parking**

- Within the entire TOD:
  - Eliminate parking minimums
  - Revise existing maximums to apply to surface parking lots only and set the maximum contiguous surface parking lot allowance at 2.0 acres, inclusive of circulation and landscaping
  - Require parking lots larger than one acre to be bounded on multiple sides by “streets” that are designed/function as public streets with street trees and sidewalks

### **Harmony Corridor & Employment Zone Changes**

[Corresponding Guiding Principle: Create resilient commercial and employment centers that are adaptable to future needs](#)

The Harmony Corridor District is intended to implement the design concepts and land use vision of the Harmony Corridor Plan - that of creating an attractive and complete mixed-use area with a major employment base. The Harmony Corridor Plan was adopted in 2006 as an element of City Plan. “Primary” and “Secondary” uses were established to emphasize the office and employment functions of the area. While this has served the area well in the past, market conditions have shifted away from large office parks and demand for residential and smaller retail has increased.

#### Current Standards:

In addition to defining Primary and Secondary Uses within the Harmony Corridor, the LUC defines ratios of Primary versus Secondary Uses for development plans as follows:

- Secondary Uses may occupy no more than 25% of the Gross Area of the Development Plan
- Locate industries and businesses in areas designated for Primary Uses.
- Primary uses must account for 75% of the development plan area.

#### **Primary Uses:**

- Offices, financial services & clinics
- Long term care facility
- Medical centers/clinics
- Light industrial
- Mixed-use Dwellings
- And Others

#### **Secondary Uses:**

- Residential uses (with some exceptions)
- Convenience shopping centers
- Standard restaurants
- Limited indoor recreation use and facility
- Child Care Centers
- And Others

Staff considered a variety of options related to the primary and secondary use ratios and presented these options for community consideration. These options included preserving the ratio as-is in order to strongly preserve the employment base, adjusting the ratio to allow more flexibility (50:50), or consider eliminating the ratio entirely. Staff also discussed other ratios, like 60:40 primary/secondary use balance, or multiple other combinations.

Community engagement and focus group engagement showed strong preference to introduce more flexibility, but there were differing opinions on how far to go towards flexibility. Testing various market feasibility scenarios revealed that housing is the most economically viable type of development in these zones – much stronger than the current market for new office development. Achieving a greater supply of housing also aligns with Council Priorities and with other City goals. However, preserving some areas as an employment base align with economic health Council priorities and other city policy priorities as well. For these reasons, recommended LUC changes include allowing more flexibility by adjusting the primary/secondary use ratios in Harmony Corridor zoning and Employment zoning to 50:50. This balances the desire for a greater mix of uses with the desire to maintain the opportunity for local jobs and industry.

## **Building Types & Design Standards**

**Corresponding Guiding Principle: Create clearer building and site design standards that promote transit use, walking, and rolling along roads with frequent bus service**

The LUC currently does not include non-residential building types. This often results in a lack of clarity for development teams regarding design standards and can sometimes lead to project delays and miscommunication.

Article 5 of the LUC (General Development and Site Design) includes the standards that influence building placement and site design, building standards, circulation and connectivity standards, bus stop design standards, etc. – standards that influence the pedestrian, multi-modal, and transit experience.

Form standards and building types (like the diagrams added during Phase 1 of the LUC update) can yield better design outcomes and can help achieve more predictability in built projects.

Article 5 of the LUC was not updated in the last round of code updates and contains redundant sections that could be clarified, simplified, and possibly eliminated with the addition of building types.

## **Change of Use & Amendments**

**Corresponding Guiding Principle: Improve predictability of the Land Use Code, especially to support small business owners**

The Change of Use process is used in a variety of situations, including for existing business spaces that are changing from one allowable use (ex: retail shop) to another (ex: restaurant). Often the requirements are meant to identify both areas of necessary site improvements (ex: sidewalks and lighting) that are commensurate with the change of site intensity (ex: more visitors at different times of the day).

Current standards do not offer clearly defined boundaries for the extent of site improvements. The onus is then placed on staff to decide on the level of requirements for a Change of Use process. These requirements are often based on site deficiencies rather than other factors, such as actual changes to site intensity or the magnitude of the project (ex: major site reconfiguration or a major change in site use intensity).

## SUMMARY OF PROPOSED CHANGES

The following tables summarize the LUC recommendations by category.

Table 1: All Proposed TOD Recommendations

| Recommendation Number | Recommendation                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TOD 1                 | Allow 5-story standalone residential within the General Commercial zone                                                                                                                                                                                                                                                                                     |
| TOD 2                 | Limit new Gasoline Stations (gas stations) within 1000' of MAX Stations, other existing gas stations, and Convenience Stores with Fuel Sales                                                                                                                                                                                                                |
| TOD 3                 | Prohibit new enclosed mini-storage use in entire TOD Overlay                                                                                                                                                                                                                                                                                                |
| TOD 4                 | Prohibit new boat sales with storage use in entire TOD Overlay                                                                                                                                                                                                                                                                                              |
| TOD 5                 | Eliminate parking minimums in the entire TOD Overlay but retain maximums for surface parking. Set a maximum contiguous surface parking lot allowance at 2.0 acres, inclusive of circulation and landscaping. Introduce additional site design standards such as requiring parking lots to be bound on at least two sides by streets (public and/or private) |

Table 2: All Proposed Harmony Corridor and Employment Recommendations

| Recommendation Number          | Recommendation                                                                                                                                                                                                                                    |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HC/E 1                         | Adjust to a 50:50 primary/secondary use split                                                                                                                                                                                                     |
| HC/E 2                         | Allow standalone residential to replace existing parking lots (will not count towards ratio)                                                                                                                                                      |
| HC/E 3                         | Codify primary/secondary use split calculation methodology                                                                                                                                                                                        |
| HC/E 4                         | Allow primary use exceptions for mixed-use buildings when: <ul style="list-style-type: none"> <li>• Primary uses occupy at least 25% of the ground floor</li> <li>• Non-residential secondary uses may occupy 100% of the ground floor</li> </ul> |
| HC/E 5                         | Allow residential buildings to be a maximum of six (6) stories in HC zone (increased from 3 stories)                                                                                                                                              |
| HC/E 6 (added by City Council) | Allow Affordable Housing Projects to be exempt from the primary/secondary use split                                                                                                                                                               |

Table 3: All Proposed Building Types and Design Standards Recommendations

| Recommendation Number | Recommendation                                                                                                                                       |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| BTDS 1                | Add Non-Residential Building Types 'Shopfront' and 'General' to the Land Use Code. Shopfront Building Type replaces existing Mixed-Use Building Type |
| BTDS 2                | Consolidate, clarify and update standards within Land Use Code Articles 3 and 5 (see draft code for specific changes)                                |
| BTDS 3                | Convert text standards to illustrations and tables whenever possible (see draft LUC for specific changes)                                            |

Table 4: All Proposed Change of Use &amp; Amendments Recommendations

| Recommendation Number | Recommendation                                                                                                                                                                                                                                                         |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CU 1                  | <ul style="list-style-type: none"> <li>Created new tables that outline proposed exterior and interior changes that determine amendment type</li> <li>Tables cover No Amendment, Micro and Parkway Landscape Amendment, Minor Amendment, and Major Amendment</li> </ul> |
| CU 2                  | Created a new table that lists site improvements, and which are applicable based on amendment type.                                                                                                                                                                    |

## **HARMONY CORRIDOR PLAN & HARMONY CORRIDOR STANDARDS AND GUIDELINES**

The Harmony Corridor Plan and Harmony Corridor Standards and Guidelines are companion documents originally adopted in the early 1990's that guide development along the Harmony Road corridor between College Avenue and I-25. These documents are responsible for the vision of an employment-focused corridor and the origination of requirements in the Harmony Corridor (HC) zone district requiring a minimum of 75% primary employment land uses in much of the zone district.

With the proposed Commercial Corridors and Centers Land Use Code updates, staff is proposing updates to the Harmony Corridor Plan and Standards and Guidelines documents to ensure continued consistency between these policy and regulatory documents. The most substantive content change is updating policy LU-2 in the Corridor Plan and Chapter V in the Standards and Guidelines to indicate that at least 50% of land uses in the 'Basic Industrial and Non-Retail Employment Activity Centers' areas of the corridor must be primary uses, down from 75%. In addition, the narrative for these policies now reflects the proposed LUC exceptions for mixed-use dwellings containing ground floor non-residential uses as well as affordable housing projects.

In addition to this content change, both documents also incorporate changes to chapters and policies related to the Gateway Area of the Harmony Corridor near I-25. City Council approved a number of changes to the Gateway Area in 2020 by ordinance; however, these changes have not yet been fully incorporated to the entire Harmony Corridor Plan and Standards and Guidelines documents until now.

Finally, both documents have also been updated and modified in minor ways for formatting purposes and to reflect the usage of newer City logos and terms. Such changes include:

- Updating City logos

- Replacing 'Planning and Zoning Board' with the 'Planning and Zoning Commission'
- Incorporation and/or substitution of Gateway Area policies and chapters adopted by City Council in 2020
- Updating chapter numbers and repagination throughout both documents after 2020 Gateway Area changes were incorporated
- Update amendment dates on relevant chapters and the list of adopting ordinances and resolutions at the end of each document

## **CITY FINANCIAL IMPACTS**

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None.

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

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Planning and Zoning Commission Hearing met on October 16. The Commissioners had some questions and one recommendation (that 6.3.10.A. does not result in an outcome that is more restrictive than the language currently stated in Code) which will be addressed in the Read Before Memo which provided to Council prior to the 10/21 meeting. Staff noted there may be an opportunity between first and second reading to refine some of the language discussed by P&Z. As a result, scheduling second reading in November may not allow sufficient time for staff to develop and recommend any amendments following first reading.

## **PUBLIC OUTREACH**

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- **Ongoing Engagement:**
  - Monthly newsletter updates to project newsletter subscribers
  - Adding new content to OurCity page
- **Neighborhood Visits: Various dates, October 4 – October 14, 2024**
  - In October, the City of Fort Collins held six neighborhood visits with over 50 participants, one in each council district, as part of the Land Use Code Commercial Corridors and Centers updates. These events provided residents with an opportunity to learn how the LUC has influenced their neighborhoods, including the places where they work, shop, and spend time.
  - In advance of the neighborhood visits, the OurCity website had an interactive map feature that allowed participants to make specific comments on places throughout the community that they both liked or disliked and why. This information helped focus and inform LUC changes that influence the built environment. For example, many comments focused on surface parking lots and the pedestrian experience within a parking lot. These insights were helpful in developing recommended LUC changes and standards for parking lot design.
- **Business Kickoff Event: October 23, 2024**
  - In partnership with the Fort Collins Chamber of Commerce, the City hosted a business engagement kickoff event to educate participants about the LUC and to share the ways that businesses could engage with the City to help guide these important policy decisions.

- **Community Forum: November 18, 2024**

- The community forum featured City staff providing an overview of the LUC update, similar to what was shared with participants of the neighborhood visits. Staff also shared insights gathered from the community during neighborhood visits, the business kickoff event, and the interactive project map. The presentation highlighted key learnings from the LUC update. Following the presentation, a Q&A session allowed attendees to ask questions and share their thoughts.

- **Focus Groups: January and June 2025**

- Focus Groups were convened in both January and June 2025. Participants were asked at the first session to share their thoughts and experiences interacting with the LUC. At the second session, a similar group of participants provided feedback on the direction of LUC updates and whether they were addressing identified issues or challenges with the LUC.

- **April Open Houses:**

- City staff hosted both a virtual and in-person open house April 7<sup>th</sup> and April 9<sup>th</sup> respectively. The purpose of these events was to give community members the opportunity to provide input on the direction of the draft code updates and help shape updates to the LUC.

- **LUC Draft Release: September 2025**

- The public draft of the LUC was released for review in early September. The draft was available to view on the City's website, along with the ability to submit comments via email to project staff. Open comment on the public review draft continued through early October, allowing it to be available to review for over one month.
- Project staff hosted office hours at 281 N. College during the month of September on Mondays and Wednesdays, or by appointment, to discuss the LUC changes with project staff.

- **Draft Code Testing Sessions: October 2025**

- In early October, frequent LUC users were invited to participate in a code testing session to apply the proposed code changes in a real project setting. This testing of the draft code helps identify gaps or further refinements that are needed. The group identified some potential adjustments to the proposed code, as well as some ideas for future code updates. The potential adjustments that could be made within the current draft code include:
  - Additional language to clarify how height bonuses can be combined within the Transit Oriented Development Overlay
  - Include additional drive-through diagrams that depict a drive-through configuration for a corner lot (newly added example shows a mid-block configuration). It was suggested that additional example imagery would be helpful to convey the various ways the standards can be met.
  - Suggestion to label the building types diagrams with 'primary frontage' and 'secondary frontage' rather than 'primary street' and 'side street'. This was suggested to allow more flexibility to determine the primary frontage based on site context and project considerations.
  - Include additional imagery under the General building type to depict buildings that meet the standard and are aspirational.

## ATTACHMENTS

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1. Harmony Corridor Plan Revisions (redlined version)
2. Harmony Corridor Standards and Guidelines Revisions (redlined version)
3. Presentation
4. Ordinance No. 166, 2025
5. Ordinance No. 167, 2025

# Harmony Corridor Plan

An Element of the City of Fort Collins Comprehensive Plan

December 2, 2025

# HARMONY CORRIDOR PLAN

An Element of the City of Fort Collins  
Comprehensive Plan

(Redline Version )

~~February 7, 2006~~

**December 2, 2025**





An aerial photograph showing a rural landscape. The image is divided into various sections by roads and field boundaries. There are several large, dark, irregular shapes that appear to be ponds or reservoirs. The terrain is mostly flat, with some variations in shading suggesting different types of vegetation or soil. In the upper left, there is a cluster of small, light-colored structures, possibly a farm or a small village. The overall scene is a mix of natural and human-made elements.

*The first step in adequate  
planning is to make a fresh  
canvass of human ideals  
and human purposes.*

LEWIS MUMFORD

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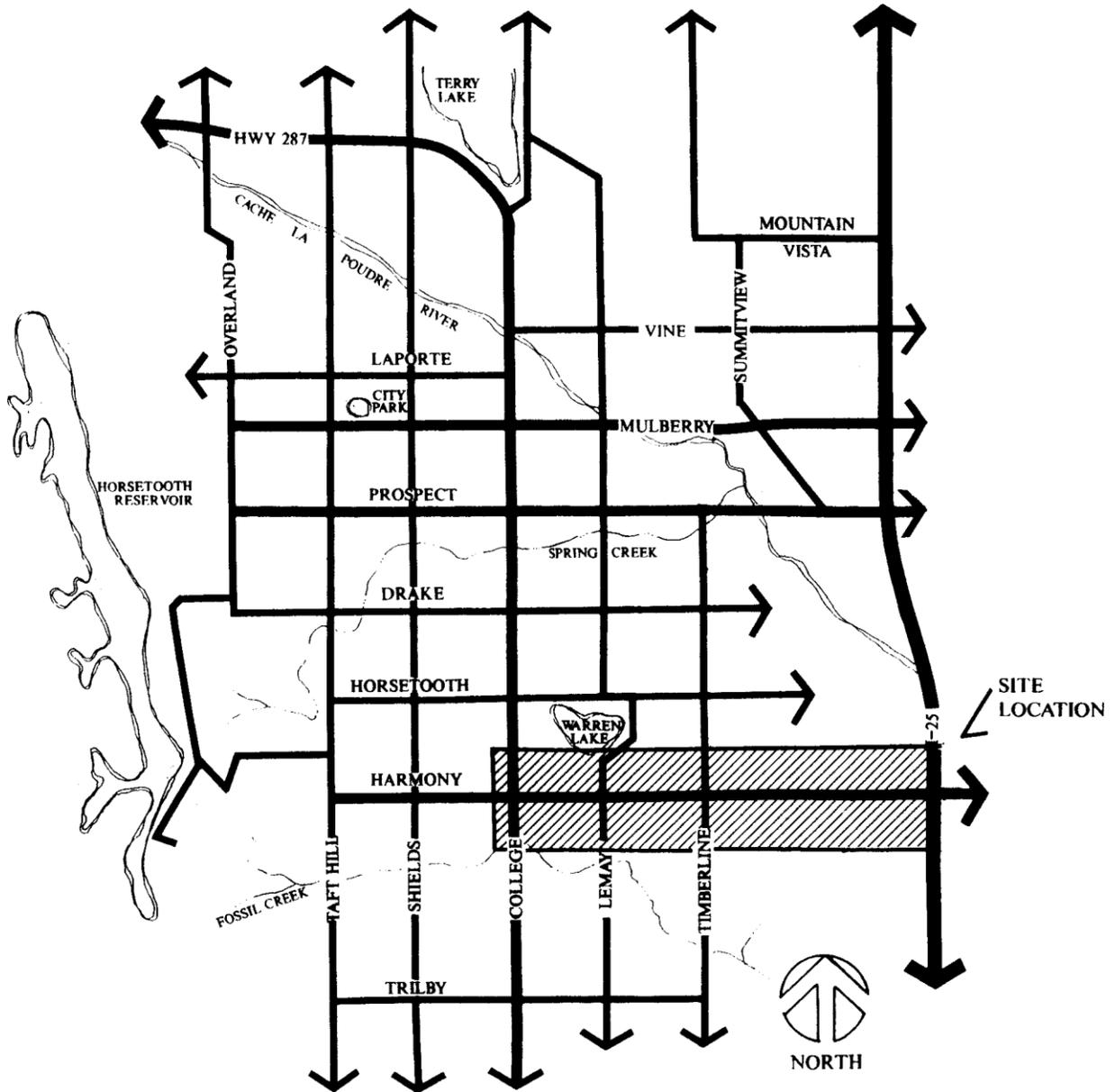
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# 1 INTRODUCTION

*Genuine planning is an attempt,  
not arbitrarily to displace reality,  
but to clarify it and to grasp firmly  
all the elements necessary to bring  
the geographic and economic facts  
in harmony with human purpose.*

LEWIS MUMFORD

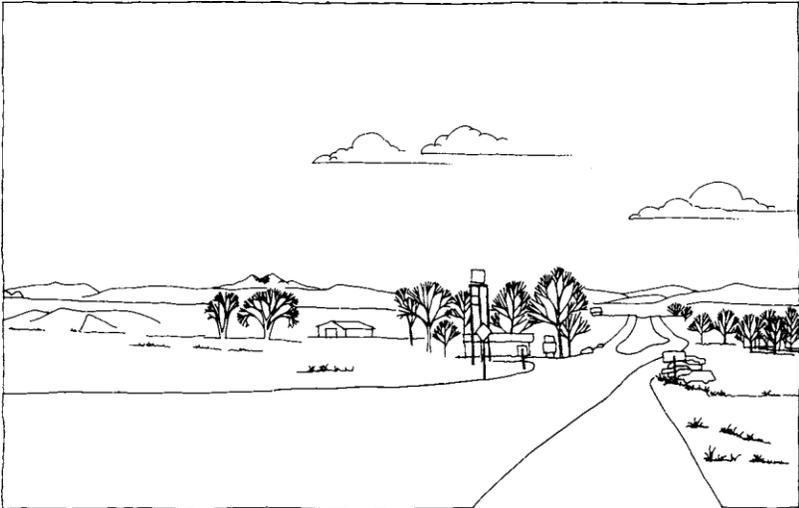
# City of Fort Collins Orientation Map



### THE HARMONY CORRIDOR

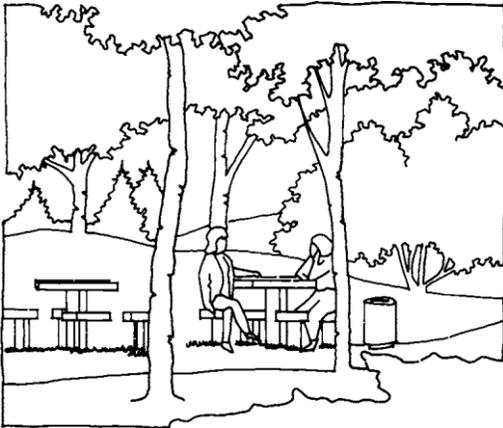
The Harmony Corridor planning area extends for five miles, from the I-25 interchange to the Burlington-Northern railroad tracks located west of College Avenue. The area extends approximately one-half mile north and south of Harmony Road. Over 7,000 people live and work in the corridor. Linking I-25 to U.S. Highway 287, Harmony Road carries approximately 28,000 vehicles to and from Fort Collins each day. It is anticipated that this figure will grow to 35,000 by the time the corridor is fully developed. The I-25/Harmony Road interchange is the most southerly entrance point to Fort Collins and a primary route for commuters and travelers going to and from the Denver metropolitan area. Most of the people visiting Fort Collins for the first time enter the city through this corridor.

Key physical features of the corridor include: close proximity to the Poudre River, lakes wetlands and associated wildlife habitat as well as spectacular views of Longs Peak and the Front Range. With approximately one-half of the corridor already developed, the visual quality of the area is exceptional. An unusually wide right-of-way and spacious median provide an excellent opportunity to develop a well landscaped parkway. Harmony Road has the potential to become one of the most attractive entryway corridors in northern Colorado.



*View from the I-25 interchange looking west.*

*Hewlett-Packard employees  
relax in a shaded  
courtyard.*



In terms of development potential, the Harmony Corridor is unrivaled in the Fort Collins area. The corridor has nearly 2000 acres of land available for business, industrial, and residential development, with relatively few development constraints. Uniquely situated between I-25 and U.S. Highway 287, the corridor has excellent community and regional access. Close proximity to housing, schools, shopping and recreation facilities makes the corridor an obvious choice for business or industry seeking to locate in northern Colorado. The fact that most of the developable land has not been subdivided into small parcels is an additional advantage for attracting large scale business/industrial land uses. Highly respected companies like Hewlett-Packard, Comlinear, ESAB and Mountain Crest Hospital have chosen to locate and/or expand their facilities in the corridor.

Along with its attractive physical features and tremendous development potential, the corridor has another vital attribute — the dedication and creative energies of its residents and businesspeople. Property owners in the corridor have been instrumental in organizing this planning effort and have been closely involved throughout the planning process.

### ***THE PURPOSE OF THE STUDY***

With one-half of the corridor already developed and another one fourth planned, Harmony Corridor faces a turning point. While continued business and industrial development looks promising, the corridor and the community are facing many challenges. How can we attract the kinds of business and industry that will provide a strong economic base and be compatible with community values? How do we ensure a continuation of wide setbacks, attractive landscaping and other amenities that enhance the quality of life for people who live and work in the corridor? The Cache la Poudre River floodplain, numerous lakes, wetlands and spectacular mountain views combine to create an impressive and scenic gateway at the I-25 interchange. The gateway area offers unique opportunities and challenges the community to discover creative ways to balance development potential with natural resource assets. The Harmony Corridor Plan is a response to these community wide issues. Since the corridor is currently a very healthy and vital segment of our community, the Plan emphasizes the need to take advantage of its assets for our future.

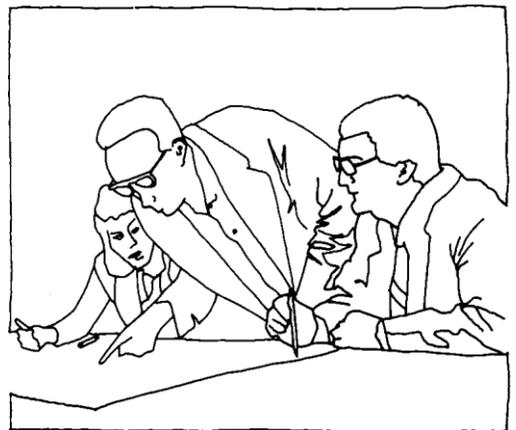
The Plan focuses on encouraging a land use pattern and urban design framework that protects community values and at the same time recognizes the need for flexibility in response to market demand. Taking advantage of the corridor's unique physical and cultural features, the Plan seeks to create a "vision" for Harmony Corridor that is dynamic, diverse, economically successful, environmentally sound and uniquely attractive.

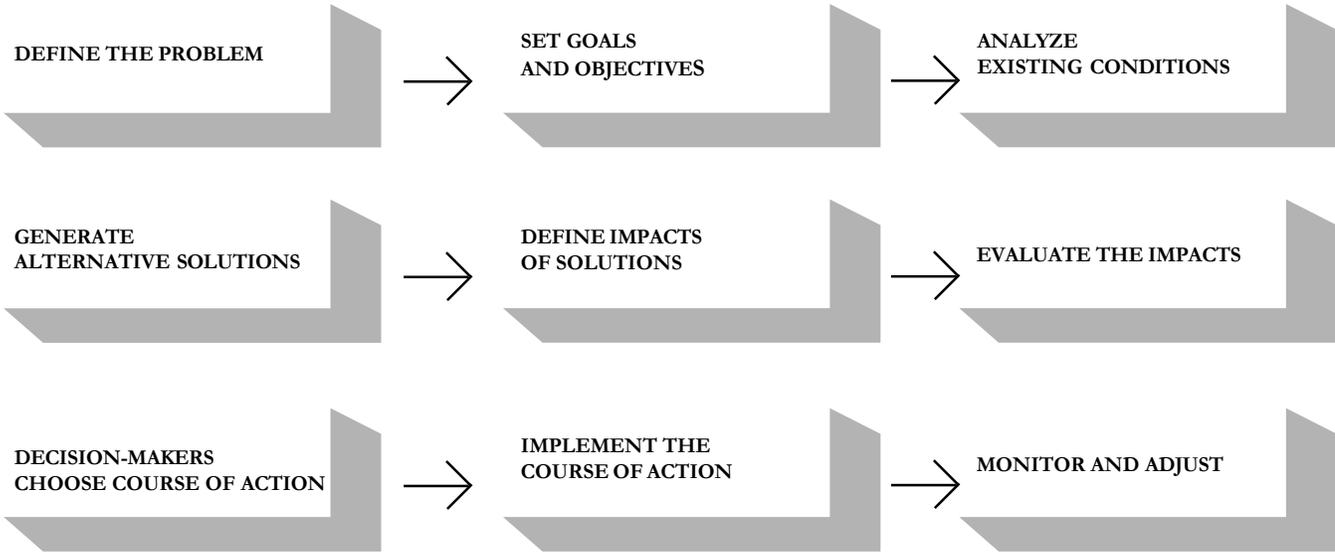
### ***THE PLANNING PROCESS***

The Harmony Corridor planning process involved two parallel work efforts – a technical planning effort and a public participation process. The technical planning effort analyzed existing conditions and opportunities, defined focus areas and generated alternative approaches which led to the planning and urban design recommendations of the Plan. At the same time, a public participation process attempted to identify all potentially affected interests and work with them using a number of different techniques designed to inform as well as solicit ideas. Advisory committees, public open houses, presentations to boards and commissions, as well as numerous meetings with special interest groups and individuals have all been used to get comments and ideas, many of which have helped shape the Plan.

A group deserving special recognition is the steering committee, a group of volunteers representing people owning property frontage along Harmony Road. Staff has welcomed the interest and enthusiasm demonstrated by this group throughout the process. The role of the steering committee was to help staff understand the values and concerns of the landowners that will be most directly affected by the Plan. The Plan is richer as a result of their dedication and responsiveness.

*Citizen values, ideas and concerns were recorded at public open houses.*





*Technical Planning Process Diagram*

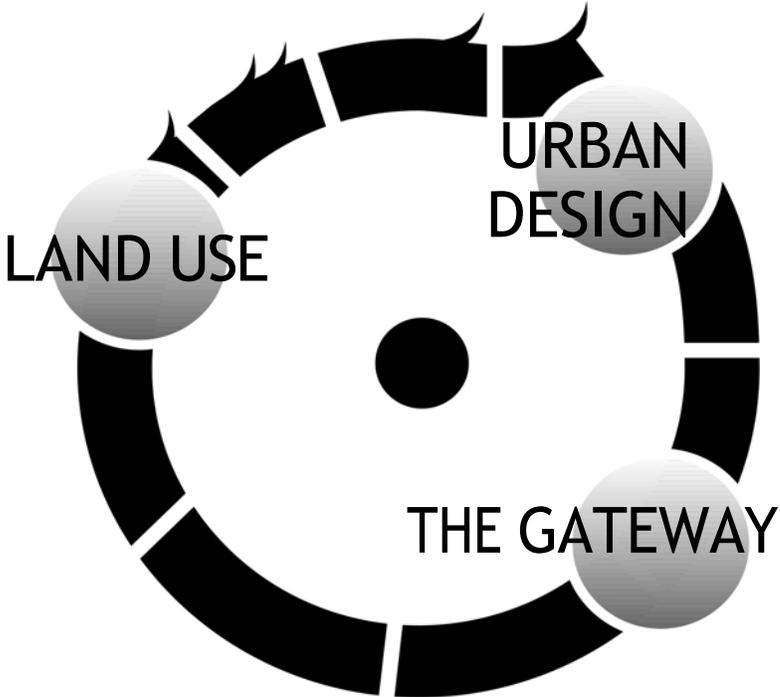
**PLAN REVISION PROCESS**

On July 5, 1994, City Council directed City Staff to review the Plan and identify and suggest needed amendments that would strengthen the “vision” of the Corridor that it become a major employment center in northern Colorado attracting a variety of businesses and industries serving local as well as regional markets. City staff and the Planning and Zoning Board-Commission, aided by an ad hoc advisory committee, intensively reviewed the document and recommended changes to the *Harmony Corridor Plan*, together with implementation regulations. These changes were adopted by City Council on January 3, 1995 and the changes have been incorporated herein.

**THE PLAN**

The next chapter describes physical and cultural existing conditions in the corridor. Analysis of existing conditions helped define the three focus areas of the Plan – LAND USE, URBAN DESIGN and THE GATEWAY. Each focus area is elaborated on independently. Issues are described, problems and opportunities defined and alternative directions for the future are analyzed. The discussion of each focus area concludes with a plan in the form of a goal statement, policies and implementation actions. Maps and graphic illustrations are used to supplement the text and clarify its intent. Design guidelines for new development in the corridor, one of the primary implementation mechanisms proposed in the Plan, have been developed and are available under separate cover.

The three focus areas together create a comprehensive “vision” for the Harmony Corridor of the future. In order for the full potential of the corridor to be realized, both the City and the private sector need to make a commitment to implementation. It is envisioned that the implementation actions spelled out in this Plan will be underway within the next five years.



## ***IMPLEMENTATION***

A series of recommended implementation actions are contained at the conclusion of each focus area discussion. Actions include several public improvement projects that require additional planning and design work. Sources of funding for construction and maintenance need to be identified. Strategies for attracting targeted industries need to be developed.

Coordination efforts with other City departments, Larimer County, the Town of Timnath and the State Division of Highways should be continued. Phase two planning of the I-25 interchange area is critical if we want to maximize the potential of this scenic gateway before development pressures eliminate options for the future. Important opportunities may be missed if the City does not play an active role in intergovernmental coordination and master planning this scenic and environmentally sensitive area.

This Plan recommends that the City assign staff to work on implementation tasks, giving priority to opportunities that may be missed if action is delayed. The *Harmony Corridor Plan* is a starting point. Effective implementation actions can turn the “vision” created by this Plan into reality for residents in the community now and for future generations. The majesty of Longs Peak and the Front Range depicted on the cover is one of the few elements of the corridor that is not expected to change in the foreseeable future. With this spectacular view as an inspiration, how can we do less than strive for excellence?

## 2

# EXISTING CONDITIONS AND OPPORTUNITIES

*All good planning must begin with a survey of actual resources: the landscape, the people, the work-a-day activities in a community. Good planning does not begin with an abstract and arbitrary scheme that it seeks to impose on a community; it begins with a knowledge of existing conditions and opportunities.*

LEWIS MUMFORD

## INTRODUCTION

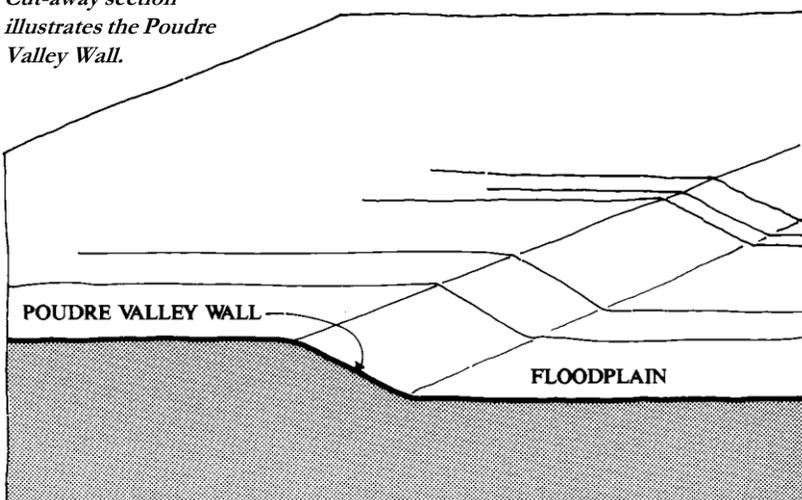
The technical portion of the planning process began by documenting physical and cultural existing conditions. This chapter provides information about the corridor and highlights special opportunities. Maps located at the end of the chapter provide graphic illustration.

## LANDFORM AND NATURAL RESOURCES

### *LANDFORM*

The Harmony Corridor contains three dominant topographic features: the floodplain of the Cache la Poudre River, bluffs known as the Poudre River Valley Wall at the edge of the floodplain and rolling plains beyond. Longs Peak, the Front Range and the foothills are highly visible and constitute a dramatic backdrop for the corridor landscape.

*Cut-away section illustrates the Poudre Valley Wall.*



The elevation of the study area ranges from approximately 4,850 feet at the top of the bluffs located west of I-25 to approximately 5,025 feet near College Avenue. Formed by down-cutting action of the Poudre River as it meandered within its floodplain, the bluffs represent the only dramatic change in elevation within the study area. The elevation drops 50 feet in 550 feet resulting in an average 9% slope. At the bottom of the slope the topography levels out on to the Cache la Poudre River floodplain.

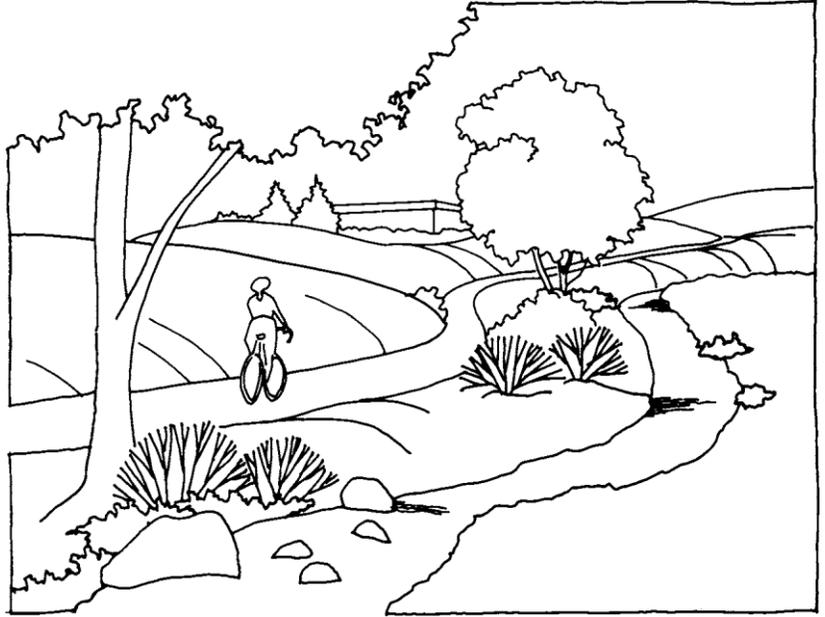
Draining approximately 1,900 square miles, the Cache la Poudre River is the largest river on the northern Colorado Front Range. The river and its associate vegetation and wildlife habitat is a valuable natural resource that offers unique recreational and educational opportunities. Along with these assets the river poses some development constraints. Generally speaking, no development is allowed within the designated floodway. Land area between the floodway and the 100-year floodplain offers some development potential if flood proofing is addressed.

### *DRAINAGE BASINS AND IRRIGATION CANALS*

Three drainage basins occur within the study area. The Mail Creek and McClelland Drainage basins drain the western and southern portions of the study area to Mail Creek and McClelland Creek respectively. See Map 1. The Fox Meadows Basin is located in

the northeast portion of the study area and drains to the Fossil Creek Reservoir Inlet Ditch and then to the Cache la Poudre River. As development occurs, surface run-off increases, resulting in stormwater being diverted into a series of swales, detention ponds, channels, irrigation ditches and/or streams until ultimately the flows reach the Cache la Poudre River. The study area is laced with this network of drainageways and irrigation canals. Stream bank erosion and water quality issues are concerns in all three basins, but are especially critical in the McClelland and Mail Creek Basins, since both Mail Creek and Fossil Creek have experienced flooding, bank erosion and stream degradation.

Four major irrigation canals intersect the study area. Water in these irrigation canals has been diverted from the Cache la Poudre River at some point upstream from the corridor. Historically the water has been used for agricultural purposes and is allotted to area farmers through a complex system of water rights. As Fort Collins becomes more urbanized the need for irrigation canals will diminish, however, the major irrigation canals in the study area are likely to remain viable for a number of years. While the canals and their associated laterals can represent development constraints, they also can become recreational and visual amenities.



*Irrigation canals and drainageways provide opportunities for recreational amenities.*

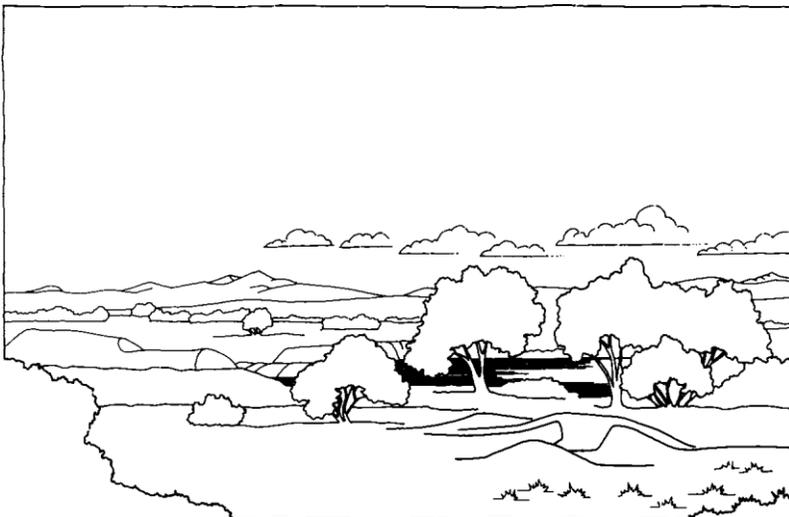
## **NATURAL RESOURCES**

Fort Collins has always valued local natural environments as evidenced in the City's GOALS AND OBJECTIVES (1977), the LAND USE POLICIES PLAN (1979) and the LAND DEVELOPMENT GUIDANCE SYSTEM (1982). All of these documents contain directives pertaining to the conservation and protection of natural environments. In 1988, the City Council endorsed wetland and wildlife habitat maps that define the location and relative importance of natural areas within the city's urban growth area. See Maps 2 and 3. By increasing awareness of these areas, the maps reaffirmed the City's commitment to conserving important wetland and wildlife habitats for their economic, social, and aesthetic benefits.

### ***THE GATEWAY***

The most significant natural areas in the Harmony Corridor are associated with the Cache la Poudre River and located near I-25. This area has been termed the “gateway” because it is the first point of entry to Fort Collins from the south. Several lakes, wetlands and associated riparian vegetation are found on both sides of I-25 in the floodplain of the river. Most of the lakes and wetlands are a result of gravel mining operations that have and continue to alter the natural environment. With creative management and appropriate reclamation practices, these areas have the potential to become recreational, educational and scenic resources for the community. In addition, wetland areas like these may act as filtering systems for stormwater runoff, preventing pollutants from entering the river. The potential value of these natural areas should not be underestimated. The fact that the area is located at the gateway to Fort Collins intensifies its importance.

*Gateway view showing cottonwood trees and gravel mining operations.*



In 1989, Fort Collins completed a feasibility study regarding the possibility of designating a National Recreation Area along the Cache la Poudre River. Although City Council chose not to pursue NRA designation it did make a commitment to implementing an exemplary and comprehensive river management program. This river management program may affect the future of the gateway area.

### ***GRAVEL RESOURCES***

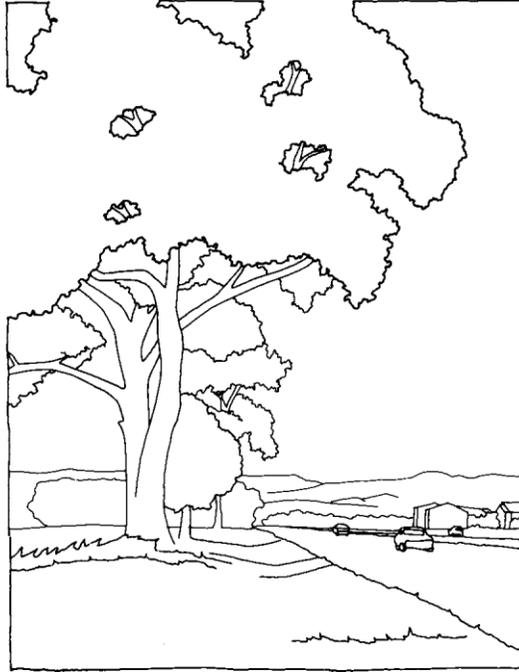
The land area between the Cache la Poudre River and the Poudre Valley Wall located just east of Hewlett-Packard is underlain with gravel deposits classified as F1 by the Department of Natural Resources, Colorado Geologic Survey. This classification means that the resource is a floodplain deposit and is composed of relatively clean and sound gravel. The overburden ranges from 2-9 feet and the depth of gravel ranges from 8-24 feet. Roughly one-third of the area has been or is in the process of being mined.

### ***MATURE TREES***

Mature trees, both evergreen and deciduous, are important natural resources throughout the study area. Besides their importance as wildlife habitat, tree masses provide scale, frame views and add visual interest to the landscape. The corridor is fortunate to have significant numbers of mature trees. Most of them are visible from Harmony Road.

### ***ENVIRONMENTAL ISSUES***

Air quality and water quality are two critical environmental questions which affect the Harmony Corridor. In 1989, the community took important steps toward addressing these issues comprehensively. The City's Natural Resource Division began working on a comprehensive environmental management plan that will focus on a variety of environmental concerns, including air quality. At the same time the City's Transportation Division started work on a comprehensive transportation plan that relates directly to air quality issues. These two divisions and the community are working together in a participatory process to establish the best way to balance the trade-offs and address the air quality problem in this community. At the same time the Stormwater Utility is studying the issue of stormwater runoff and water quality.



*Mature trees along Harmony Road frame views and add visual interest to the corridor.*

### **PUBLIC UTILITIES**

#### ***ELECTRICAL***

The City provides electrical service within the incorporated city limits. As areas are annexed the City assumes service. Portions of the corridor still in the county receive electrical service from either the Public Service Company of Colorado (PSCO) or the Poudre Valley Rural Electric Association (REA). Conversion from an existing electric utility to City electric utility service is done at no cost to the customer. The City is committed to providing electrical service underground rather than through overhead power lines.

Street lighting along Harmony Road will be installed as development and street improvements occur. Standard lighting for arterial streets uses 30 foot poles, with extended arm, cobra-head type fixtures. It is anticipated that in general, light poles along Harmony Road will be placed at the edge of the roadway in an alternating pattern, approximately 175 feet on center. The light source will be 400 watt high pressure sodium bulbs.

Funding for standard lighting comes from development fees and lighting district assessments. Lighting is installed along entire improvement areas, and costs are recaptured from undeveloped areas at the time of development.

### ***WATER AND WASTEWATER***

It is anticipated that most of the Harmony Corridor will be serviced by the City's Water and Wastewater Utility, although the Fort Collin/Loveland Water District will continue to provide service to developed areas near College Avenue. The City's system of existing and proposed water and sanitary sewer mains is shown on Maps 4 and 5. Currently water service is provided through a series of relatively small water lines. As growth in the corridor continues, a major transmission line will be needed to provide service. The City Water Utility has completed the conceptual design and route selection for the Harmony Transmission Main, which extends between Shields Street and County Road 9.

Currently, wastewater service at the extreme eastern edge of the corridor would require a force main and pump station. However, the Wastewater Treatment Master Plan completed in 1990 calls for construction of a new wastewater treatment plant downstream. This would allow the eastern part of the Harmony Corridor to be served by gravity flow. The new wastewater treatment facility would not be on line before 1999.

The extension of water mains and sanitary sewers which are in or near the existing water distribution and wastewater collection systems is dependent upon many factors. In most cases, new development and the associated increases in water demand and wastewater flows are the primary reasons for these improvements. The installation and the cost of water mains and sanitary sewers to serve new developments are the responsibility of the developer. When the City requires improvements to serve areas beyond the immediate development, the City pays for oversizing.

### ***STORMWATER UTILITY***

The City's Stormwater Utility is a special purpose division within the City that protects the public's health, safety and welfare through effective stormwater management. Its responsibilities include flood control, development plan review, construction, operation and maintenance of stormwater facilities and long range planning.

Regional drainage facilities identified in the master storm drainage plans for the Harmony Corridor include a major drainage channel to carry flows from the Fossil Creek Reservoir Inlet to the old quarry just east of County Road 7. The concept plan indicates that the channel would be visible from Harmony Road.

Although the Stormwater Utility currently does not regulate stormwater quality, it is moving in that direction. The Environmental Protection Agency (EPA), an agency of the Federal government, published regulations in 1990. These regulations emphasize best management practices to control the pollutant source and apply to all municipalities in the United States. Fort Collins has already initiated activities in regard to these regulations.

The Stormwater Utility has started to inform the public about stormwater quality, inventory the City's storm drainage system and monitor water quality in local streams and major outfalls. In addition, the utility is conducting research at two recently developed commercial projects in Fort Collins. The two pilot projects use state of the art technology to monitor and improve the quality of stormwater runoff before it leaves the site. The utility is in the process of developing erosion control criteria for construction activities in the Fort Collins area and is collecting information to initiate a water quality management plan for the Mail Creek and Fossil Creek drainage basins.

All of these advance planning measures combined will enable the utility to determine the magnitude of the problem and the best way to effectively manage stormwater quality in Fort Collins.

## **TRANSPORTATION**

### ***TRAFFIC AND ACCESS***

Harmony Road's importance as a transportation corridor for the City of Fort Collins cannot be overestimated. Carrying in excess of 28,000 vehicles to and from Fort Collins each day, Harmony Road is one of the community's major transportation links to Denver and other communities along the Front Range. In response to increasing development pressure and in recognition of the importance of Harmony Road as a gateway corridor and major arterial street, the Harmony Road Access Plan was adopted in 1989. In this intergovernmental agreement the City, the State Division Highways and Larimer County agreed to access points and future signal locations between Boardwalk Drive and I-25. Future access for development along Harmony Road must be in conformance with the Access Plan. See Map 6. Any change to access location or access type from those identified in the Access Plan requires an amendment.

Traffic counts for Harmony Road were taken in the fall of 1989. Currently all intersections operate at level of service "C" or better, meaning that the highway is operating below its maximum capacity and is providing acceptable levels of service. It is anticipated that when the corridor is built out, traffic volumes on Harmony Road will approach 30,000 vehicles a day. It is anticipated that Harmony Road will eventually be widened to three travel lanes in each direction to maintain acceptable levels of service.

At the present time the State Division of Highways controls the speed limit along Harmony Road. It varies from 55 MPH near I-25 to 40 MPH closer to College Avenue. It is expected that when the corridor is fully developed, the speed limit will be reduced to 40-45 MPH. How and when the speed limit will change is dependent on a variety of factors, including traffic volume and safety.

### ***STATE VERSUS LOCAL CONTROL***

Since Harmony Road is a state highway, decisions regarding roadway improvements, future widening, landscaping in the right-of-way and maintenance are decisions made by the State Division of Highways. The goals and objectives of the State may not always parallel those of the community. In recent years, City staff has maintained a good working relationship with the Division of Highways and has been able to negotiate acceptable solutions when State and local goals have varied.

A good example of this cooperative spirit is the Harmony Road Access Plan.

While the Access Plan will provide a basis for agreement on transportation issues for years to come, it is likely that as the corridor continues to urbanize, the State and City will differ on issues relating to the visual quality of the roadway. Although plans for future widening of Harmony Road are not finalized, indications are that the State plans to widen the roadway to the center rather than to the outside and greatly reduce or eliminate the median. In regard to landscaping, the Division of Highways has a policy that discourages planting trees in the right-of-way and/or the median.

In recent years Harmony Road has functioned more as a local arterial street and less as a state highway. Recognizing this trend, the State has indicated a desire to work toward placing Harmony Road under local control.

### ***LAND USE PLANNING***

For the past ten years, the City has promoted a mixed land use concept in Fort Collins because of the associated social, economic and environmental benefits. One of the most important reasons for mixing land uses relates to transportation. Locating employment centers, shopping centers, recreational opportunities and residential areas in close proximity to each other shortens the distance people need to drive to work, shop, and play.

It also encourages alternative modes to transportation such as walking and bicycling. Besides the convenience and associated lifestyle benefits, mixed land use, by shortening trip length and eliminating some trips altogether, can have a positive effect on air quality.

The present trend of large employers to develop in “campus-like” settings is evident along Harmony Road. While these settings are visually attractive and offer recreational benefits for employees, this kind of low density development makes efficient transit service difficult.

### ***ALTERNATIVE MODES***

While land use planning attempts to provide opportunities to work, shop and play close to home, the lack of pedestrian linkages, bikeways and safe crossings along Harmony Road make it difficult to walk or use a bicycle as an alternative mode of transportation. Sidewalks are built as development occurs. Signalized intersections and crosswalks are added as traffic volumes increase. As the corridor gets closer to complete build out, pedestrian linkages will be more complete and useful.

At the present time, Harmony Road does not have a designated bike lane. Some bicycle commuters use the road shoulder; however, the shoulder does not exist in all locations. The speed and proximity of passing vehicles can be dangerous for bicyclists.

Public transit does not serve the corridor now but may be available in the future, as employment opportunities increase. Low density development makes it difficult to provide transit service cost effectively. The Transit Development Program, a 5-year strategic plan adopted by City Council in 1990, focuses on serving transit dependent populations, including the elderly, people with low incomes, the disabled and students. Demographics show that the highest concentrations of transit dependent people live in the northwest portion of the city. Focusing of limited resources has resulted in the elimination of transit service along Harmony Road east of College Avenue for the short term future.

*Mixed land uses encourage alternative modes of transportation such as walking and bicycling.*



Some commuters that use I-25 to travel to other cities to work have started car pooling. Currently, people park their cars on the north side of Harmony Road just west of the I-25 interchange and travel with other people commuting to the same location. Commuter Pool is a ride share/ car pool program operated by the City which currently serves this area and could provide service to local employees as well as those who drive to Denver.

### ***LONG RANGE PLANNING***

Another factor affecting the future of transportation in the Harmony Corridor will be the Fort Collins Area Transportation Plan expected to be complete in 1991. The Plan will identify all transportation systems needs and evaluate the social, economic and environmental impacts of alternative land use and transportation models. The goal of the Plan is to establish transportation policies, facilities and implementation schedules that will guide the future development of this community through the year 2010. The Plan will identify future street needs, identify new street locations, create opportunities for bicycle and pedestrian travel and determine the role of transit in our community.

## **LAND USE/ZONING**

### ***EXISTING LAND USE***

Harmony Corridor contains approximately 3,090 acres and is 37% developed. It already contains a wide variety of land uses. See Maps 7A and 7B. The Chart on the next page summarizes some land use statistics that help describe the corridor.

Residential land uses occupy the largest amount of developed property. There are approximately 2,322 dwelling units in the planning area for a total population of approximately 6,150 residents. Although the residential areas are single family oriented, there is significant multi-family development. The corridor also contains two large mobile home parks. Single family lots range from approximately 6,300 square feet to nearly an acre in size and home prices vary considerably from \$55,000, to over \$350,000 in current dollars. Almost all of the residential areas were constructed within the last decade, with the exception of Fairway Estates located south of Harmony Road near College Avenue, which has existed for more than twenty-five years.

Industrial uses occur at dispersed locations in the corridor area. The uses are predominantly research, manufacturing and office/warehouse. With the exception of Hewlett-Packard, the major users are located in Golden Meadows and Oakridge industrial parks. Collectively these industrial developments represent a significant portion of the community's employment base.

Only a small portion of the corridor is currently developed as retail and is found clustered near College Avenue, in the vicinity of Boardwalk Drive and near the I-25 interchange. A community/regional shopping center at Boardwalk Drive includes a PACE Membership Club Warehouse. A grocery store and a builders supply store are planned to be part of the same center. There is a scattering of office space occurring mainly between Boardwalk Drive and Timberline Road in two major centers: Boardwalk Office Park and Oakridge Business Park.

Other notable land uses include: Mountain Crest Hospital, a private psychiatric hospital; several churches; Harmony Cemetery; Werner Elementary School; as well as Landings and Golden Meadows Parks.

The variety of land uses and amenities already existing in the corridor, combined with the fact that the corridor has large, vacant, fully-serviced tracts of land for development, makes it unique in Fort Collins.

**ANNEXATION**

Only 60% of the study area is currently within the city limits. See Map 8. Properties adjacent to city limits and eligible for annexation are required to annex prior to development, while properties located within the Urban Growth Area (UGA) and not eligible for annexation are required to go through a City-County joint review process.

**HARMONY CORRIDOR LAND USE STATISTICS**

| <b>Land Use</b> | <b>Acres</b> | <b>Percent of Total</b> |
|-----------------|--------------|-------------------------|
| Residential     | 481          | 16%                     |
| Industrial      | 190          | 6%                      |
| Institutional   | 53           | 2%                      |
| Retail/Office   | 69           | 2%                      |
| Right-of-Way    | 341          | 11%                     |
| Undeveloped     | 1,956        | 63%                     |
| <hr/>           |              |                         |
| Total Land Area | 3,090        | 100%                    |

Both the City and the County encourage developers to annex prior to development to ensure that urban level development standards are maintained. Properties located east of I-25 are outside of the UGA and would develop under County regulations.

**ZONING**

Of the property located within city limits; 43% is zoned residential; 25% is zoned industrial; 16% is zoned for retail/office; 5% is zoned for mobile homes; and 11% is zoned transitional. See Map 8. Properties located in unincorporated Larimer County have a combination of farming, commercial and industrial zoning designations.

It is important to note that most of the properties within the city limits and currently undeveloped have a PUD condition attached to the zoning designation. This does two things: 1) Properties will be developed as planned unit developments (PUD) and reviewed under the criteria of the LAND DEVELOPMENT GUIDANCE SYSTEM (LDGS). 2) Developers will be allowed to propose a wider range of land uses than otherwise permitted under the zoning classification. When properties are annexed into the city, the City Council has typically attached a PUD condition to the zoning. In effect, most of the currently undeveloped property within the corridor will eventually be planned and developed under the criteria of the LDGS. The guidance system gives landowners considerable flexibility in developing their property as long as the project conforms to certain criteria designed to protect and improve the health, safety, convenience and general welfare of the people of Fort Collins.

The City's GOALS AND OBJECTIVES and the LAND USE POLICIES PLAN encourage mixed land use for the social, economic and environmental benefits associated with it. Locating employment centers, shopping centers, recreational opportunities and residential areas in close proximity to each other encourages people to drive less and walk or use bicycles more. The LAND DEVELOPMENT GUIDANCE SYSTEM is a development review system designed to implement the City's land use goals, objectives and policies.

Under this system, the development potential of any particular site is evaluated on its own merits – size, shape, location, natural features, site development concept and its effect on surrounding land uses – rather than according to a predetermined zoning district classification. This performance zoning system, developed and used extensively in Fort Collins for the past decade, has achieved national recognition as a creative and effective land use management tool.

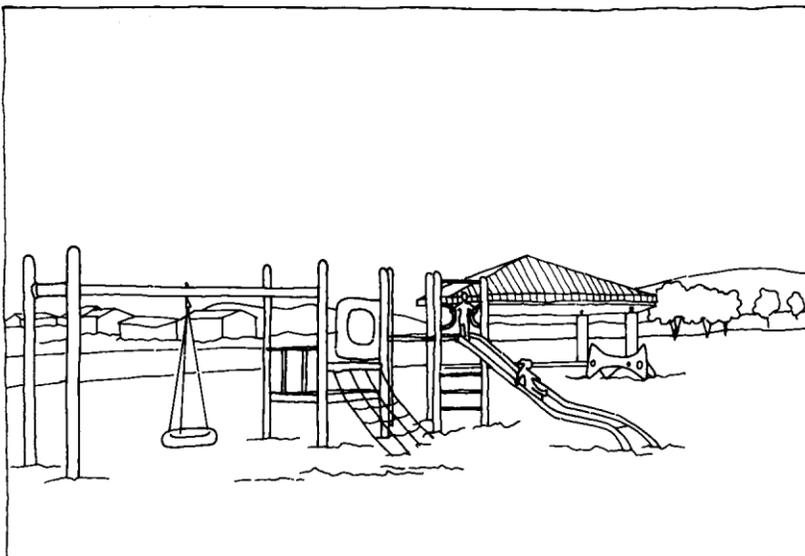
### ***LARIMER COUNTY***

Larimer County adopted a comprehensive land use plan in 1988. Land areas in the Harmony Corridor, but outside of the Fort Collins city limits are categorized in the plan. Properties west of I-25 are designated “Municipal Expansion Area/Urban Development Area” meaning that future municipal boundaries are expected to expand to include these areas. Properties east of I-25 are designated “Rural” meaning that “these areas are protected for agricultural uses and other low intensity uses requiring large land areas and low service needs.” The Larimer County Zoning Ordinance, however, indicates that these areas (east of I-25), are zoned C-Commercial and I-Industrial. These zoning district designations allow a much wider array of land uses.

***PLANNED RECREATION FACILITIES***

The City has already purchased 100 acres of land including Portner Reservoir, to develop Fossil Creek Community Park. In addition, the City's 1989 PARKS AND RECREATION MASTER PLAN recommends that a community park be developed to serve the southeast portion of the community. A tentative location for this park is near the Cache la Poudre River northeast of the study area. The historic Strauss Cabin, combined with the natural setting of the Cache la Poudre River, make this area an ideal location. The master plan also projects that an additional 18-hole golf course will be needed by the community by the year 2000. The natural features of this site would provide an attractive setting for a golf course.

*Landing's Park provides recreational opportunities for neighborhood residents.*



The City's proposed recreational trail system intersects and surrounds the study area. At this time only a general location for the trail has been defined. As development occurs, more specific trail locations will be selected and easements for the trail will be acquired through dedication and/or purchase. Acquisition of open space in the foothills, along the Cache la Poudre River and in the Fossil Creek floodplain is emphasized in the City's PARKS AND RECREATION MASTER PLAN. Since part of the study area lies within the floodplain of the Cache la Poudre River, there may be potential for open space acquisition as well as park and trail development in this scenic corridor.

Neighborhood parks are acquired and developed when funds become available through parkland fees paid by residential development. Community parks are usually funded through bond issues or special sales taxes, after population in the vicinity grows and demand for the facility increases. The City uses Colorado lottery funds for acquiring and developing trails and open space. The City is committed to completing as much open space and trail development as lottery funds will finance.

## ***CULTURAL SERVICES***

Currently all cultural services offered by the City – Lincoln Center, the museum and the public library, are located near downtown. It is likely that additional facilities, such as a branch library to serve the south part of Fort Collins, will be needed at some point in the future.

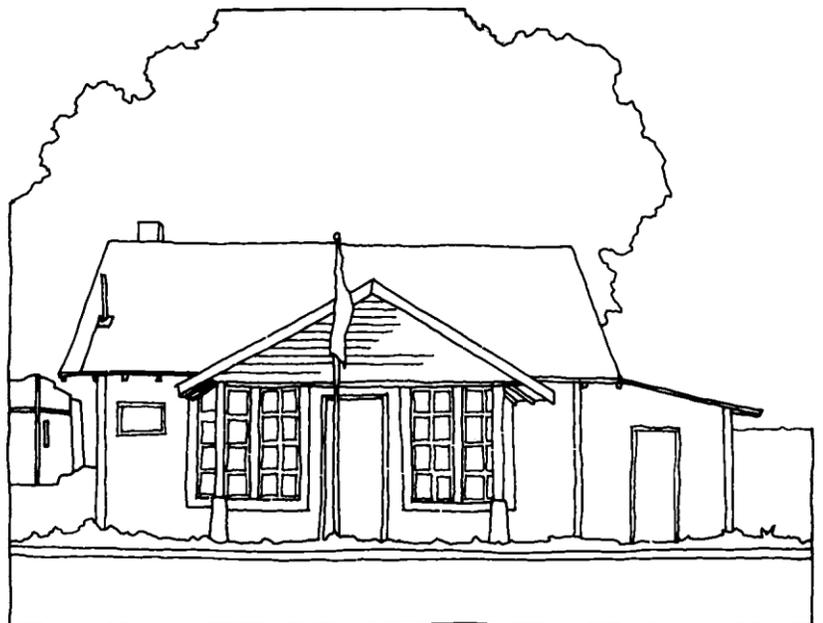
## ***HISTORICAL RESOURCES***

Before there was a Harmony Road there was a small agricultural community named “Harmony”. The Settlement was established as early as 1870. Farming was the mainstay of the community with over 4000 acres being cultivated in 1881. Crops included fruit trees, small fruits, grasses, wheat, corn, barley, oats, and timothy. Names of local farmers such as McNally, Brown, Preston, Baxter, Brockway and Webster suggest predominantly English and Scottish heritage.

The “Harmony Store”, a grocery store, post office and eventually a gas station, was the center of town. Located at the northwest corner where Timberline Road and Harmony Road intersect, the building still exists today. The original school, located west of Harmony Cemetery, was eventually replaced by a newer school which still exists at the northeast corner of the same intersection. There was a stockyard north of Harmony Road along the Union Pacific railroad tracks and a grain elevator on the south side. Several historic residences still exist.

Some of the historic buildings and sites in the corridor are potentially eligible for the National Register by virtue of their architecture, the people who lived in them, or because of their association with events that have made a significant contribution to the broad patterns of our history. See Map 9. Some of the more significant buildings and sites are depicted on the following pages.

*Harmony Store-Located at the northwest corner of Timberline Road and Harmony Road, the old Harmony Store served as a grocery store, post office and town center for early residents of Harmony.*



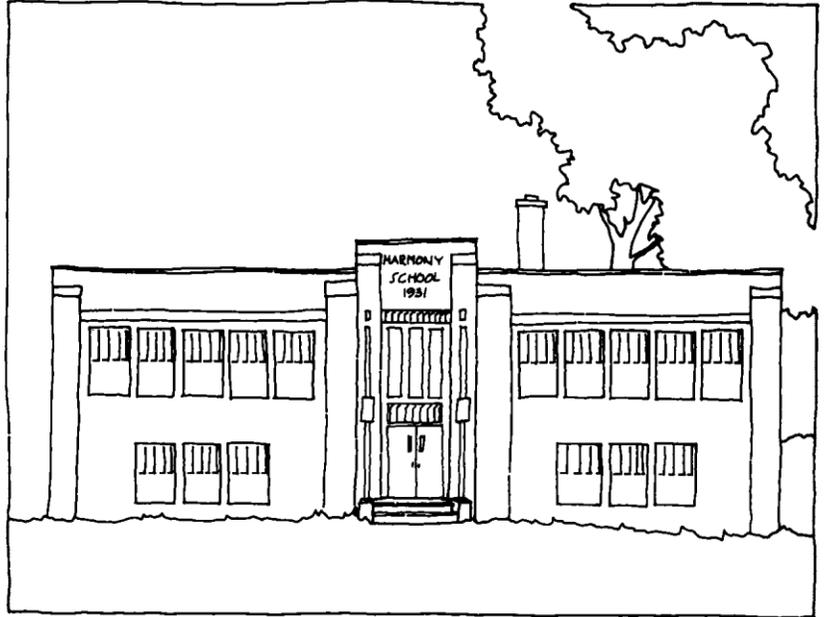


*Brownell House-Built circa 1890, this two-story brick house located at 3105 East Harmony Road is architecturally significant because it is distinctively characteristic of the type, period and method of construction of the American Queen Anne Style.*

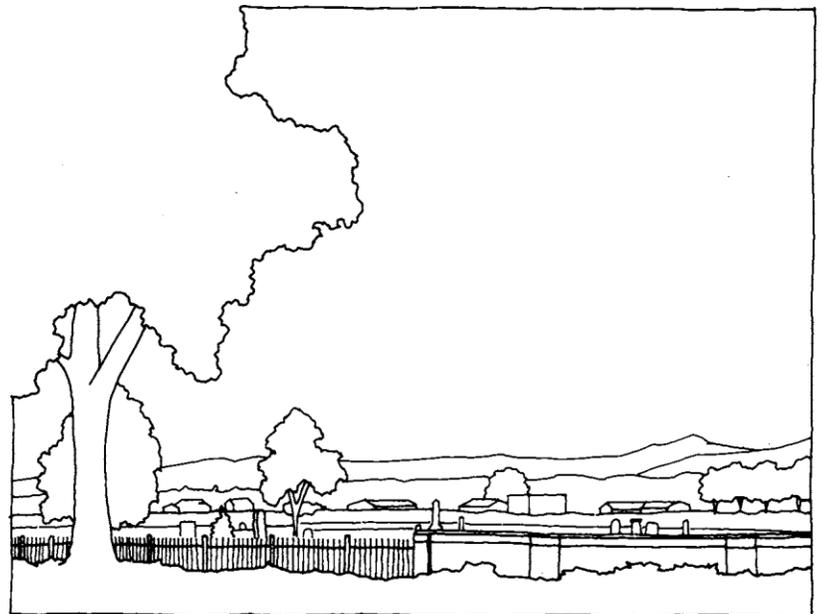


*Preston Farm-Benjamin Preston, Jr. was an immigrant who came to the area in the 1860's, started with very little and eventually became a respected farmer and somewhat of an agricultural innovator. The Preston Farm is significant because of Mr. Preston's prominent role in local history, the elaborate and essentially unaltered Victorian frame house and because it is a complete working farm associated with the history of this area.*

*Harmony School-Built in 1931 during the depression, this building is a good example of art moderne.*



*Harmony Road Cemetery- This original cemetery is an important part of the community's heritage. It has been tastefully renovated and is maintained by Oakridge, the business/industrial park located adjacent to it.*

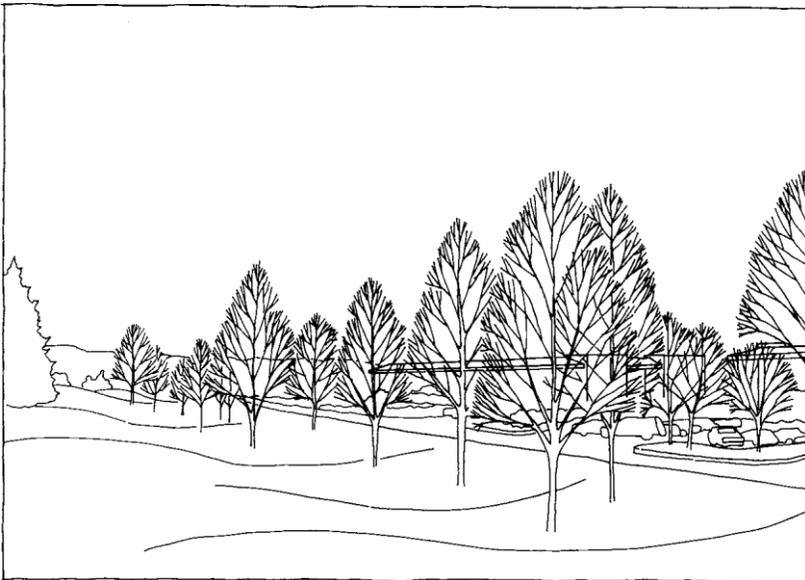


## ***VISUAL ANALYSIS***

Visual analysis is a complex concept. Photography and field investigations were used to analyze the visual quality of the Harmony Corridor as perceived by a motorist driving along Harmony Road from I-25 to College Avenue. Three factors combine to create the perceived visual quality of the corridor: quality and maintenance of the built environment, visual orderliness and vegetation. Long range views to Longs Peak and the Front Range are evident throughout the corridor and also play an important role in the overall visual quality.

The gateway to the corridor at the I-25 interchange has many positive visual attributes. Riparian vegetation identifies the river's meandering path. The natural scenic qualities of the river, the floodplain, wetlands and associated vegetation is enhanced by the dramatic backdrop of Longs Peak and the Front Range.

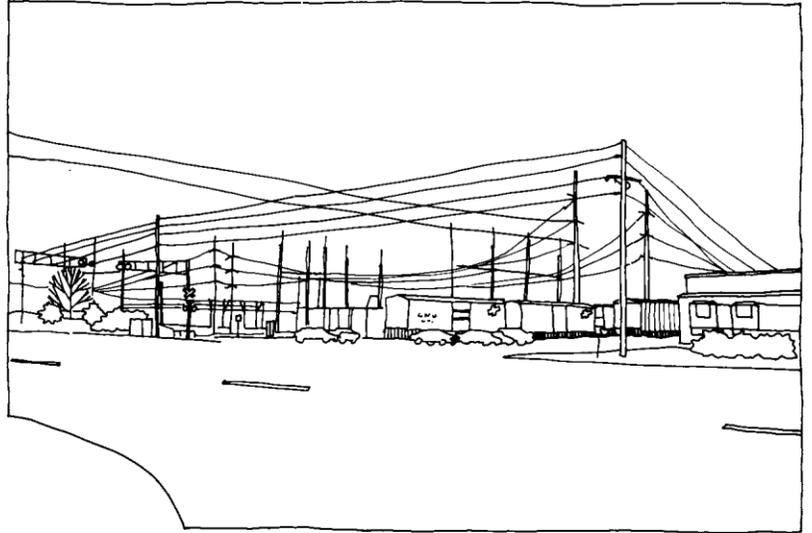
*Hewlett-Packard facility located at the top of the ridge.*



Existing development located immediately west of I-25 detracts from the scenic qualities of this entry. The commercial buildings rate low in both architectural quality and visual orderliness. Significant vegetation helps soften the general appearance.

Masses of cottonwood trees and lakes located along the north side of the road add to the visual richness of the gateway area. Traveling to the top of the ridge and out of the floodplain, the landscape character of the corridor changes to a mixture of agricultural fields and high quality business/industrial development. The Hewlett-Packard facility located just at the top of the ridge is particularly impressive with its wide setback and handsomely landscaped grounds. This development along with several others in the corridor have set a precedent of wide setbacks and naturalistic berming along Harmony Road. The overall effect is spacious, uncluttered and very attractive. Masses of mature trees are interspersed throughout the corridor framing views and providing visual diversity. Overhead power lines are noticeable along most of Harmony Road, predominantly on the north side. It is anticipated that most of these lines will go underground as land is annexed and the area is served by City of Fort Collins Light and Power.

Traveling further west, development increases, the type of development becomes more diverse and the overall visual quality decreases. The area around the Union Pacific railroad tracks located at about the midpoint of the study area is problematic because of visual clutter created by warehouse-type structures, railroad and traffic control devices, overhead power lines and signage. On the positive side, Oakridge and Golden Meadows business parks located just west of the railroad tracks are further examples of high quality business/industrial development and landscape sophistication, helping to set the tone for future development in the corridor.



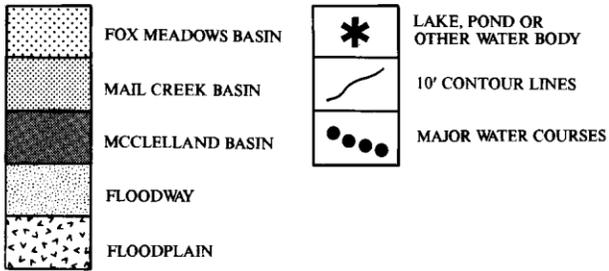
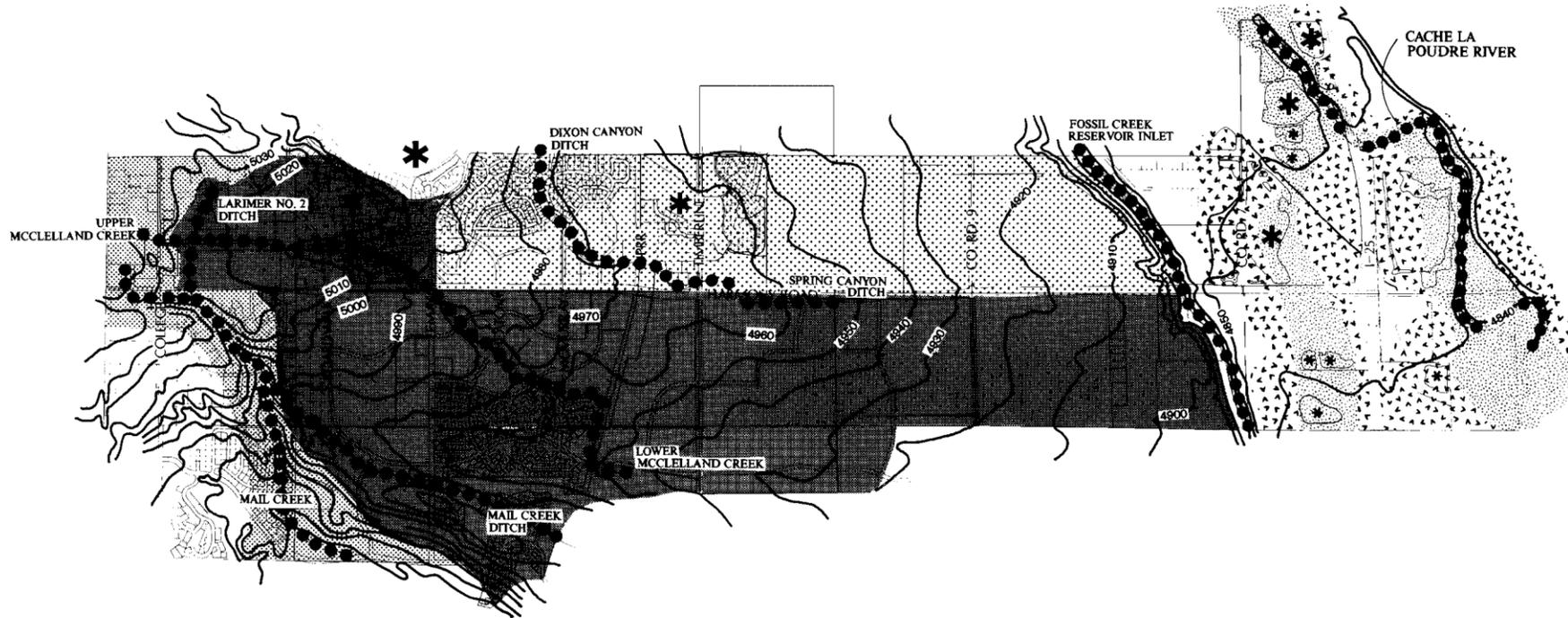
*Visual clutter near the Union Pacific railroad tracks detracts from the attractiveness of the corridor.*

As one approaches College Avenue, setbacks become much narrower and are nonexistent in some areas, the quality of development decreases, the median ends and there is less vegetation at eye level to soften the visual clutter and intense development. This area is however, not without positive aspects. Recent developments located on the west side of the College Avenue intersection have provided wider setbacks and generous amounts of plant material to help soften the appearance of the intersection. Riparian vegetation along Mail Creek and an abundance of mature trees associated with the Pioneer Mobile Home Park are significant natural amenities which will become even more valuable as this area redevelops over time.

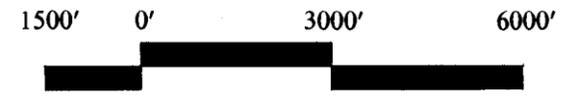
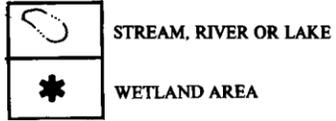
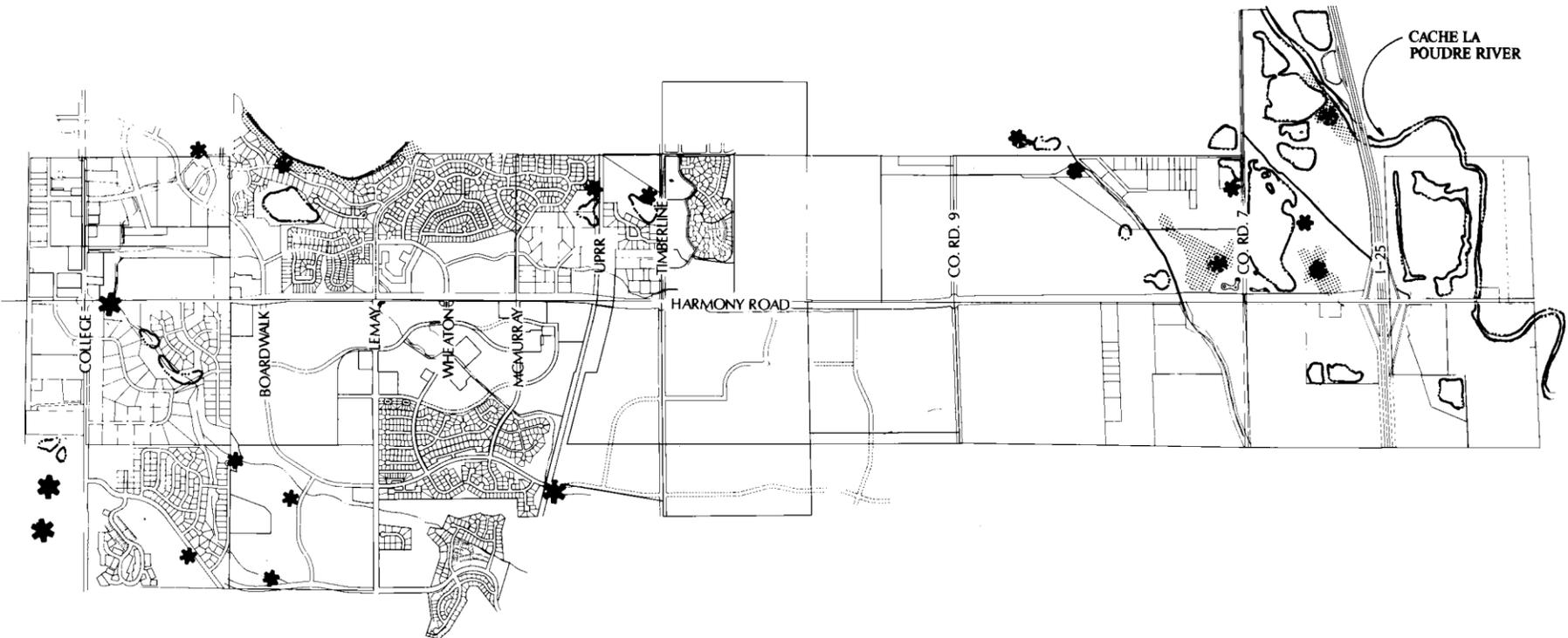
***HARMONY CORRIDOR:  
THE PLAN***

Analyzing existing conditions in the corridor led to the identification of potential problems and also revealed a myriad of opportunities. The corridor has large tracts of fully serviced land available for development. We have an opportunity to attract the kinds of business and industry we want for the corridor, instead of just reacting to what comes. The visual appearance of the corridor is linked to its livability and is also important economically. We have an opportunity to affect how the corridor will look in the future. The gateway area, located in the floodplain of the Cache la Poudre River is largely undeveloped. We have an opportunity to successfully balance natural resource assets and economic development at this important gateway entrance.

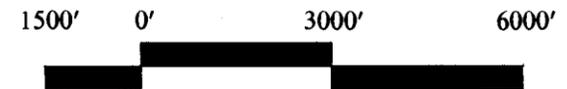
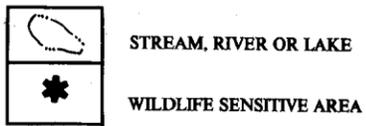
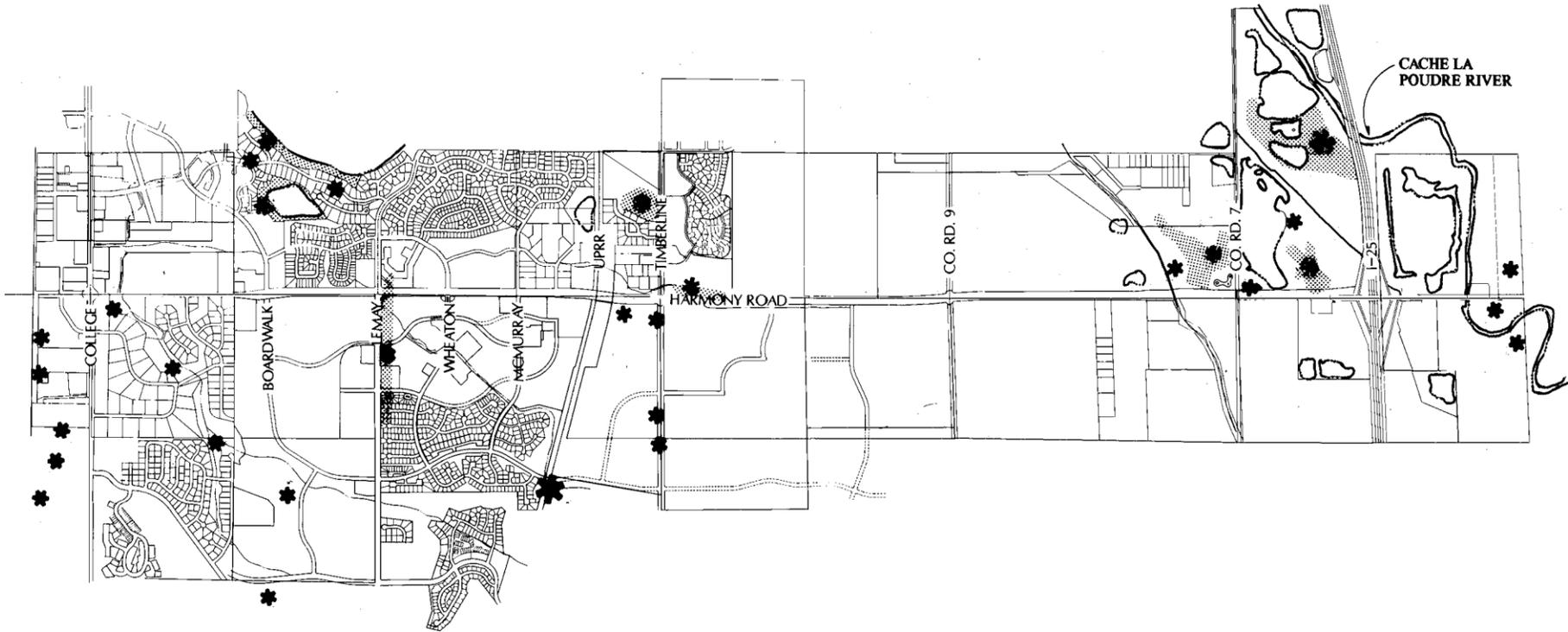
Three focus areas are defined in the Plan – LAND USE, URBAN DESIGN and THE GATEWAY. In each focus area issues are delineated and potential problems are identified. Alternative approaches for solving the problems and for taking advantage of the opportunities were generated and analyzed, resulting in recommended courses of action. The *Harmony Corridor Plan* is a projection of the corridor's future, indicating ways to resolve conflicts and take advantage of unique opportunities.



# HARMONY CORRIDOR PLAN

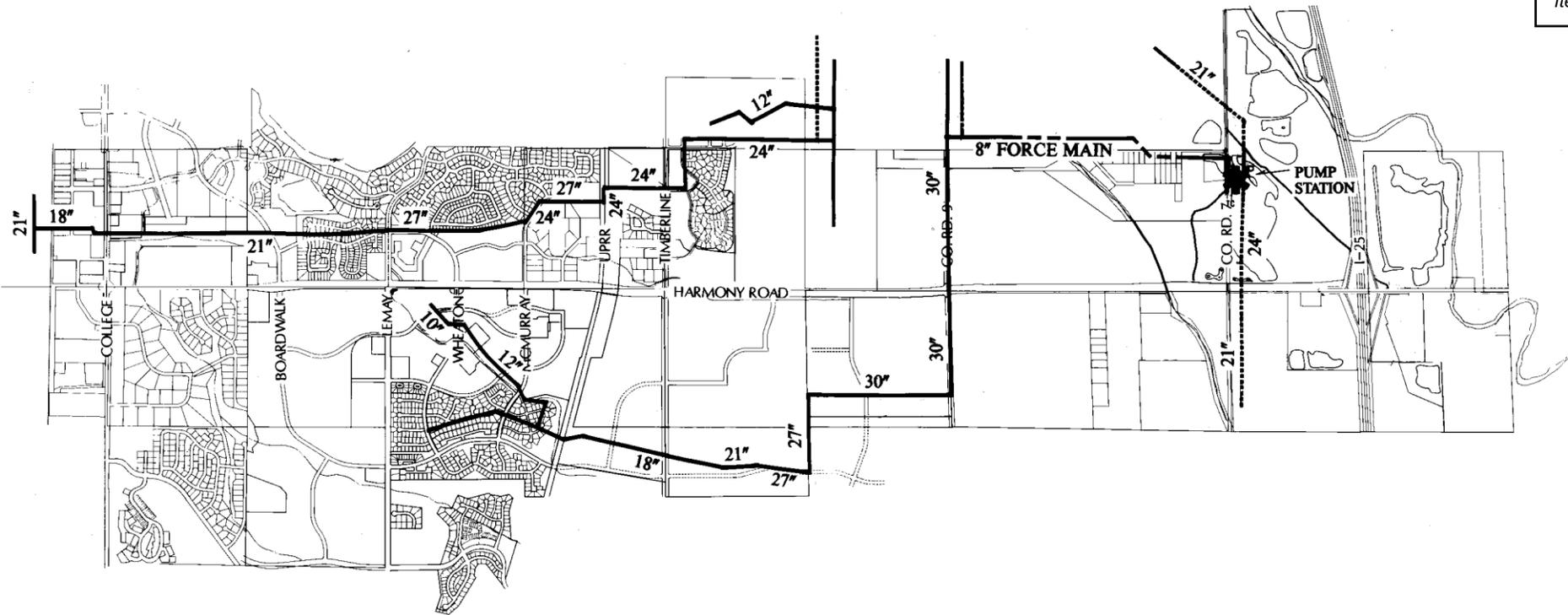


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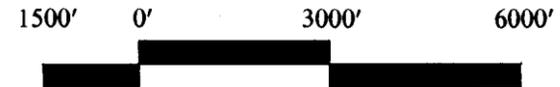


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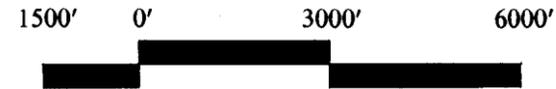
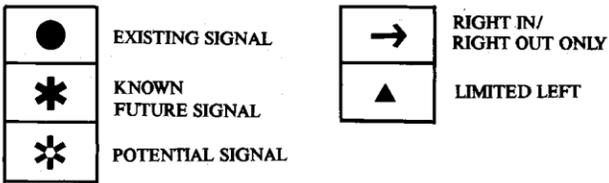
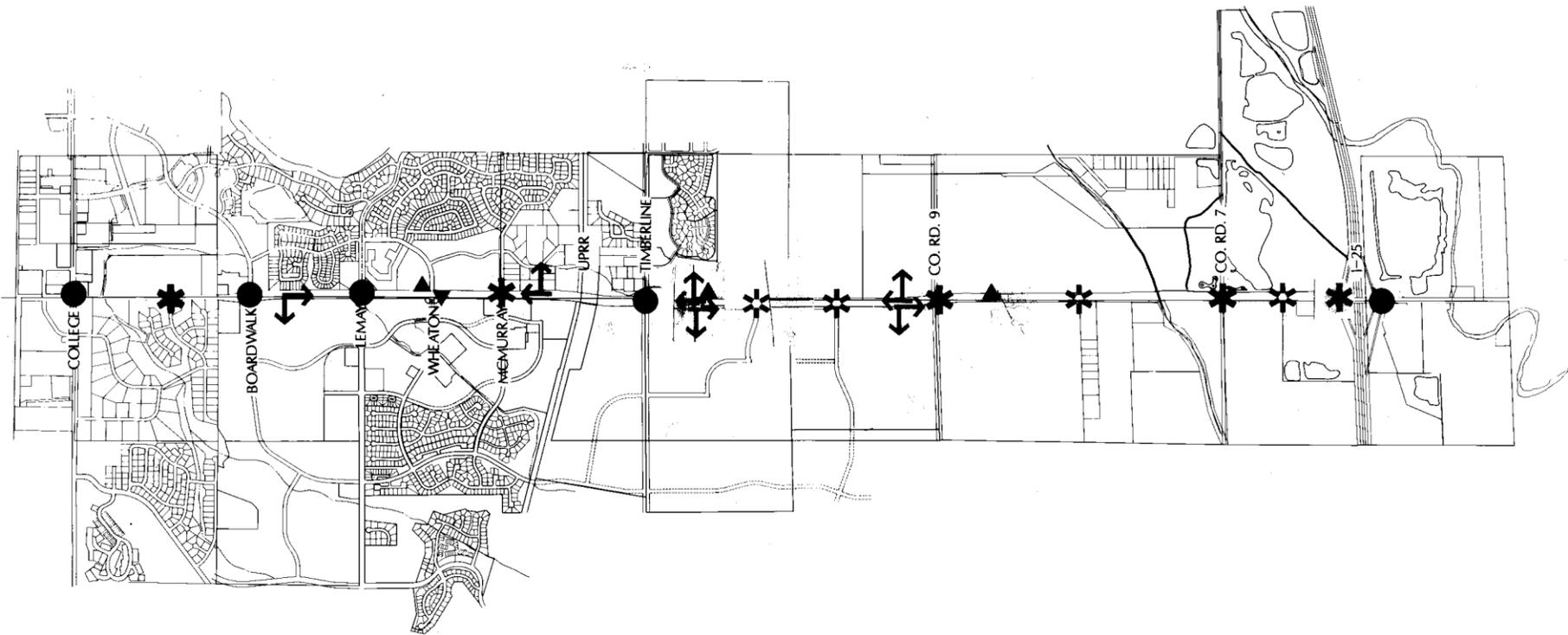


-  EXISTING CITY SEWER LINES
-  PROPOSED CITY SEWER LINES
-  FORCE MAINLINE

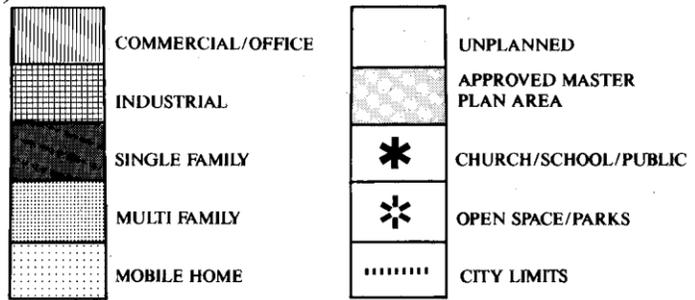


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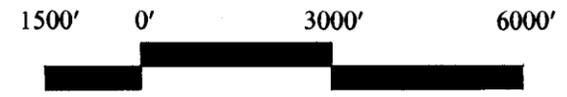
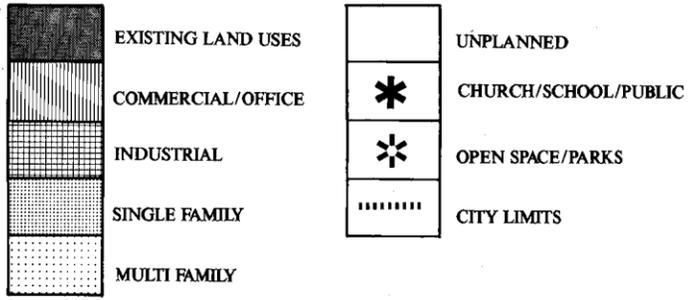
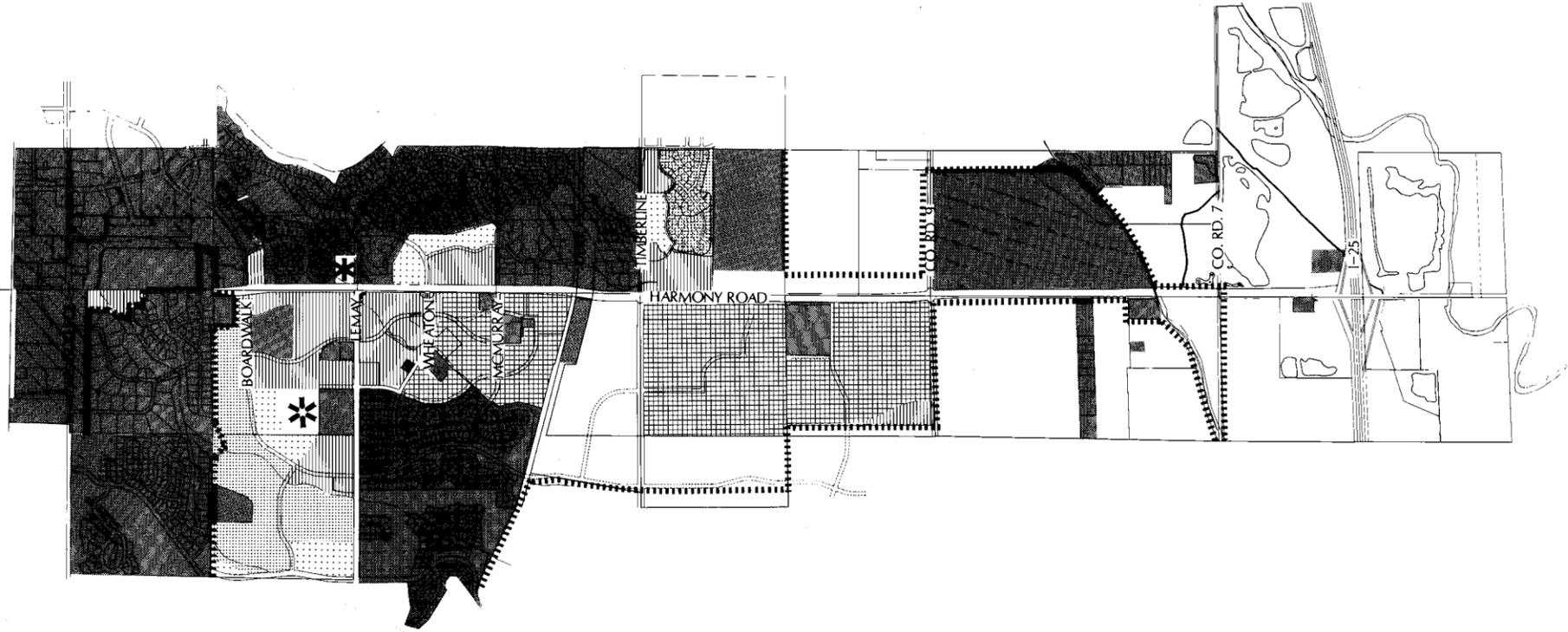
**SANITARY SEWER** **MAP 5**



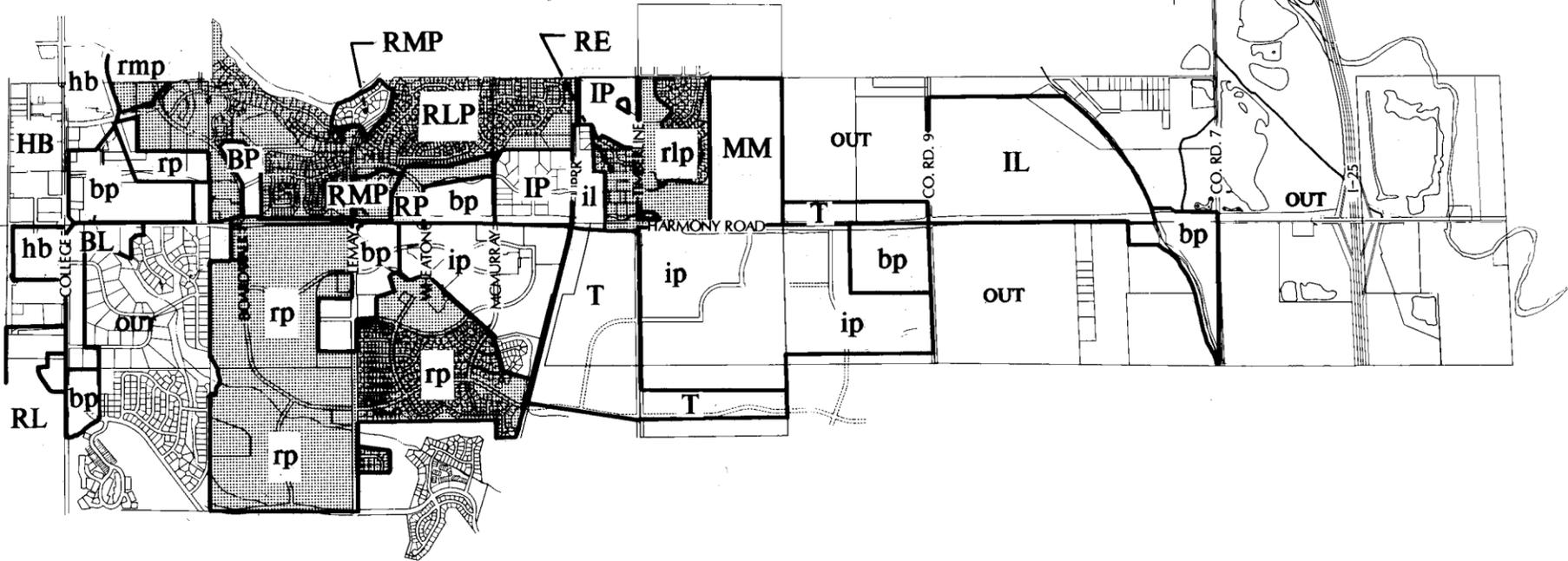
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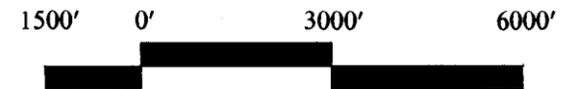
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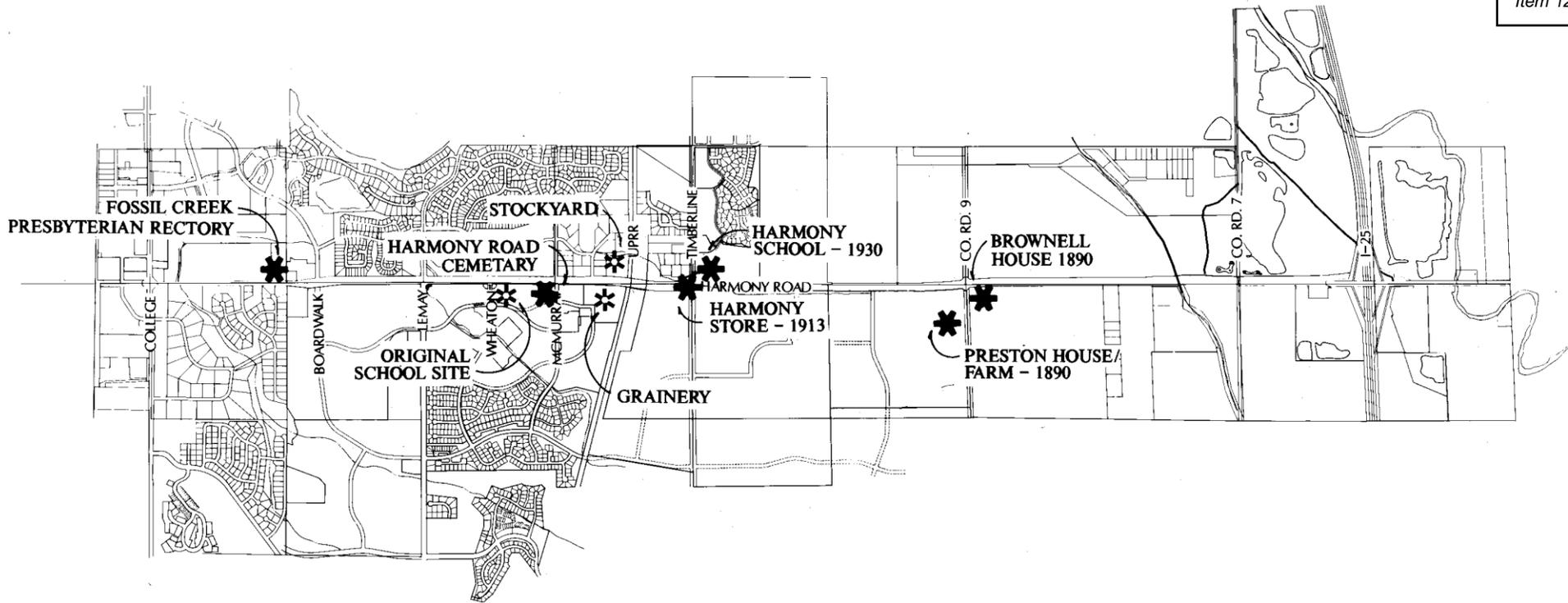
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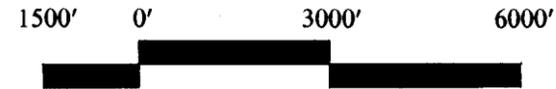
|    |                    |     |                                    |
|----|--------------------|-----|------------------------------------|
| HB | HIGHWAY BUSINESS   | RP  | PLANNED RESIDENTIAL                |
| BP | PLANNED BUSINESS   | RL  | LOW DENSITY RESIDENTIAL            |
| IL | LIMITED INDUSTRIAL | RLP | LOW DENSITY PLANNED RESIDENTIAL    |
| IP | INDUSTRIAL PARK    | RMP | MEDIUM DENSITY PLANNED RESIDENTIAL |
| T  | TRANSITION         | RE  | ESTATE RESIDENTIAL                 |



# HARMONY CORRIDOR PLAN



-  EXISTING HISTORIC STRUCTURE
-  HISTORIC SITES WHERE TRAIL MARKERS MIGHT BE APPROPRIATE



# HARMONY CORRIDOR PLAN

# 3

## LAND USE

Updated 2020 & 2025

*The final test of an economic system is not the tons of iron, the tanks of oil, or miles of textiles it produces. The final test lies in its ultimate products – the sort of men and women it nurtures and the order and beauty and sanity of their communities.*

LEWIS MUMFORD

## INTRODUCTION

The national image enjoyed by Fort Collins as an excellent place to live and do business is well deserved. Few cities in the nation have a more spectacular setting, a more qualified work force, or a more pleasing climate. The Harmony Corridor represents a key opportunity to maintain and enhance the community's positive image and quality of life.

As the Harmony Corridor emerges as a focus of development activity in southeast Fort Collins, this is an opportune time to look at current development trends and determine what specific future land uses would be most desirable to complement other development in the area.

### *ISSUES*

The issues surrounding future land use in the Harmony Corridor appear to focus on the need to manage development to achieve a level of quality consistent with the economic, environmental, visual and other "quality of life" objectives of the community; while guiding the corridor to become a major business center in northern Colorado that attracts desirable industries and businesses and, at the same time, provides effective transitions from residential neighborhoods.

Another important issue is the concern that the Harmony Corridor should not develop as a typical commercial "strip" with frequent curb cuts, inadequate landscaping, and highly fragmented development lacking coordinated site planning.

Finally, the corridor offers unique opportunities to attract desirable industries and uses that can provide long-term economic stability for the community. Fort Collins has the opportunity to choose which industries are important for its future. These choices will set the direction for the community's economy for the next forty years. In this regard, the issue appears to focus on the need for more predictability in guiding industries and businesses choosing to locate in the corridor area.

### ***CURRENT LAND USE POLICIES AND REGULATIONS***

The City's LAND USE POLICIES PLAN and LAND DEVELOPMENT GUIDANCE SYSTEM (LDGS) are the two documents which have been used most frequently to guide the planning and development of the corridor for the past ten years. The LAND USE POLILCIES PLAN (1979), an element of the City's COMPREHENSIVE PLAN, is the official statement of long range planning policy regarding a broad variety of land use planning issues including growth management, environmental protection, and locational policies for specific land use classifications.

The LAND USE POLICIES PLAN does not dictate specific kinds or specific locations of land uses that could occur in the community, but does provide general guidance, with special emphasis that development be well designed and mitigate any negative impacts before they be allowed to develop.

Once the *Harmony Corridor Plan* is adopted, it will serve as an element of the COMPREHENSIVE PLAN and will supplement the LAND USE POLICIES PLAN for this section of the community.

The LDGS, on the other hand, is not a Plan. It is a land use regulatory mechanism, like zoning, which is used to implement the goals, objectives and policies of the LAND USE POLICIES PLAN and the COMPREHENSIVE PLAN.

The LAND USE POLICIES PLAN promotes the maximum utilization of land within the corridor, higher density development, phased growth, a mix of uses and concentrated building activity. The availability of public facilities, including streets, sewer, water, natural gas, and electricity, establishes the corridor as a preferred location for intense urban activity including a mix of residential, industrial, commercial and recreational uses. Properly designed, multiple use developments make sense from both a public and private standpoint. People can and should have the opportunity to live near where they work, where they shop, where they go out to eat, and where they find recreation.

The auto becomes less necessary, thereby relieving the transportation system and reducing air pollution. Directing growth to those areas of the community where utilities are already in place, saves money and makes more efficient use of the existing public investment in infrastructure improvements.

The adopted LAND USE POLICIES PLAN also encourages a variety of retail activity in the corridor, including community and regional shopping centers. Only neighborhood scale shopping centers are allowed in residential areas. Strip commercial development is discouraged in the LAND USE POLICIES PLAN in favor of compact shopping centers.

Transitional land uses or areas are also provided for in the Plan to be located between residential and commercial areas. All residential areas are encouraged to include a mix of single family and multi-family dwelling units of differing types and densities. Other uses such as parks and schools are also expected to develop in the future to serve the expanding residential areas.

Since the late 1970's, development in the Harmony Corridor has been especially attractive and sensitive to the unique characteristics and importance of the area. The decision by Hewlett-Packard to locate in this corridor has had the positive effect of attracting other light industries and office users. The quality of recent commercial and residential development in the area has also been very good.

The challenge at hand is to determine if any additional land use policies are needed which could improve upon, reinforce and enhance the pattern of land use occurring within the corridor.

## **PLANNING FOR THE FUTURE**

### ***INTRODUCTION***

Both the City Council and the Planning and Zoning Board Commission have the responsibility and the authority to undertake the preparation of long range plans and policies. This planning effort offers an opportunity to establish a refined vision for the corridor. It includes creating a desirable living and working environment for future inhabitants, an exciting gateway into the community, as well as an important center for business and commerce.

The land use plan for the Harmony Corridor is intended to improve upon, reinforce and enhance the City's COMPREHENSIVE PLAN. It offers a vision of a future that many people and interests can identify with and seek to implement.

### ***THE PROCESS***

Several different land use alternatives were considered before finally arriving at the recommended one. These alternatives ranged considerably in intensity of development, character and practicality.

They were reviewed by the property owners in the study area and the general public. The recommended land use plan was synthesized by staff based on several months of public review and comment at a variety of forums.

The land use plan is depicted on Map 10. The intent of the land use plan and map is to provide for an orderly, efficient and attractive transition of vacant rural land to urban use; and to:

- (a) Maximize the use of existing services and facilities (streets and utilities).
- (b) Promote the development of the corridor as a high quality, self-contained and compact business center.
- (c) Provide for the location of industry and business in the city by identifying prime locations for such uses.
- (d) Provide shopping and service areas convenient to both residents and employees of the corridor.
- (e) Provide for a variety of housing types.
- (f) Preserve and protect existing residential neighborhoods from intrusive or disruptive development.

### ***THE VISION***

The vision for the corridor area is that it become a major business center in northern Colorado attracting a variety of businesses and industries serving local as well as regional markets. It should also include a mixture of land uses including open space, residential, office, recreational, and retail activities.

The focus of most development activity, especially commercial, should be at the major street intersections. The intensity of land use should decrease as distance from Harmony Road increases and as the distance from the major intersections increases. To promote pedestrian, bicycle and transit use, development in the area should be compact. Buildings, spaces and street frontages should be well-designed and of high quality materials and workmanship.

Business and industry provide the major economic focus of the corridor area. The land use mix also includes a variety of commercial uses to meet tenant and neighborhood resident needs.

Community and regional commercial activities are introduced in well-planned shopping centers or industrial parks, designed to draw shoppers from the surrounding community and region.

Free-standing highway related commercial (convenience stores, fast-food restaurants, gas stations and the like) are not permitted to locate outside of planned shopping centers or industrial parks. Only neighborhood scale shopping centers are allowed in residential areas.

Hotels to serve business tenants within the park will grow in importance. These hotels will be sited near major industrial parks, and in most cases be visible from Harmony Road.

Low intensity retail, restaurants, day care facilities, health clubs, personal service shops, business services (print shops, office supply, etc.), banks and other similar commercial activity is concentrated in attractively designed centers and integrated into planned industrial parks.

Buffer areas (transitional land uses, linear greenbelts, or other urban design elements) are provided to serve as cushions between the adjacent residential neighborhoods and the commercial areas. The existing, low density residential uses in the surrounding neighborhoods are maintained and enhanced. As business activity expands, new housing stock of a mix of types and densities is introduced as integral parts of the business and industrial parks.

## LAND USE PLAN

### GOAL STATEMENT

Encourage and support mixed land use development in the Harmony Corridor while discouraging “strip commercial” development and promoting the vitality and livability of existing residential neighborhoods.

### POLICIES

**LU-1 Strive for excellence and high quality in the design and construction of buildings, open spaces, pedestrian and bicycle facilities, and streetscapes by establishing and enforcing design guidelines specific to the corridor area.**

An important part of the *Harmony Corridor Plan* is the desire to continue the high standard of quality established by recent development projects in the corridor area. One way that this can be accomplished is through the development and implementation of design guidelines specific to the corridor itself. These guidelines should be adopted as a part of the criteria that the City uses to review development of the corridor area. These guidelines should address the following issues:

- Streetscapes, including fencing and screening.
- Landscaping.
- Street and parking lot lighting.
- Building setbacks.
- Architectural design and materials.
- Pedestrian and bicycle access and circulation.

**LU-2 Locate all industries and businesses in the “Basic Industrial and Non-Retail Employment Activity Centers” in the areas of the Harmony Corridor designated for such uses on Map 10. Secondary supporting uses will also be permitted in these Activity Centers, but shall occupy no more than ~~25~~ 50 percent (~~25% 50%~~) of the total gross area of the Overall Development Plan or Planned Unit Development, as applicable.**

The Harmony Corridor offers an opportunity for creating a major business and industrial center in northern Colorado, due to its desirable location, accessibility, available infrastructure, and land ownership pattern. Attracting desirable industries and businesses into the community, and in particular, the Harmony Corridor, achieves an important public purpose because it promotes primary and secondary jobs and generally enhances the local economy.

Basic Industrial and Non-Retail Employment Activity Centers are locations where industrial uses and/or office, or institutional type land uses are planned to locate in the future in business park settings. Base industries are firms that produce goods and services which are produced for export outside the city and thereby import income into the city. Typical business functions include research facilities, testing laboratories, offices and other facilities for research and development; industrial uses; hospitals, clinics, nursing and personal care facilities; regional, vocational, business or private schools and universities; finance, insurance and real estate services; professional offices; and other uses of similar character, as determined by the Planning and Zoning ~~Board~~ **Commission**

Mixed-use dwellings, where residential units are stacked above either a primary or secondary non-residential use, as well as affordable housing, shall be exempt from Primary or Secondary Use restrictions in the “Basic Industrial and Non-Retail Employment Activity Centers.” Such uses promote corridor and community-wide policy goals locating higher intensity and attainable housing close to employment, daily needs, and basic services, thereby reducing reliance on personal vehicle trips.

Secondary uses include hotels/motels; sit-down restaurants; neighborhood convenience shopping centers; childcare centers; athletic clubs; and, a mix of single family and multi-family housing. If single family housing is provided, at least a generally equivalent number of multi-family dwelling units must also be provided. “Multi-family” shall mean attached single family dwellings, 2-family dwellings or multi-family dwellings.

Secondary uses shall be integrated both in function and in appearance with an office (or business) park, unless a special exemption is granted by the Planning and Zoning ~~Board~~ **Commission**. In order for such an exemption to be granted, the applicant must demonstrate to the satisfaction of the ~~Board~~ **Commission** that the granting of the exemption would neither be detrimental to the public good nor impact the intent and purposes of the foregoing requirement and that by reason of exceptional narrowness, small parcel size, or other special condition peculiar to a site, undue hardship would be caused by the strict application of this requirement.

The essence of the Basic Industrial and Non-Retail Employment Activity Center is a combination of different types of land uses along with urban design elements that reduce dependence on the private automobile, encourage the utilization of alternative transportation modes, and ensure an attractive appearance.

**LU-3 All retail and commercial land uses, except those permitted as secondary uses in the Basic Industrial and Non-Retail Employment Activity Centers, shall be located in ‘Mixed-Use Activity Centers’ which permit different types of shopping centers. All shopping centers, except neighborhood convenience shopping centers, shall be limited to the locations shown on Map 10. Neighborhood convenience shopping centers shall also be permitted as secondary uses in the Basic Industrial and Non-Retail Employment Activity Center as described in LU-2.**

The Mixed-Use Activity Center permits, in addition to the uses listed in the “Basic Industrial and Non-Retail Employment Activity Center,” a range of retail and commercial uses to occur in shopping centers, to meet consumer demands of residents and employees who live and work in adjacent neighborhoods, as well as from the community or region. Coordinated planning of a “center” rather than isolated individual uses is the most effective means of avoiding the “strip” type of development. Permitted locations for different types of shopping centers are shown on Map 10.

The essence of the Mixed-Use Activity Center is a combination of different types of land uses along with urban design elements that reduce dependence on the private automobile, encourage the utilization of alternative transportation modes, and ensure an attractive appearance.

The scale and design of the shopping centers should be compatible with neighboring uses. Shopping centers can and should play an important role in the identity, character and social interaction of surrounding neighborhoods. They should be easily accessible to existing or planned segments of public transit. Adequate auto accessibility, especially for community and regional shopping centers, is important. Shopping centers should have a physical environment that is conducive to pedestrian and bicycle travel.

**LU-4 Allow a broader range of land uses within the Gateway Area as shown on Map 10. The Gateway Area permits a mix of all uses allowed in the Harmony Corridor, including the individual uses in shopping centers, to occur throughout the area. Retail and commercial uses shall occupy no more than 50% of the mix of uses in the applicable development plan.**

Development in the area is intended to form a mixed-use place to attract employment uses with the convenient mixing of uses as an amenity, as described in Chapter 5. Retail and commercial uses are allowed in any portion of the area because development will be coordinated within an urban design framework to minimize negative impacts on sensitive uses such as residential uses and on visual quality.

The focus within the Gateway Area will be on visual quality of naturalistic landscaped edges along I-25 and Harmony Road; and on urban design of pedestrian-friendly placemaking in areas of building development. Building development shall be clustered away from I-25 and Harmony Road and designed to blend unobtrusively into the landscape setting.

**LU-5 Provide for the advance planning of large, undeveloped properties in the corridor area.**

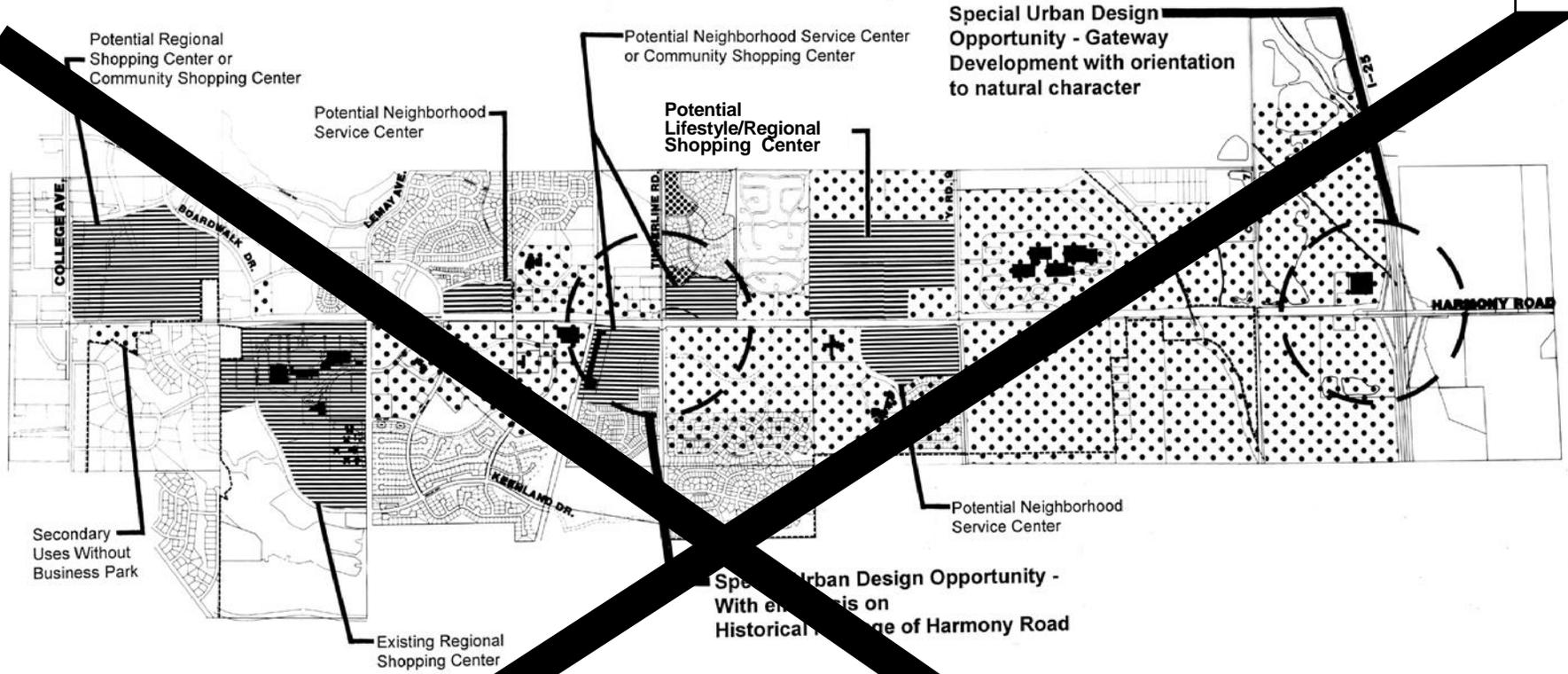
Coordinated planning of large parcels of land in the corridor area can generally provide greater opportunity for more innovation and variation in design, increase efficiency in utility services, and accomplish many more of the policies and objectives of the community than does a more piecemeal approach to development planning.

**LU-6 Recognize the importance of the continued livability and stability of existing residential neighborhoods as a means to expanding future economic opportunities in the corridor.**

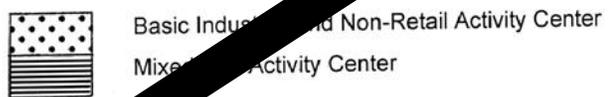
The corridor area contains existing residential areas whose existence contributes to the future economic health of the corridor area. Future development in the corridor should be sensitive to these areas.

**LU-7 Preserve a transition or cushion of lower intensity uses or open space between existing residential neighborhoods and the more intense industrial/commercial areas.**

An important goal of the *Harmony Corridor Plan* is to provide a harmonious relationship between land uses and to protect the character of new and existing residential neighborhoods against intrusive and disruptive development. Open space, setbacks, landscaping, contextual building height and scale, physical barriers and appropriate land use transitions can be effective ways to provide a cushion between different uses. The following are generally considered to be appropriate transitional land uses: professional offices; multi-family housing; churches; childcare centers; and assisted living, memory care, and short-term care facilities.



**Harmony Activity Centers**

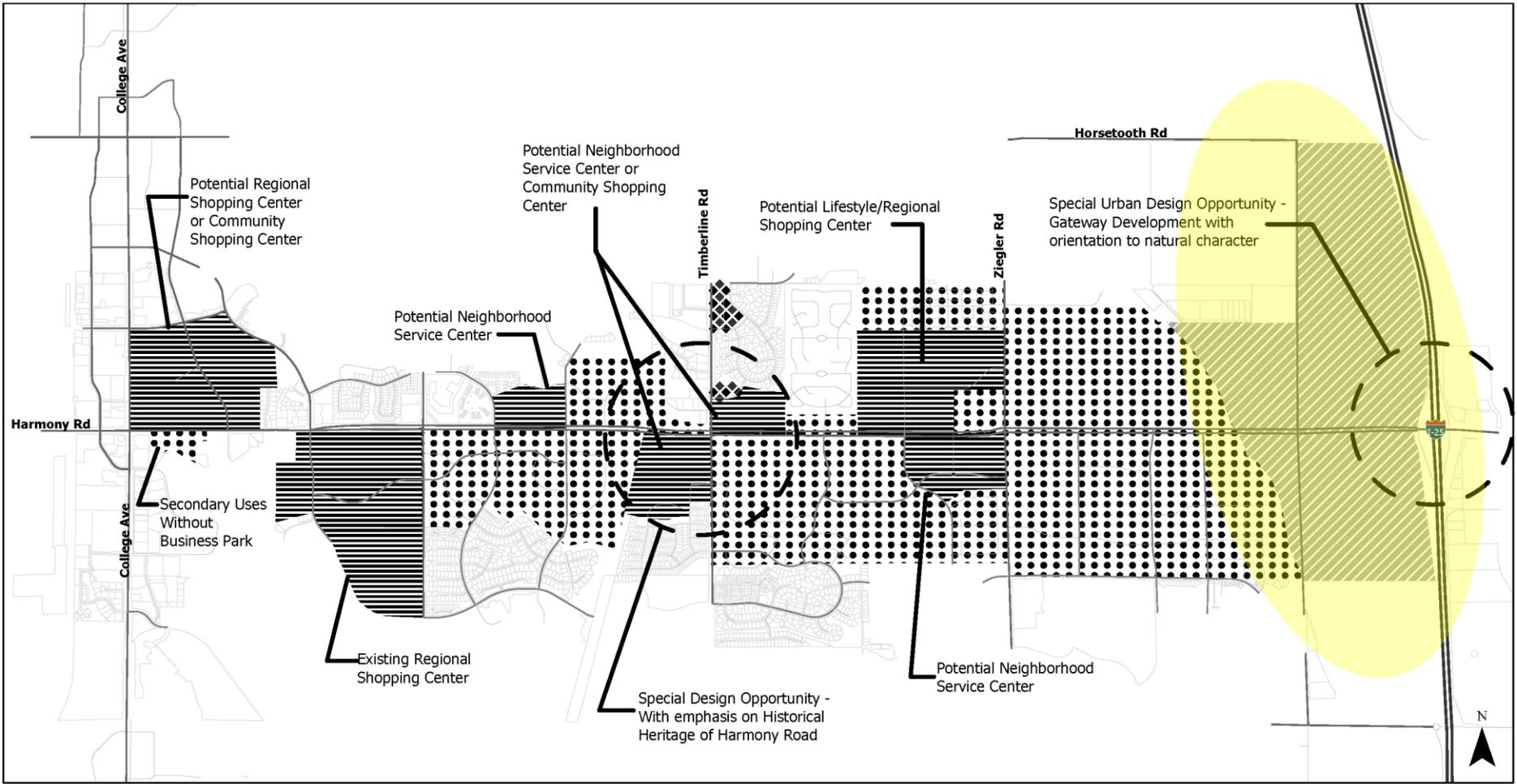


**Potential Shopping Center Locations Outside of Activity Center**



# HARMONY CORRIDOR PLAN

## LAND USE PLAN MA.1

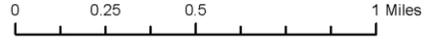


**Harmony Activity Centers**

-  Basic Industrial and Non-Retail Activity Center
-  Mixed-Use Activity Center

**Potential Shopping Center Locations Outside of Activity Center**

-  Neighborhood Convenience Center
-  Gateway Area



## IMPLEMENTATION ACTIONS

The following actions need to be taken by the City to ensure that the land use section of the Plan is implemented over the years to come.

1. The City Council and the Planning and Zoning Board Commission should adopt the Plan.
2. The City should annex all unincorporated areas within the Harmony Corridor, in accordance with the parameters of the Urban Growth Agreement.
3. The City should adopt design standards and guidelines which reinforce the distinctiveness and quality of the corridor area.
4. When reviewing new development proposals in the corridor, the City shall evaluate such proposals according to the standards and guidelines adopted as part of the *Harmony Corridor Plan*. The *Harmony Corridor Standards and Guidelines* are in addition to existing development regulations that apply to specific development proposals.
5. The City should prepare design guidelines which further elaborate on the effective use of design measures for buffering between residential and non-residential land uses.
6. The City should establish means of effectively encouraging industries and businesses to locate in the Harmony Corridor.
7. The City should consider adopting a “superblock” planning requirement which assures the coordinated planning of large parcels of land.
8. The City should explore local landmark district designation of existing historic structures.
9. The City should study the distribution of basic industrial and non-retail jobs as part of the update of the Comprehensive Plan. The planning effort should also determine the relative importance of the Harmony Corridor in achieving community-wide employment objectives. And, based on the results of the study, the City should prepare incentives and/or regulations to assure implementation of the employment objectives in the Harmony Corridor. Revise policies of the Plan as needed.

10. The City of Fort Collins, Larimer County and the Town of Timnath should join efforts to plan for the appropriate development of Harmony Road east of I-25 compatible with the *Harmony Corridor Plan*.
11. Pioneer Mobile Home Park, located on the northeast corner of Harmony Road and College Avenue, is home for many low-income families and elderly persons on fixed incomes. Although the Plan indicates future redevelopment of the site, the displacement of persons in the neighborhood should be carefully planned and sensitive to the particular needs of the residents.
12. The “Harmony Bikeway Study” (currently underway) should be prepared to reinforce the goals and vision of the *Harmony Corridor Plan*, as well as the City’s overall transportation objectives.

# 4

## URBAN DESIGN

*The success of a work of design may be soundly evaluated only by its overall long-term effect on the healthy, happy survival of humans. Any other evaluation of architecture, landscape architecture, or city planning makes little if any sense.*

NORMAN NEWTON

## INTRODUCTION

Urban design encompasses a wide variety of topics having to do with the physical environment in an urban setting. Existing development, open space, pedestrian and vehicular linkages, historic buildings and places, trees and other natural features all combine to create a sense of place. The challenge for the *Harmony Corridor Plan* is to take all of these diverse urban design elements and shape them, so that the resulting sense of place enhances the quality of life for people who live and work in the corridor.

## ISSUES

### *VISUAL CONSIDERATIONS*

As one enters the corridor from the east, the landscape character along Harmony Road is a unique blend of rural scenery and high quality, campus-like office and industrial development. Moving further west and closer to fully urbanized areas, the variety of land uses becomes more diverse and includes commercial businesses. The landscape character changes from a wide floodplain, dominated by spectacular views of the Front Range to a predominantly paved urban environment near College Avenue. It is probable that the diversity of land uses and architectural styles will continue to increase.

As Harmony Road continues to develop, an urban design character will be established. It can become like many other communities and be visually cluttered with a wide variety of land uses, architectural styles and landscapes or it can be a well-planned corridor with a cohesive landscape design theme that capitalizes on its strengths and down plays its weaknesses. One purpose of the *Harmony Corridor Plan* is to create an urban design framework that can unify the visual diversity into a cohesive whole. Building on the area's natural scenic qualities, the Plan seeks to create a vision of what the Harmony Road of the future will look like.

### *ECONOMIC DEVELOPMENT CONSIDERATIONS*

Harmony Corridor represents an opportunity for this community to make a positive first impression and demonstrate that Fort Collins is a great place to live, work and play. Harmony Corridor already has many positive locational and site development characteristics, such as good community/regional access and large fully serviced tracts of undeveloped land. A uniquely attractive and well-planned landscape character can reinforce these positive qualities and give Fort Collins an edge when competing against other communities for quality business and industrial development.

This vision for Harmony Corridor goes beyond establishing an attractive landscape and attempts to create an image for the corridor that is consistent with the progressive and dynamic development occurring there. Changing the name of Harmony Road to Harmony Parkway is one example. Specially designed and well-coordinated public signage, lighting and other visible infrastructure can further enhance a quality image for the corridor.

### ***LANDSCAPE DESIGN ISSUES***

In order for the Harmony Corridor urban design concept to be successful, it needs to overcome constraints and take advantage of opportunities. The biggest challenge is to develop and implement a landscape plan that can successfully integrate the many different existing landscape characters into a cohesive whole.

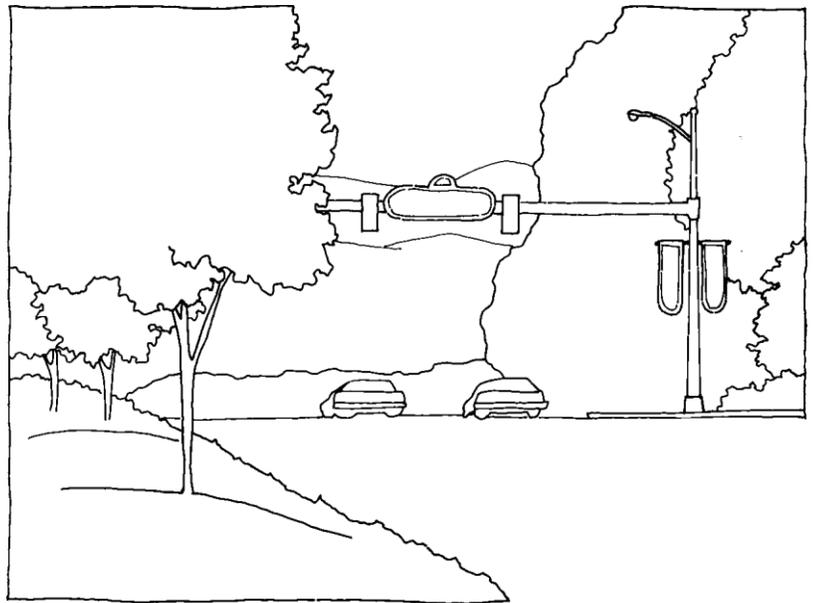
Several existing developments have already set high standards for landscape design. The wide setbacks, rolling berms and groves of trees that typify the landscape frontage at Hewlett-Packard, Mountain Crest Hospital and Oakridge create a sense of spaciousness and environmental quality. The urban design plan for the corridor should complement these successful landscapes.

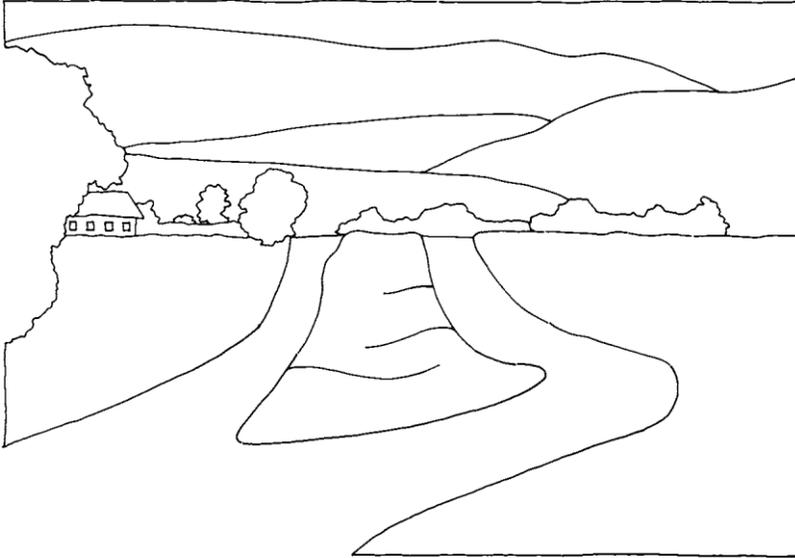
*Specially designed and well coordinated public signage can contribute to a quality image for the corridor.*

While landscape continuity is essential, other landscape characteristics are also important. Selecting plant material that is hardy, disease resistant and relatively easy to maintain increases the chances for success. Plant materials that create visual interest and seasonal variety make the landscape more appealing and should be emphasized in the plan. Existing trees should be preserved for the spatial character they establish and the historical heritage they represent.

### ***WATER CONSERVATION***

Water conservation is an environmental issue which will become increasingly important in the future. The landscape design concept for Harmony Road needs to recognize this trend and respond by utilizing xeriscape techniques.





*The spacious median is important to the visual quality of the corridor.*

### **PEDESTRIAN AND VEHICULAR LINKAGES**

Other factors that contribute to the urban design character of the corridor include the design of streets, sidewalks and trail systems. Roadway geometrics and design detail influence the visual appearance of a streetscape. In the Harmony Corridor it is especially important to consider future roadway geometrics for Harmony Road.

The fact that Harmony Road is a state highway complicates the issue. The City and State agree that eventually Harmony Road will need to be widened to accommodate three travel lanes in each direction. Indications are that the State intends to widen the roadway to the inside, greatly reducing the width of the median or, in some cases, eliminating it entirely. Landscaping in the median also must be coordinated with the State Division of Highways and designed to their standards.

At the present time, these standards do not allow planting trees in the median. The need for curb, gutter, and splash blocks in the future also needs to be examined. In order to successfully implement a meaningful urban design concept, the City must work with the State toward a common vision for the future.

Transportation planning in the corridor should respond to the needs of motorists, commuters, bicyclists and pedestrians. Well-planned and sensitively designed trail systems serving bicyclists and pedestrians can contribute to the visual attractiveness of the area, help create a sense of place and enhance the quality of life for people who live and work in the Harmony Corridor.

### **HISTORICAL HERITAGE**

The historical heritage associated with the original community of Harmony is one of the interesting facts that make the Harmony Corridor unique. The colorful personalities associated with that era and their labor which created irrigated farmland, built charming Victorian houses, established a church, school and cemetery should not be forgotten. The persistence and hard work of these early pioneers played an important role in the evolution of the corridor.

Even though historic farmhouses and other buildings in the corridor may eventually be replaced by more modern structures, the historical heritage they represent can be preserved in a variety of ways. Encouraging property owners

to have the historical significance of their structures documented is important. One of the future neighborhood parks in the corridor could be named “Harmony Park” and emphasize a historical theme. Historical markers along trail systems could enhance this concept. The Harmony Corridor urban design plan should capitalize on these opportunities to pre-serve the past for the benefit of future generations.

#### ***COORDINATION WITH UTILITIES***

Utility systems in the corridor can affect the visual quality of the corridor in a variety of ways. The City’s Water and Wastewater Utility has completed the conceptual design and route selection for a major water transmission main in the corridor. Utility engineers and planners will need to balance the needs of the utility with the aesthetic purposes of the urban design plan. A 40-foot wide drainage channel designed to carry stormwater flows from the Hewlett-Packard site to the lake east of County Road 7 is another example of utility systems affecting the visual appearance of the streetscape. Communication and coordination are key factors in resolving conflicts before they become problems. In most cases the needs of the utility can be met without sacrificing visual aesthetics if the systems are carefully planned with the corridor landscape design objectives in mind.

## **ALTERNATIVE DESIGN CONCEPTS**

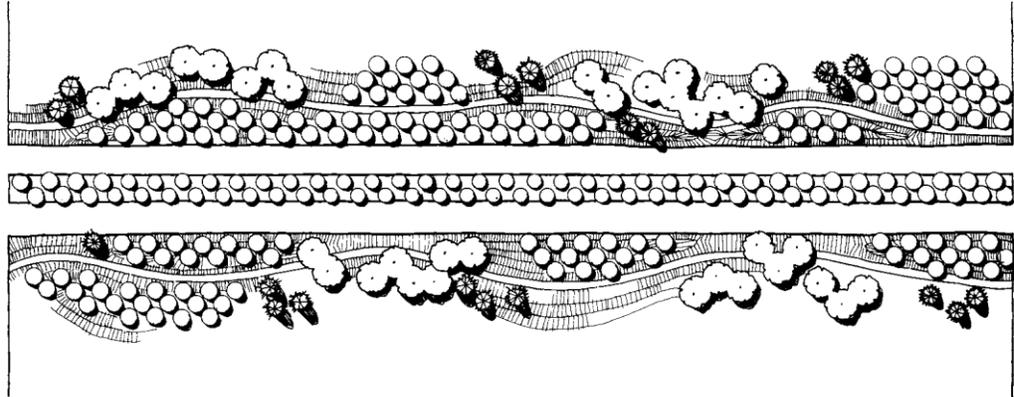
The design process began with a visual analysis of the corridor, detailed in Chapter 2, followed by the generation of three alternative urban design concepts – Harmony Orchard, Harmony Rhythm, and Harmony Oaks. The basic elements of each design concept are described below.

#### ***HARMONY ORCHARD***

In this design concept, ornamental trees are planted in a grid pattern to create an orchard effect along Harmony Road from I-25 and to College Avenue. The tree grid is continuous in the median and occurs randomly along the road edges skipping properties that are already developed. Developers are encouraged to plant evergreens and tall deciduous canopy trees to act as a backdrop for the orchard. Species of orchard trees are selected for hardiness and disease resistance, as well as for spring and fall color.

The median and adjacent properties are graded to continue the rolling berms already becoming a hallmark of Harmony Road. A meandering bike trail parallels both sides of the street and connects to existing bike trails. The ground plain is planted with a bluegrass, brome and fescue mix to provide turf

*Plan view of the Harmony Orchard design concept.*

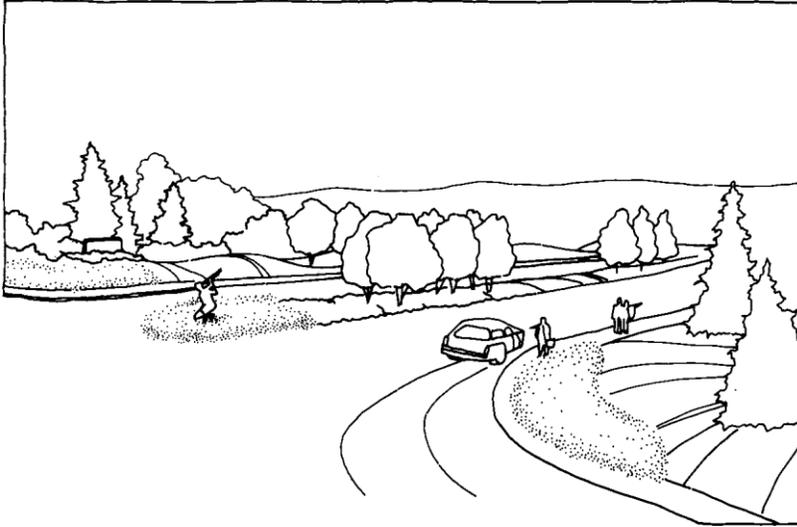


that is green during the growing season and still conserves significant amounts of water over conventional bluegrass. The mowing height is six inches, in keeping with an orchard theme. Thousands of daffodils are naturalized all along the median creating a spectacular flower display in early spring. Low stone walls are encouraged as an architectural design element at intersections and anywhere retaining walls or low screen walls are needed. Distinctive lighting and sign graphics are used to further build on the design concept.

#### ***HARMONY RHYTHM***

A repetition of plant material and sculpture combine to create a rhythm along Harmony Road that the viewer perceives whether he is entering Fort Collins for the first time or is a resident taking advantage of the bike trail system paralleling the road. A narrow range of plant material is selected to provide seasonal interest. For example “Burning Bush” might be selected as a shrub that is repeated in the landscape of new developments, resulting in a dramatic display of glowing red shrubs during that few weeks in the fall when that shrub turns color. Other trees, shrubs and perennials are selected to provide similar effects all through the growing season.

Sculpture is promoted along the corridor making a statement about Fort Collins’ interest in the arts. Occurring at intersections and at prominent points along the trail system, sculptural elements could be individually unique or work together around a common theme.



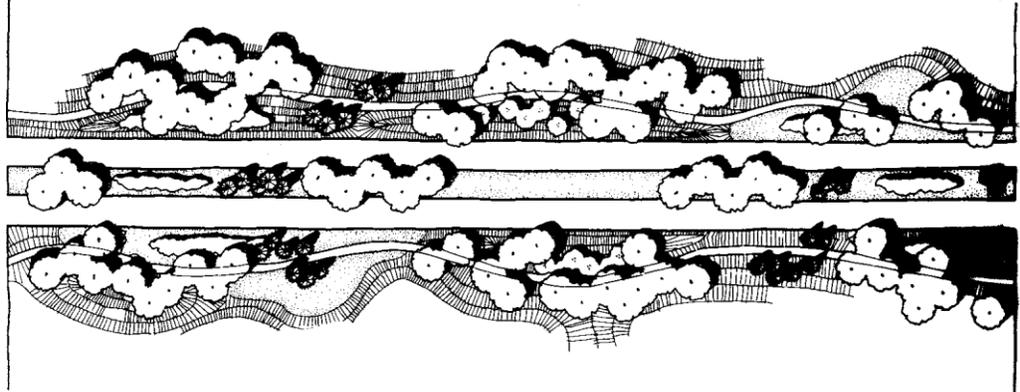
*Perspective view of the  
Harmony Rhythm design  
concept.*

### **HARMONY OAKS**

The Harmony Oaks concept is characterized by wide setbacks, naturalistic berming, a meandering sidewalk, and groves of oak trees alternating with wild- flower meadows. Oaks have been selected as the dominant tree species for several reasons. Two types of trees are native to Colorado: Coniferous species usually associated with higher elevations, and deciduous species found along streams. One of the few deciduous hardwood trees native to Colorado is the Gambel Oak. This combined with the oak's reputation for longevity, hardiness, disease resistance, low water demand, fall coloring, and attractive appearance led to the conclusion that the Gambel Oak along with other oaks known to thrive in this climate would be the best tree to dominate in the corridor landscape.

Although the oaks are combined with a substantial number of other tree species to avoid a monoculture, they are planted in sufficient quantities to have a unifying effect. The oak's rugged appearance makes it ideally suited to the informal naturalistic landscape emerging along Harmony Road. Drifts of pines occur randomly to provide winter interest and add to the naturalistic forested effect.

*Plan view of the Harmony Oaks design concept.*



Starting at I-25 and continuing to College Avenue, wildflowers are planted in the median and intermittently along the edges of the road. The continuity of the wildflowers provides a colorful welcome mat for people coming to Fort Collins via Harmony Road. Along both sides of the road, an extra-wide sidewalk meanders through berms providing the pedestrian and bicyclist with alternate experiences of wildflower meadow and oak forest. Low stone walls, special signage and flags sporting a unique logo that ties in with the Harmony Oaks design theme are used at intersections to strengthen the design concept.

## **EVALUATING THE DESIGN CONCEPTS**

Each concept was evaluated against the following criteria:

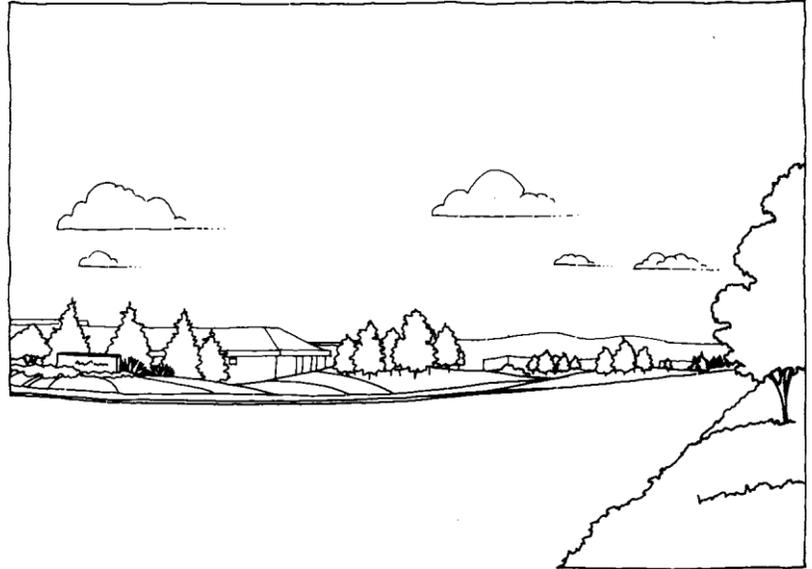
- Ability to unify the corridor.
- General attractiveness.
- Seasonal variety.
- Ease of implementation.
- Construction cost.
- Maintenance cost.
- Water conservation.
- Landowner values.
- General public values.

All three alternatives along with supporting graphics were displayed at a series of public open houses. Staff held numerous meetings with affected interests and work sessions with boards and commissions. The feedback overwhelmingly supported the Harmony Oaks urban design concept over the other concepts.

In the final analysis, the Harmony Orchard concept was rejected because of the difficulty of implementation, high costs and lack of support from the landowners and general public. Although the Harmony Rhythm design concept scored high when evaluated against the criteria, it was also eliminated because of high installation costs and lack of landowner support. The Harmony Oaks alternative was selected as the urban design concept with the most potential.

A dominant tree species combined with a narrow plant palette will be very effective in unifying the corridor over time, while the use of wildflowers can provide a dramatic unifying effect in a much shorter time frame. The combination of plant material, rolling berms and meandering trail system will create a pleasant and attractive setting for future development and at the same time complement existing developments. The naturalistic, informal design will provide developers with needed flexibility and the cost of implementation and maintenance will be equal to or less than the typical landscape currently proposed for Harmony Road.

The Harmony Oaks concept emphasizes xeriscape, a term for water conservation through appropriate landscaping, in two ways. The plant palettes will consist of a variety of low to moderate water demand plant materials, and the recommended turf and wildflower ground covers will consume significantly less water than traditional blue grass turf.



*Perspective view of the Harmony Oaks design concept.*

## URBAN DESIGN PLAN

### GOAL STATEMENT

Guide development in the corridor so that collectively a perceivable, unified urban design theme and landscape character is created along Harmony Road. Utilize urban design principals to ensure that Harmony Corridor continues to be a great place to live, work and play.

### POLICIES

- UD-1 Implement the Harmony Oaks design concept through design standards and guidelines for private and public sector development projects.**
- UD-2 Promote water conservation by providing design guidelines that encourage xeriscape landscape techniques.**
- UD-3 Establish a well-planned and attractive gateway entrance to the community at the I-25 interchange, emphasizing the natural scenic qualities of the area.**
- UD-4 Promote the development of an extensive recreational trail that connects to the city-wide trail system.**
- UD-5 Promote the development of a commuter bikeway system that supports bicycling as an alternative mode of transportation in the corridor.**
- UD-6 Coordinate the long range planning efforts of other City departments and governmental agencies with the goals and objectives of the *Harmony Corridor Plan*.**
- UD-7 Support efforts to preserve the historical heritage associated with the original community of “Harmony”.**
- UD-8 Adopt design guidelines and standards for retail development in the corridor to create better neighborhoods by promoting safe, pleasant walking and bicycling environments, more lively commercial centers, convenient transit access, and human scale design.**

## IMPLEMENTATION ACTIONS

The following implementation actions are intended as a guide for implementing the urban design section of the Plan.

### 1. DESIGN GUIDELINES

The Planning and Zoning Board **Commission** and the City Council should adopt the Plan along with design standards and guidelines for new development. The design standards and guidelines will set expectations for private and public sector improvements along Harmony Road (Design standards and guidelines are available under separate cover.)

The City should develop a master plan for a recreational trail system and for a commuter bicycle system to serve bicyclists and pedestrians in the corridor. Additional field investigations and coordination efforts are needed to develop a strategy for implementing effective systems for commuting and recreation. Analyzing cost/benefit relationships and developing appropriate funding mechanisms are a part of this work effort.

### 3. WILDFLOWER RESEARCH

For wildflowers to be done well and create a spectacular seasonal display, careful planning is required. The City should establish test plots along Harmony Road to determine the most appropriate seed mix and best maintenance practices. Ideally the test plots would be monitored for three years before large areas are seeded.

### 4. SPECIAL SIGNAGE

The City should develop a coordinated public signage system to enhance the Harmony Oaks theme. Special colors and unique Harmony Road design detail for public signage, traffic control devices and light standards along Harmony Road are envisioned. A funding mechanism needs to be developed.

### 5. NAME CHANGE

The City should change the name of Harmony Road to Harmony Parkway, which is more in character with the future vision of the Harmony Corridor.

## 6. COORDINATION WITH THE STATE DIVISION OF HIGHWAYS

The City should work with the State Division of Highways to answer questions about the future operation and physical appearance of Harmony Road. January 1993 should be set as a target date to resolve the following issues:

- Ownership of Harmony Road.
- Future widening.
- Curb, gutter, and splash block detailing.
- Planting in the median.
- Future interchange design and construction.
- Frontage roads.
- Bicycle commuting along Harmony Road.
- Car-pooling at I-25.

## 7. LANDSCAPE PLAN FOR THE MEDIAN

The City should complete a design development plan for the median that addresses curb, gutter, splash block, plant material, and irrigation. Establishing a funding source for construction and maintenance of the median landscape is part of this work effort.

## 8. LANDSCAPE PLAN FOR THE I-25 INTERCHANGE

The City should design and implement a well-integrated landscape plan for the I-25 interchange at Harmony Road. Creative use of plant material and carefully designed entry feature should introduce the Harmony Oaks concept to motorists leaving I-25 and entering Fort Collins. Landscaping the interchange should also present a positive first impression to motorists continuing on the interstate. The Plan needs to be integrated with the gateway planning effort described in Chapter 5.

## 9. COLLEGE AVENUE/HARMONY ROAD INTERSECTION PLAN

The City should develop a conceptual design plan for the College Avenue/Harmony Road intersection along with a specific implementation strategy. In addition to being the west gateway to the Harmony Corridor, this intersection is a major gateway to Fort Collins from the south. The importance of this intersection should be reflected in its appearance.

Landscape elements on each corner can be coordinated to achieve a well designed urban intersection that creates an impressive gateway to Fort Collins from the south and at the same time introduces the Harmony Oaks design concept for motorists entering the Harmony Corridor. This intersection is an ideal location for a special signage demonstration project.

#### 10. HISTORIC INTERPRETATION

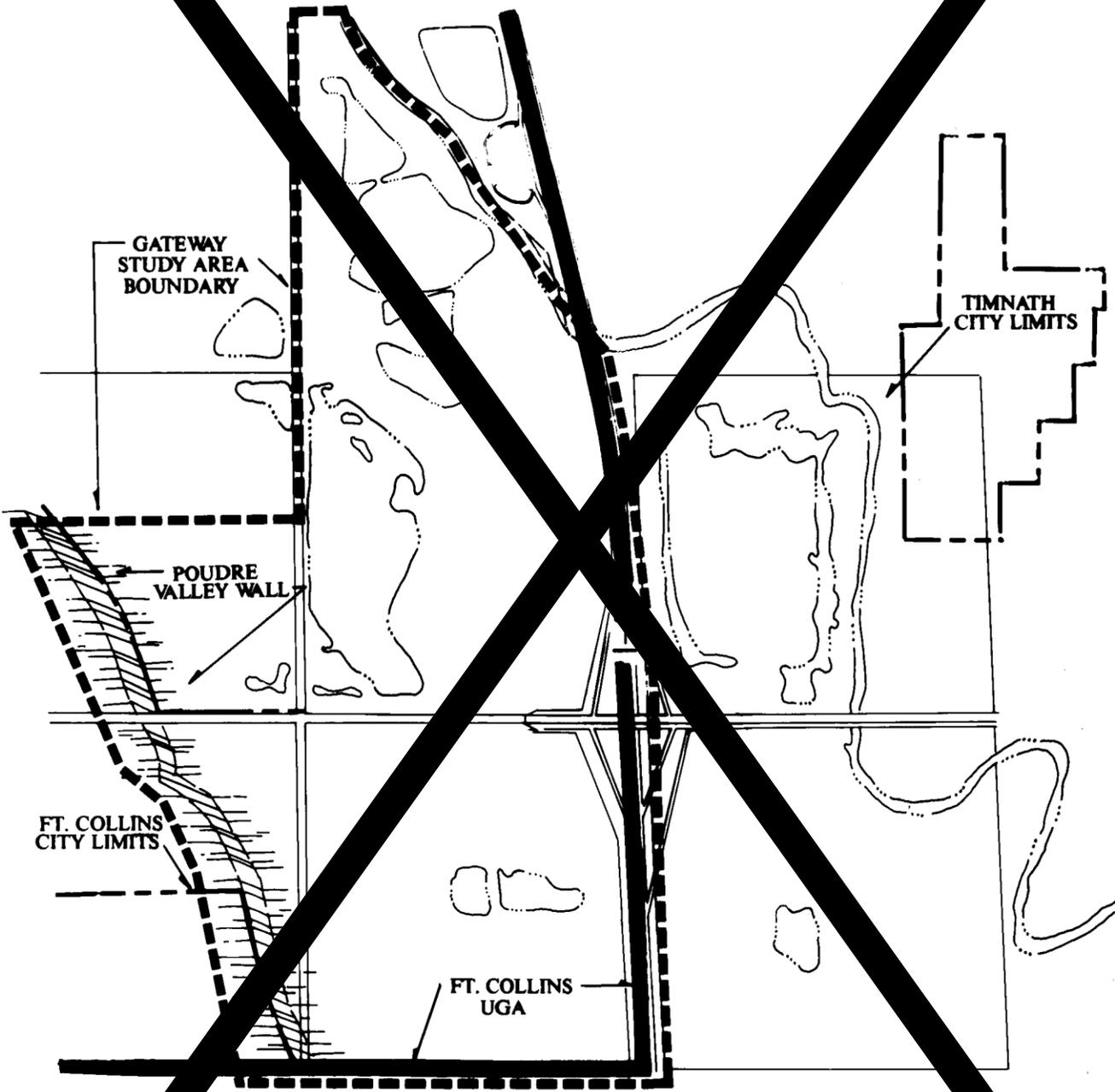
Opportunities for historic interpretation of the historic “Harmony” community should be explored as part of any future bicycle planning efforts in the corridor.



# 5 ALTERNATIVE GATEWAY CONCEPTS

*The psychology of arrival is more important than you think. If it is not obvious where to park, if there is no place to park when you get there, if you stumble into the back door looking for the front entrance, or if the entrance is badly lighted, you will have subjected your guests to a series of annoyances which will linger long in their subconscious. No matter how warm your hearth or how beautiful your view, the overall effect will be dimmed by these first irritations.*

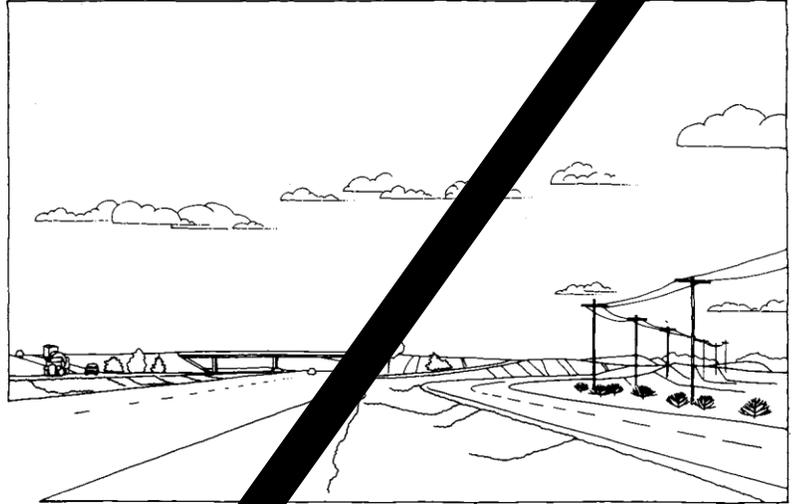
THOMAS D. CHURCH



## INTRODUCTION

The gateway area located between I-25 and the bluffs east of Hewlett-Packard has many unique physical qualities including open water, wetlands, wildlife habitat, and spectacular mountain views. The area is underlain with high quality gravel resources. Past, present, and future mining operations have changed and will continue to change the character of the landscape. Most of the area lies within the 100-year floodplain of the Cache la Poudre River and significant portions are located in the floodway. These physical conditions create a variety of development constraints and at the same time offer many recreational and educational opportunities.

Located at the crossroads of an interstate highway and a state highway, this major gateway entrance to Fort Collins has a great deal of development potential despite the constraints mentioned above. The commercial development that already exists in the gateway, as well as the kind of development that interchange locations typically attract, do not mesh well with the scenic and natural resource values of the area. This combination of circumstances challenges the community to find a way to balance natural resource assets with economic development.



*View of the I-25 interchange at Harmony Road looking north.*

## ISSUES

### ECONOMIC CONSIDERATIONS

The gateway area is literally the “Front Door” to this community. The psychology of arrival is important. If a newcomer’s first impression is marred by sights and sounds that are distasteful, those irritations will linger no matter how wonderful the rest of the view to Fort Collins might be. How this area is planned makes a statement about the people of this community – what our values are and the pride we take in our community. This is why it is important to establish a particularly well-planned and attractive gateway entry.

From an economic standpoint, a positive first impression can encourage quality

development to locate in the Harmony Corridor versus other Front Range communities. Quality development can create jobs and generate tax revenues that pay for a variety of public services. A favorable first impression can give Fort Collins an edge and help put the community on the driver's seat when it comes to selecting business and industry that is consistent with local values, as opposed to merely reacting to development when it comes.

**SCENIC RESOURCE VALUE**

The setting, being located in the floodplain of the Cache la Poudre River, is what makes the gateway area unique in the Harmony Corridor and significant in the community. The area is bounded by bluffs on the east, and the bluffs on the west. The bluffs, known as the Poudre River Valley Wall, area a result of the river's down-cutting action as it meandered and migrated within its floodplain for thousands of years. The bluffs are a dominant visual element that identifies the river's floodplain. The mature riparian vegetation seen from the distance defines the meandering path of the river. The resulting visual quality of this area is significant. Standing in the gateway area, one can see the whole spectrum of local ecosystems, from snow capped peaks in the far distance, to forested mountaintops, to the parral foothills, to grass covered plains, down to the wetlands and the riparian vegetation associated with the river valley. To have such a sweeping vista at the front door to our community can be a valuable asset.

**THE FLOODPLAIN**

The 100-year floodplain is the most significant development constraint in the gateway area. Most of the property in the gateway area lies within the 100-year floodplain, and significant portions of the area are within the floodway. Land located in the 100-year floodplain has a one per cent chance of flooding in a given year. The floodway is the land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface more than six inches. Under current policies, no development is allowed within the floodway. The areas between the floodway and the 100-year floodplain have some potential for development if flood-proofing is addressed. Since serious land development restrictions are associated with the floodplain and natural resource areas, the gateway is an excellent resource for alternate, less intensive land uses. The river and its floodplain along with associated wetlands and wildlife habitat is an integrated system. The ability to manage floodplain lands for appropriate uses is important to the river's natural resource value.

**WATER QUALITY CONSIDERATIONS**

Wetlands have historically been considered to have little value and generally good for nothing unless they could be filled and put to productive use. Only recently have wetlands come to be appreciated for the vital role they play. Besides providing wildlife habitat, wetlands have a unique capability to filter and enhance water quality. Located at the edge between land and water, the plant and animal life found in the saturated soil conditions of wetlands creates an environment that naturally breaks pollutants down into harmless substances. Portions of the gateway area have potential for being utilized to clean up stormwater run-off before it reaches the Cache la Poudre River.

**GRAVEL RESOURCES**

Gravel mining operations will affect the future of this area. Parts of the gateway have already been mined, parts are currently being mined and still other areas have gravel resources that could be mined in the future. All of these areas are presently outside of the city limits. Larimer County has a permit process for extraction of mineral resources that requires provisions for safety during the extraction operations and for reclamation. Both the City and County encourage the removal of gravel resources prior to development. There has been a recent trend in other areas of the community for property owners to donate land to the City after the gravel resources are depleted. This practice has advantages for the owner and provides opportunities for the

City to acquire open space at minimal cost.

**RECREATIONAL OPPORTUNITIES**

The Parks and Recreation Department has developed a rating system used to evaluate property in order to determine whether or not acquisition of the property fulfills the City's objectives regarding to open space. Scenic quality of the site combined with development limitations make land in the gateway area a viable candidate for public acquisition. Close proximity to the Fergus Cabin and the Northern Colorado Nature Center is important and the ease of accessibility is also a plus. The rating system also prioritizes acquisition of land based on development pressure meaning that land most likely to be developed should be acquired first. The fact that there are man-made structures on the site and an interstate highway is located adjacent to the property are negative factors when evaluating the area as public open space.

In addition to the property's value as open space, the area also provides opportunities for various forms of both active and passive recreation. A series of old quarries and lakes associated with gravel mining operations provide opportunities for fishing, swimming, boating and skating in winter. Quarries, lakes, wetlands, the river, and scenic views combine to make the area ideally suited for bicycling, leisure hiking and cross country skiing. Opportunities for viewing wildlife and bird watching are



*The Cache la Poudre River and numerous lakes in the gateway area could provide opportunities for recreational fishing.*

good and could be enhanced further. Existing groves of cottonwood trees add to the visual interest and provide sheltered areas for picnicking. The area may also hold potential for more active recreational uses such as golfing, field sports, and camping.

**EDUCATIONAL RESOURCE VALUE**

Resources for learning about history and the environment are abundant in the gateway area. The Cache la Poudre River flows through the Front Range as a clearly visible backdrop creates an opportunity to learn about Colorado landforms and ecological systems. A diversity of vegetation and wildlife habitat is there to be observed. In addition, there are opportunities to learn about mining operations and reclamation as well as drainage basins, stream flows, and water quality.

There are a variety of ways to take advantage of these educational opportunities. Preserving all or part of the area as open space and providing an interpretive center is one example. Simply providing interpretive markers along a bike trail system would be another way to increase environmental awareness.

**WILDLIFE HABITAT VALUE**

Significant portions of the gateway area have been identified as having wetland, wildlife or scientific interest. These areas include the open water created by old quarries left from mining operations, wetlands, groves of cottonwood trees and the riparian habitat along the river itself. (See Maps 2 and 3) The riparian habitat is a significant community of wildlife species, which include birds, mammals, reptiles and fish. Bald eagle, great blue heron, horned owl and peregrine falcon are important bird species known to occur along the river. Mule deer and whitetail deer are also commonly found along the river corridor.

**OTHER FACTORS**

A variety of other influences, beyond the physical ones, affect how land use decisions are made. Property ownership and land values are two key factors. There are approximately 100 different landowners represented in the area. Properties have been bought and sold with the expectation that highway business and/or other types of development would occur here in the future. The result has been an increase in land values.

Governmental jurisdictions in the gateway area are overlapping and complicated. While the gateway planning area is within the City's Urban Growth Area boundary, only a small part of the area is currently within the city limits. The governmental jurisdictions and the development review procedures and processes are defined in the Intergovernmental Agreement for the Fort Collins Urban Growth Area. Generally speaking the City's jurisdiction applies to properties within the city limits and those eligible for annexation. A jurisdiction review procedure has been established for property outside city limits but within the UGA. The County has jurisdiction over properties located east of 25. The Larimer County Land Use Plan has designated this area as "Rural" meaning that it should be protected for agricultural use or other low intensity uses, however the County zoning ordinance contradicts this designation. Property at the southeast corner of the 25/Harmony Road intersection is zoned C-Commercial, which allows a wide range of land uses including



*Blue herons are commonly seen near the Cache la Poudre River.*

...ly commercial. Significant portions of the gateway area are state highway right-of-way and subject to rules and regulations of the State Division of Highways. Planning and development of the gateway area will require special coordination efforts.

## WHAT THE FUTURE HOLDS

### *THE NULL ALTERNATIVE*

The governmental agencies, which have jurisdiction over land in and adjacent to the gateway area continue to operate under current policies, we can make some predictions about the future of this area. The following development scenario is based on current trends and development patterns of interchange locations in other communities.

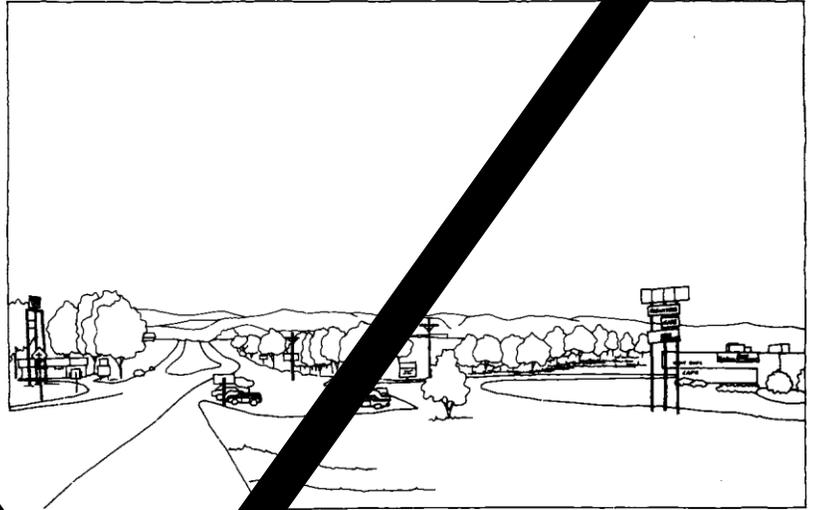
Properties on the east side of the interstate would develop under Larimer County regulations. The area north of Harmony Road but east of I-25 is currently being mined for gravel resources. It is anticipated that the area will be mined for at least ten more years before the gravel resources are depleted. The land owner plans for the future of the property after the resources are removed is not determined. The land is zoned for agricultural use, but could conceivably be rezoned to allowed commercial or industrial land uses.

Land located south of Harmony Road and east of I-25 is zoned C-Commercial in the county. This zoning district allows a variety of highway business uses such as gas stations, fast food restaurants and motels. Large-scale commercial uses such as automobile sales, mobile home sales and storage warehouses are also permitted.

Land on the west side of I-25 within the Fort Collins Urban Growth Area (UGA) and is subject to Larimer County land use regulations and the Fort Collins Urban Growth Area Intergovernmental Agreement. Development proposals on land not eligible for annexation, would be reviewed by the Urban Growth Area Review Board with representatives from both Larimer County and Fort Collins. This board makes a recommendation to the Larimer County Board of Commissioners.

Land that is eligible for annexation must be annexed prior to development. Property is zoned at the time of annexation. The City Council typically places a planned unit development condition on the zoning, meaning that development of the property must satisfy the criteria of the LAND DEVELOPMENT GUIDANCE SYSTEM (LDGS). Under existing City or County regulations, we can reasonably anticipate a mixture of land uses that would include highway business oriented uses near the interstate, more commercial development along Harmony Road and office and/or industrial land uses both north and south of Harmony Road. The dominance of the interstate highway coupled with floodplain restrictions make residential uses unlikely in this area, although it is a possibility for land areas closer to the bridge.

Development of the floodway is not allowed, however, developers may propose to realign the floodway, narrow its dimension by channelizing it and generally change the character of the landscape to create more developable land as long as capacity and flow requirements are met. Filling in areas of the floodway is also acceptable and creates more developable land. The wetlands located on the north side of Harmony Road are protected by the Army Corps of Engineers. The Corps of Engineers will sometimes grant permits to fill wetland areas if wetlands of equal value are being created elsewhere.



*Existing commercial development in the gateway.*

Although the constraints caused by the floodplain and wetlands will make development more expensive in this area, positive locational aspects of the site coupled with a lower initial land cost will probably make it cost effective to eventually develop most of the land in the gateway area west of Harmony Road. The lakes and some of the more mature vegetation would probably be retained. A substantial number of the cottonwood trees are likely to be lost because of the fill necessary to develop the land.

Through the LAND DEVELOPMENT GUIDANCE SYSTEM review process, staff can encourage open space, public access and trail systems. It would be difficult to create effective open space networks and trail systems without a conceptual master plan for the gateway area. This scenario is filled with unknowns. The only certainty is that the gateway area will continue to change.

Since the area is still largely undeveloped, we have an opportunity to affect the future of this gateway to our community. Two alternative approaches were developed. Alternative A assumes urban level development and emphasizes design guidelines and intergovernmental coordination, while Alternative B controls the future of the area through acquisition and emphasizes recreational and educational opportunities.



*Alternative A proposes development that is well integrated into the natural setting of the gateway area.*

**ALTERNATIVE A**

This development scenario places certain development restrictions upon the property, in order to take advantage of some of the recreational, educational and aesthetic opportunities the gateway offers. In exchange for having to comply with additional landscape and/or design restrictions, developers gain the advantage of more predictability and the economic edge provided by a spacious and well-planned gateway.

The intent is to create a gateway entrance that integrates quality development with the natural characteristics of the existing landscape. Wetlands, lakes and floodway areas are left undeveloped and become the focus of an elaborate open space network. The open space areas are laced with an extensive system of trails. The character of the gateway area as a whole

is naturalistic with heavy emphasis on native plants and wildlife habitat. The challenge for development is to blend into the natural scenery of things with as little visual disruption as possible.

Although more work is required to determine how this development scenario could be implemented, the following is suggested as a starting point for discussion purposes. Light industrial and office uses are encouraged. Commercial land uses are discouraged unless they can be shown to blend unobtrusively into the naturalistic setting. Setbacks would be in the magnitude of 80-100 feet from the right-of-way, creating a significant greenbelt around the interchange. Both the architecture and landscape plans would be subject to design standards and guidelines that emphasize the naturalistic character of the gateway area.

Open space and a trail system associated with the floodway, wetlands and lakes would be for public use. Ownership, maintenance and liability issues would have to be negotiated. Retaining significant amounts of open space may require the expenditure of public funds or a reinvestment of tax dollars created by the development. Property owners may be willing to dedicate some non-developable land to the City as open space.

The primary goal of Alternative A is to preserve the naturalistic character of the landscape and ensure that development projects are well integrated and contribute to the visual quality of the gateway area.

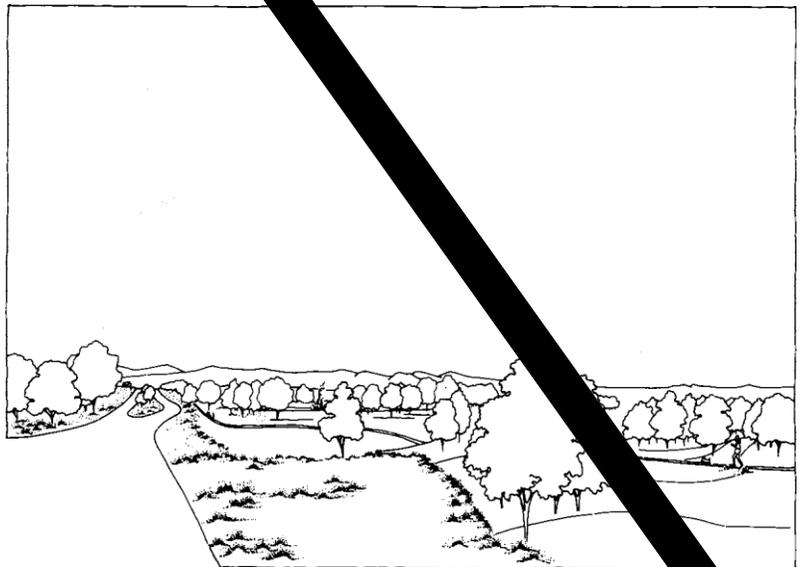
**ALTERNATIVE B**

This crossroad is not only a gateway to the Harmony Corridor and to Fort Collins, it is also where the Cache la Poudre River and the edge of the Urban Growth Area boundary intersect. How this area is planned and developed will impact the value of the river as a natural resource. This alternative recommends public acquisition of the gateway area as open space. Publicly owned open space at this location serves several purposes. It offers opportunities for unstructured recreation such as hiking, biking, jogging, or fishing and provides opportunities to relax and enjoy nature. The Cache la Poudre River floodplain, wetlands and wildlife habitats are environmentally sensitive areas the open space would protect. Public awareness of the river and its floodplain would be enhanced and educational programs could extend this awareness to learning about a variety of environmental issues. Lastly, having scenic open space at the front door to our community speaks loud and clear about the community values and emphasizes our appreciation and concern for the natural environment.

Although the area is largely undeveloped, there is some highly visible commercial development which exists just west of the interchange. This scenario proposes purchase of the commercial developments. The cost of eventually removing the structures is added to the acquisition cost. The total cost for acquiring the land at fair market value plus the cost of removing the commercial structures is estimated to be in the magnitude of 30 million dollars.

This scenario takes maximum advantage of the recreational, educational and aesthetic opportunities offered by the gateway area. It would be fair to the landowners as well as to the public. This solution is less complex than Alternative A, requires less coordination and therefore would be easier to implement. Unfortunately, the price tag associated with this option is high.

*Alternative B proposes purchase of the gateway area for public open space.*



*LOCAL VALUES*

Alternatives A and B only scratch the surface of a multitude of possibilities for the gateway area. The alternatives were used to clarify distinct directions and courses of action. Both options, along with the "null" alternative were displayed at a series of public open houses. Staff held numerous meetings with affected interests and work sessions with boards and commissions. The feedback overwhelmingly supported Alternative A. Responses indicated that people are not totally comfortable with the ability of existing City policies to coordinate and guide development in this area. They are concerned that natural resource value will be lost and important opportunities will be missed if we do not put forth a conscious effort to coordinate and plan this area with community values in mind.

Staff has studied the natural and scenic resource value of the gateway area, and speculated on the types of recreational and educational opportunities that the area can provide. The citizen participation component of the planning process has helped determine a direction. Additional work is required to develop a strategy for securing the future of this important segment of the community. The vision described in Alternative A is the starting point for the next work phase.

## THE GATEWAY PLAN

### GOAL STATEMENT

Shape the future of the gateway area, so that scenic qualities are emphasized and natural resources are protected. Enable the community to take advantage of recreational and educational opportunities associated with the Cache la Poudre River, lakes and wetlands.

### POLICIES

- GW-1 Establish a well-planned and attractive gateway entrance to Fort Collins at the I-25 interchange, emphasizing the natural scenic qualities of the area.**
- GW-2 Protect and enhance the natural resource value of the Cache la Poudre River.**
- GW-3 Encourage master planning efforts in the gateway area.**
- GW-4 Establish design guidelines for development of the gateway area that emphasize scenic and natural resource values.**
- GW-5 Discourage development from encroaching upon the bluffs that define the edge of the floodplain.**
- GW-6 Create networks of open space and trail systems, that incorporate wetlands and wildlife habitat.**

### IMPLEMENTATION ACTIONS

The following actions need to be taken by the City to ensure that the gateway section of the Plan is implemented.

#### 1. PLAN ADOPTION

The Planning and Zoning Board and City Council should adopt the Plan.

GATEWAY PLANNING PHASE TWO

The City should continue the gateway planning effort through the following research, design coordination and citizen participation activities:

RESEARCH

- Analyze both short term and long term costs associated with development in the floodplains.
- Research funding sources for acquisition of open space
- Investigate what implications gravel mining operations have on future development of the area:

- State statutes.
- Reclamation standards and practices.
- Value of mineral resources.
- Ownership of mineral rights.
- Time frame for extracting gravel resources.
- Development restrictions on mined land.
- Open water and wetlands.
- Water quality.

- Investigate how the area can be serviced with water and sanitary sewer.
- Explore the potential for using wetlands in the gateway as stormwater filtering systems.
- Analyze the need for and best layout for frontage roads.
- Investigate how car-pooling can be provided for in future development plans.
- Investigate economic development opportunities.

DESIGN

- Develop design guidelines for development in the gateway.
- Design a gateway entry feature and develop a funding mechanism.
- Develop a conceptual plan for an open space network and recreational trail system.

COORDINATION

- Coordinate with the City's river management program.
- Coordinate with the Natural Resources Department both in regards to the environmental management plan and the prioritization of wetlands.
- Coordinate with the long range planning efforts of other City departments – Transportation, Parks and Recreation, Water, Wastewater and Stormwater Utilities.
- Coordinate with Larimer County and the Town of Granby, in regards to existing plans and policies and expectations for the future.
- Coordinate with the State Division of Highways in regards to future design of the interchange, frontage roads and landscaping in the highway right-of-way.

CITIZEN PARTICIPATION

- Work directly with landowners to understand their values and plans for the future.
- Develop a systematic process for developing informed consent.
- Identify potentially affected interests.
- Identify the issues.
- Determine citizen participation objectives and select techniques to achieve the objectives.
- Develop substantial effective agreement on a course of action.



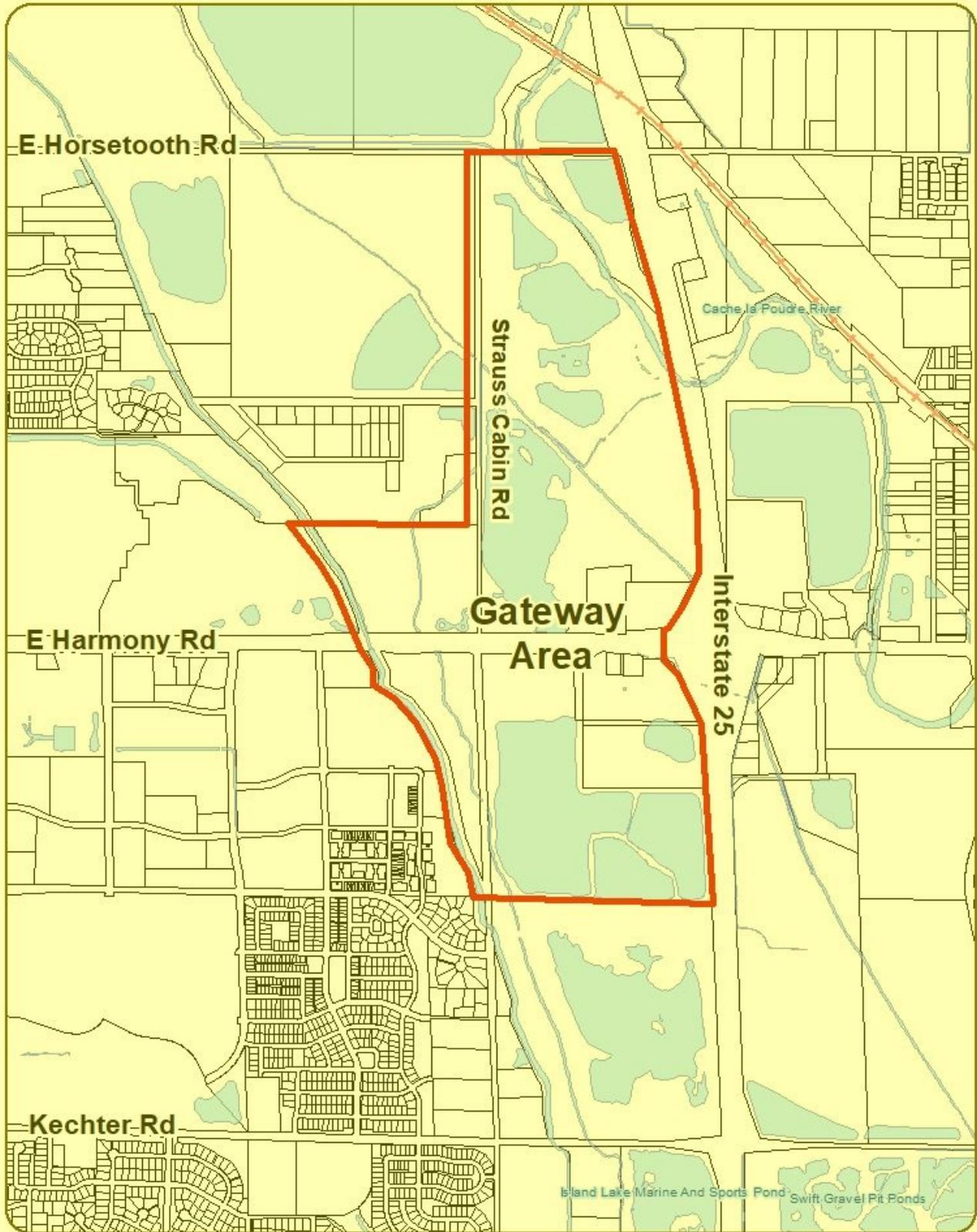
# 5

## HARMONY GATEWAY AREA

Updated 2020

*“The goal of gateway planning is to arrange the landscape with a sense of arrival and a positive image of the place”*

Michael Barrette



Harmony at I-25 Gateway Area

## INTRODUCTION

This updated Chapter 5 builds upon ideas and recommendations of the original 1991 *Harmony Corridor Plan*.

## The Setting

The Gateway Area extends along both sides of Harmony Road from I-25 to the edge of the Cache La Poudre river valley, defined by a bluff just over a half-mile west of I-25.

The bluff, also known as the valley wall, is a result of the river's down-cutting action as it meandered within its floodplain for many thousands of years. While it is a notable geographic feature from a historical perspective, it simply presents a modest hill for users of Harmony Road.



Harmony Road, formerly State Highway 66, smooths out the topography of the bluff

Lying within the river valley below the bluff, the area consists of low ground, ponds, and wetland areas, all remainders from extensive past gravel mining operations.

The Gateway Area is an exceptional location due to high values the community places on the Cache La Poudre River corridor and also on the Harmony Road interchange with I-25 as the most-traveled entryway into the city.

This juxtaposition creates the unique opportunities and significance that make the Gateway Area a prominent aspect of the Harmony Corridor Plan.



North side of the road: Arapaho Bend Natural Area

The types of development that highway interchanges typically attract do not mesh well with the community's values regarding this unique opportunity.

The challenge is to balance different and sometimes competing objectives for land use and development.

## What's A Community Gateway -- Why Is It Important?

Community plans commonly address prominent entryways as special opportunities to cue entry into and departure from the given city. A well-planned gateway can:

- Contribute to a sense of community with a look and feel of local values, civic intention, and pride.
- Offer a sense of arrival and welcome for visitors.
- Offer a familiar and welcoming feel for residents, signifying home in a positive way.
- Avoid homogenous highway-oriented corporate character that blurs local identity.

### Harmony Corridor Plan Background: General Direction for the Area

The Harmony Corridor Plan, originally adopted in 1991, identified the ‘Gateway Area’ but did not establish a vision or strategy for the area. Rather, it explained issues that were still in flux at the time and described alternative concepts. It concluded that:

“Additional work is required to develop a strategy for shaping the future of this important segment of the community.”

The starting point for additional work was to be the concept of a well-planned and attractive entrance to Fort Collins integrating quality development with naturalistic characteristics and features of the river valley landscape.

This concept was described as ‘Alternative A’ in the original plan. Key aspects of this general direction were:

- Incorporate wetlands, lakes and drainageway areas as an elaborate open space network laced with an extensive system of trails.
- Blend development into naturalistic landscaping, favoring light industrial and office uses and discouraging commercial uses unless they can be blended unobtrusively into the naturalistic setting.
- Provide significant setbacks from streets for any development forming a greenbelt around the interchange.
- Establish standards for architecture and landscape plans emphasizing naturalistic character.

- Ownership, maintenance and liability issues that would need to be negotiated and could include re-investment of tax dollars created by special gateway development, dedication of land by property owners or developers, and public funding.

The Harmony Corridor Plan’s overarching direction for land use along the entire corridor included the Gateway Area. A major update in 1995 established the land use designation of ‘Basic Industrial Non-Retail Employment’ for future development with an emphasis on business park-type employment uses and avoidance of highway commercial “strip” type development with a generous landscaped setback area along the roadway.

However, while the corridor-long employment designation included the Gateway Area, the area was highlighted separately and prominently throughout the plan in addition to having its own chapter. The area is distinct and different from the uplands to the west which comprise the rest of the corridor.

The plan’s direction for additional work based on ‘Alternative A’ included a listing of Implementation Actions—giving direction on the additional work needed.

Between 1991 and 2020, a large body of that work along with new information, changed conditions, developer initiatives, studies, and public discussion has led to this 2020 amendment which sets forth a vision to fulfill the direction of the original plan.

## EXISTING CONDITIONS ISSUES

### Poudre River Floodway

In 2020, most of the property in the gateway area is within a 100-year floodplain of the Poudre River, and significant portions of the area are within a floodway (a mapped area reserved for the passage of flood flows with virtually no development permitted).

The river itself forms the angled north edge of the Gateway Area, where it then crosses I-25 a half-mile north of the interchange and continues east through the Town of Timnath.

However, limited flow capacity under the I-25 bridge would cause flood flows to back up behind the bridge in a flood event and break out of the river channel to flow down through the Gateway Area across Harmony Road.

The Colorado Department of Transportation (CDOT), the City, and other jurisdictions are exploring possibilities for a new I-25 bridge together with downstream flood improvements that could possibly allow flood flows to remain in the river channel and thus remove the floodway from the Gateway Area.

Unless and until such a solution is reached, no residential development is allowed in the floodway, and any other development would face the very difficult challenge of showing no adverse impact on adjacent properties. This challenge would be prohibitive for any significant development in the floodway.

However, developers could propose to channelize and realign the floodway by completely reshaping the landscape, to create developable land. The necessary filling and

grading would require a multi-year process of engineering, design, coordination and permitting. The City, FEMA, and possibly other jurisdictions and stakeholders would be included.

Floodway issues are a complex interjurisdictional matter beyond the scope of this Harmony Corridor Plan.

This plan update establishes a vision and strategy for land use and development in the event that floodway constraints are removed in a separate process.

### Gravel Pit Ponds

In 2020, four gravel pit ponds exist on the south side of Harmony Road in the Gateway Area and are in varying states of compliance/non-compliance with State water law. These ponds are unintentional residual results of past gravel mining and were never intended to be the permanent land use on the property.

The technical complexity of the water issues are beyond the scope of this plan, similar to the floodway issues noted above, and are interrelated with the floodway issues.

For planning purposes, at least two of these ponds should be considered likely to be completely changed, with exposed water significantly reduced by filling and grading.

The habitat value associated with the ponds has been increasing with time as wetlands develop around the edges in addition to the habitat value of open water. Anticipated future changes to the property would necessarily involve at least some degree of loss of habitat, and such changes require mitigation of the habitat loss under City Land Use Code standards. Mitigation

requirements would offer opportunities for more international habitat improvements as part of a whole reshaped landscape.

### Existing Land Uses

The north side of Harmony Road mostly consists of the City's Arapaho Bend Natural Area and the Transportation Transfer Center (TTC or park-n-ride), a joint facility of the City and CDOT that was carefully carved out of the Natural Area. The commercial property abutting the northwest corner of the interchange is not within the City Limits.

On the south side of Harmony Road, the existing gas station and adjacent cell tower are not within the City Limits. An existing plant nursery business was established under County jurisdiction prior to annexation and has since been annexed along with the remainder of the gateway area on the south side of Harmony Road.

The remainder of the south side comprises gravel-mined ponds. Parcels on the southwest and southeast corners of Harmony and Strauss Cabin Roads are outside of the 100-year floodplain. The southwest corner of Harmony and Strauss Cabin Road was recently developed with an apartment complex. A 10 acre parcel on the southeast corner of Harmony and Strauss Cabin Road was approved in 2015 for a convenience shopping center, although the development plan approval has expired and the property remains undeveloped.

### Changed Conditions Since the Original 1991 Plan

Major changes and new information since 1991 have informed the planning process for the Gateway Area plan update in 2020. Prominent examples include:

- **Jurisdiction over Harmony Road** was transferred from the Colorado Department of Transportation to the City of Fort Collins, with the State Highway designation removed.
- **Gravel mining operations** were completed, throughout much of the gateway area, altering the landscape.
- The portion of the gateway area on the north side of Harmony Road was purchased by the City as the **Arapaho Bend Natural Area**. (With the exception of the commercial property abutting the northwest corner of the interchange which remains under County jurisdiction at the present time.)
- The **Transportation Transfer Center** (TTC, aka park-n-ride), was built on the north side of Harmony Road, by the City and CDOT (on land purchased from the Natural Areas Program). The TTC and Arapaho Bend implemented ideas described in the original 1991 plan for development to reflect the character of the river valley landscape.

The portion of the gateway area on the south side of Harmony Road was **considered for purchase** as a Natural Area for Community Separator and viewshed purposes starting in the late 1990's. Habitat was not considered a significant purpose due to the gravel mined landscape. The City considered the opportunity on multiple occasions.

- A large, visually prominent **cell phone tower** was built adjacent to the interchange on the south side of Harmony Road in the County's jurisdiction.
- The City's 1997 Comprehensive Plan update known as *City Plan* designated Harmony Road as one of four **Enhanced Travel Corridors** for future high-frequency transit in the long-term structure of the city.
- **The City Structure Plan map (*City Plan's land use map*)** envisioned a 'Green Edge' of the city along the low-lying southeastern edge of city including the Gateway Area, suggesting that development intensity would taper down to a fairly open and rural landscape, helping to preserve the separate identities of Fort Collins and Timnath.
- The City and County twice extended Fort Collins' **Growth Management Area** southward from its boundary ½ mile south of Harmony Road at the time of the original Harmony Corridor Plan. In 2020, it extends 3½ miles further south to the SH 392/Carpenter Road interchange area.
- Two **Community Separator studies** were conducted, in 1999 and 2003, describing potential opportunities for preserving distinct visual and physical separation and identity of Fort Collins, Timnath, and Windsor. These studies were a forum for discussion of cooperative land use planning among jurisdictions and property owners.
- The **2003 Fort Collins-Timnath-Windsor Community Separator Study** specifically identified the Poudre River floodplain corridor, which forms a broad swath around the I-25 / Harmony interchange, as a primary opportunity to keep Fort Collins and Timnath distinct and separate to avoid blending together. The Separator studies generally described possible **implementation actions**, which would require increasing cooperation and decreasing competition for sales tax among regional cities and towns at their edges along I-25.
- The **retail industry** saw the evolution of "big box" superstores, power centers, and lifestyle shopping centers, all serving an increasingly regional market.
- Retail/commercial activity and competition for **sales tax** has changed rapidly and become increasingly aggressive along the I-25 corridor. The interstate has become a focus of annexations and development, with advocates of regional metropolitan development widely promoting I-25 as "Northern Colorado's Main Street".
- In 2003, the **Larimer County Events Center and the Centerra Lifestyle Shopping Center** opened.
- **Fort Collins' position in the regional retail trade area** has weakened significantly since 2001. The City of Fort Collins faces increasing competition for regional retail purchases; this has translated into a decrease in retail sales inflow and increased retail sales leakage.

- Soon after the Separator studies were completed in 2004, the Town of Timnath suddenly re-designated the east side of I-25 directly across from the Gateway Area for Regional Commercial development, extending from the interchange one mile southward, **negating the Separator concepts for that area.** Walmart, Costco, and associated commercial pads were developed.
- CDOT conducted an Environmental Impact Study process evaluating alternative **transportation scenarios** for I-25 and related north-south transportation facilities between the Denver Metro area and North Front Range, showing the Harmony interchange as a significant hub for future bus transit.
- **Taller buildings** began to emerge along I-25 in Northern Colorado, with an 8-story hotel constructed near the Larimer County Events Center and other 6-story buildings planned nearby.
- **Development along the top of the river valley wall** has significantly altered the potential for scenic views looking west across the river valley to the mountains beyond, as described in the original 1991 plan.
- Property owners, professional consultants, prospective developers, and City staff have evaluated **several land use initiatives** for the south side of Harmony Road. These were based on reclaiming gravel-mined land and ponds, completely reshaping the floodplain, developing an activity center, and exploring possibilities for City purchase of certain property. These efforts produced significant information and understanding, but none led to Harmony Corridor Plan amendments or land use actions.
- Most of the property in the Gateway Area on the south side of Harmony Road was **annexed** with the exception of the existing gas station property.
- **Eagle View Natural Area** was purchased immediately south of the area across Kechter Road.
- An Overall Development Plan (ODP) was approved for the south side of Harmony Road based on the requirement for 75% 'Primary' uses (non-retail employment and institutional uses). **A Convenience Shopping Center** was subsequently approved under the ODP as a 'Secondary use'. The ODP presumes filling of ponds and complete reshaping of the floodplain.
- An **apartment complex** was built at the southwest corner of Harmony and Strauss Cabin Road.
- **Regional traffic volumes continue to increase** on Harmony, Strauss Cabin, and Kechter Roads.

## VISION FOR THE GATEWAY AREA



*Gateway Area Looking West*

### Overview

Property owners, community members, decision makers, and various other stakeholders, both public and private, need a shared understanding of how continuing changes should be coordinated to contribute to a positive vision.

The original 1991 Harmony Corridor Plan set a direction and starting point: to create a community entryway that integrates high-quality development into a naturalistic landscape with riparian characteristics associated with the river valley. Office and light industrial uses were encouraged; commercial uses were discouraged unless they could be shown to blend unobtrusively into the naturalistic setting.

That general direction has remained valid. 29-plus years of changes, new information, and public discussion have built on that starting point and reaffirmed the essential ideas to make the most of the unique opportunity to form a Fort Collins gateway and a special destination over time if land uses change.

The community's vision for this entryway includes specific acknowledgement that the whole approach to land use is notably different from typical commercial development oriented to interstate highway exits. Rather, the vision is to provide relief from the prototypical highway development.

## ESSENTIAL HARMONY GATEWAY DESIGN ELEMENTS

Implemented as part of the Harmony Corridor Plan update and related Standards and Guidelines, ten basic design elements will apply to future development within the Gateway Area:

1. Naturalistic River Valley Landscape
2. Landscaped Setbacks Along Harmony and I-25 for Visual Image and Character
3. Unified Harmony Road Gateway Streetscape
4. Fort Collins Entryway Signs
5. Habitat Protection and Mitigation
6. Regional Trail Corridor
7. Mobility Hub
8. Limitations on Commercial Signs
9. Stealth Wireless Telecommunication Facilities
10. Unique Land Use and Development Standards

### 1. Naturalistic River Valley Landscape

Cottonwood groves, willows, and other native plantings will form the most dominant aspect of the area's image as seen by users of Harmony Road and drivers on I-25. Under this approach, a naturalistic river valley landscape, instead of buildings and signs, becomes the primary view. Buildings and signs will be afforded intermittent visibility with views framed by the landscaping.



*Example of a landscape-dominated stretch of an entryway corridor.*

## 2. Landscaped Setbacks Along Harmony and I-25 for Visual Image and Character

Where buildings and parking lots are developed, landscaped setback areas will be provided that average at least 140-190 feet wide along Harmony Road and I-25. These newly landscaped areas along streets will be designed to screen parked vehicles and intentionally frame intermittent views of buildings and their signage as part of the image of buildings sited within a landscape. As such, the setback area can undulate within the average, with some buildings and parking closer to the roadways if parking is fully screened and encroaching buildings are well-integrated into the landscape.



*I-25 Landscape Setback Concept*

Grading in these setbacks areas will be informal and have vertical undulation, reflecting landforms shaped by river movement to complement plantings and reinforce the naturalistic landscape. Grading should be at a scale perceivable to drivers at speeds and volumes on Harmony and I-25.

Grading may double as critical floodway and/or drainage facilities and a trail corridor depending on outcomes of separate efforts regarding floodway changes.



*Harmony Streetscape with Naturalistic Landscaping Concept*

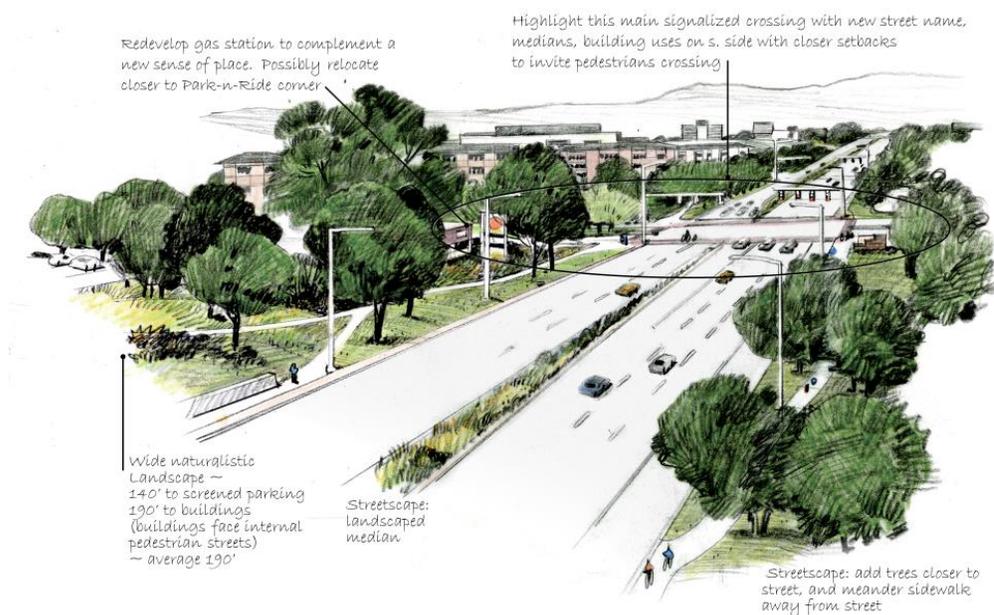
### 3. Unified Harmony Road Gateway Streetscape

Perhaps the strongest and most direct impression that can be made for people moving through or coming to the area is the Harmony Road streetscape.

This streetscape comprises the street edges as experienced by users of the street, and medians. It includes improvements within the City right-of-way and improvements as part of abutting land uses.

For motorists entering the city, medians and streetscape improvements on the north side of Harmony Road would have the highest visibility. Landscaped medians reduce the scale of the large roadway and add beauty.

As much as possible within space constraints, informal groupings of trees including cottonwoods should span across sidewalks which will be detached and slightly meandering in conjunction with naturalistic grading.



*Harmony Road Streetscape, Landscape Setback Area, and New Street at Park-n-Ride Signal Concepts*

### 4. Fort Collins Entry Sign

Streetscape design projects will explore the most complementary way to include an entry sign in conjunction with the landscaping. For years, there has been public interest in a clearer message to motorists that they are entering Fort Collins, at all major highway entry areas.

In the public planning process for the Gateway Area, community members' input clearly indicated

that a free-standing attention-grabbing sign, monument, or sculpture is not important in favor of a naturalistic landscape to move through.

A landscaped native stone sign wall or other complementary entry sign would reinforce the gateway impression and will be carefully considered, sited and designed considering relationships to similar initiatives at other City gateways.

## **5. Habitat Protection and Mitigation**

Land use changes will include riparian landscaping that contributes to a larger continuous corridor of riparian habitat in rural and open lands across the larger southeast edge of Fort Collins.

City, State, and Federal regulations already govern impacts to existing habitat that would likely occur with development. They generally emphasize protection, enhancement, and alternative mitigation of any losses with land use changes.

For example, on the south side of Harmony Road where greater land use changes may occur, habitat improvements would be required to mitigate expected losses associated with filling ponds and future development.

Newly created ponds, channels, and landscape areas would be part of the framework for development and would be extensively landscaped with native river valley plantings. This would provide a basic degree of urban habitat, mainly for birds and small aquatic species.

With complete reshaping of the most or all of the landscape, there are apparent opportunities for improvements to go beyond minimal mitigation of losses and achieve significant enhancement over unintentional and unsanctioned status of the habitat that has formed in the gravel-mined landscape.

## **6. Regional Trail Corridor**

A landscaped trail corridor thirty to fifty feet wide (or more) will run through the south side of Harmony road to assist in linking trails and Natural Areas to the north and south—the Poudre River Trail in Arapaho Bend Natural Area on the north, and Fossil Creek Trail in Eagle View in the south.

The corridor will be an integral part of the formative framework of public space into which buildings and parking lots will fit. The corridor may be located within required landscape setback areas and should be sited and aligned to maximize the user experience. Developers will coordinate with the City on appropriate trail design, including alignment, width, surface materials and details.



*Trail Corridor Concept, South Side of Harmony*

## 7. Mobility Hub

*City Plan* identifies the Harmony interchange area as a 'Mobility Hub' recognizing its long-term potential to offer transfers, drop-offs, a station for bus rapid transit (BRT), intersecting multi-use trails, and regional bus transit in addition to its park-n-ride function.

This recognition centers around the TTC; but if any significant development is brought to fruition on the south side of Harmony as envisioned, it should complement the functioning of the TTC starting with a BRT stop and a comfortable pedestrian crossing of Harmony Road. Such development could add options such as car shares, electric charging, and shuttles to connect across Harmony.

## 8. Limitations on Commercial Signs

Commercial signs within the gateway area will be consistent with the Plan's character elements as well as compliant with the City's Sign Code. Present code provisions prohibit off-premise signs (billboards) and place limitations on sign size, height, and manner of display.

Requests for modifications and/or variances to the Sign Code will be evaluated against adopted Harmony Gateway policies. Further, any Planned Unit Development (PUD) application would be required to include a Uniform Sign Program specifying sign type, heights, sizes, placement and lighting.

## 9. Stealth Wireless Telecommunication Facilities

Making a provision for wireless telecommunication facilities (typically cell towers) balances the needs for residents and the travelling public to have adequate telecommunication services while still protecting key views and upholding the naturalistic design character of the Gateway. New standards would prohibit conventional wireless and other telecommunication towers, unless in those cases where they are screened, roof-mounted equipment or are “stealth” installations located within church steeples, bell towers, flagpoles, grain silos, structures common to the area’s landscape or integrated into building architecture.

## 10. Land Use and Development Standards

### South Side of Harmony Road

This 136-acre area has been zoned for development under the Basic Industrial Non-Retail Employment Activity Center land use designation since 1991, with the potential for major development if the floodway was to be removed and gravel pit ponds filled. In 2020, a 10-acre parcel of developable land exists at the southeast corner of Harmony and Strauss Cabin Roads.

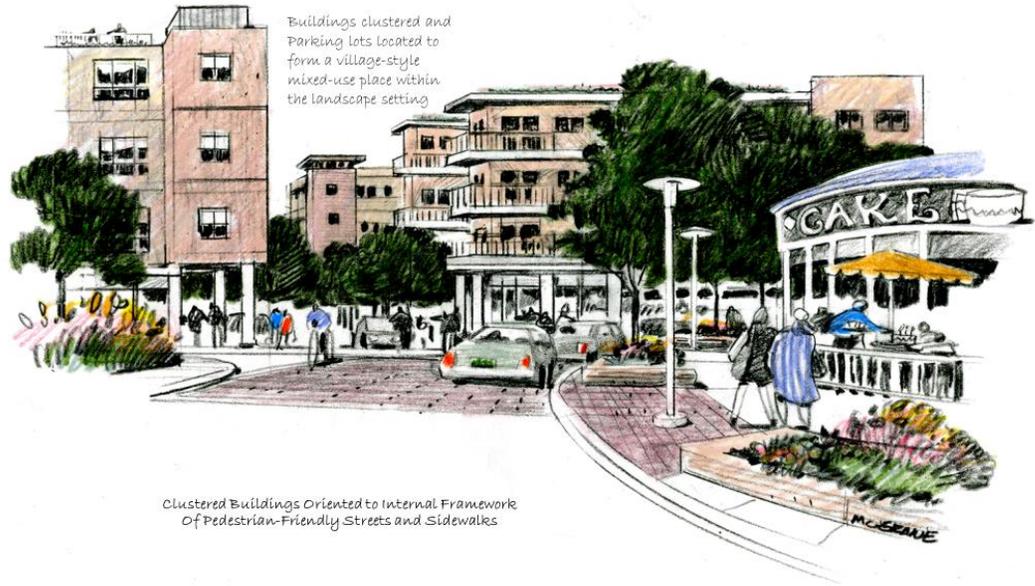
For development to proceed on the south side of Harmony Road beyond the 10-acre parcel, the entire gravel-mined floodplain landscape would need to be completely reshaped from the current gravel pit configuration, filling the ponds in conjunction with a solution to contain or remove the floodway.

Naturalistic river valley landscaping dominated by groupings of cottonwoods and willows would be required to create a significant riparian greenbelt image along Harmony Road and I-25. This landscaping would complement and contribute to the larger swath of open and rural lands at this southeast edge of the city and riparian tree groves on the north side of Harmony Road.

Coverage of streets, buildings and parking lots would be limited to 60% of the site area, with the remaining 40% comprising the newly created naturalistic landscape setting. Groupings of evergreen trees would screen parking and help to frame selective intermittent visibility of buildings and their signage and add winter interest.

Development will form an interesting, walkable mixed-use destination with buildings brought together along sidewalks and other walkways and outdoor spaces. While most people will arrive by private vehicle, the pattern will make it convenient and inviting to ‘park once’ and walk within the area.

Because of the focus on a walkable framework, development would be mutually supportive of public transportation, by being convenient for walking, transit use, and bicycling upon arrival.



*Buildings Brought Together in a Walkable, Mixed-Use Area*

Beyond the visual image, the pattern would reflect multiple community values regarding livable, sustainable community development. Its character would define it as a notable gateway to Fort Collins and a unique shopping/employment/living destination in the region and state.

*Mixed Land Uses*

A diverse mix of businesses, jobs, and urban housing at relatively high densities, allowing as many opportunities for cross-use as possible within walking distance.

This mix offers a chance for people to live, work, and visit with minimal dependency on cars.

Uses could include retail, restaurant, office and institutional buildings, corporate and light industrial employment, lodging and hospitality uses, and a variety of urban styles of housing. The mix of uses would be limited to the following distribution (as a percentage of net developable acreage):

- Residential: 25% minimum
- Retail and commercial: 50% maximum
- Employment: 25% minimum  
(office, light industrial, institutional)

*Public Space Framework of Streets*

Buildings and parking lots will be fitted into a well-planned framework of public space, with blocks formed by streets, or pedestrian 'spines' adequate to function in lieu of streets.

*Pedestrian Crossings of Harmony and Strauss Cabin Roads*

Prominent pedestrian crossings would be provided at Strauss Cabin & Harmony Roads for reasonably comfortable east-west and north-south pedestrian movement throughout the area.



*Strauss Cabin Pedestrian Crossing Concept at Apartments on West Side*

*Buildings and Parking Lots*

Buildings and their entrances would be brought together along streetfronts that may combine with a trail corridor and small park and public spaces and define the district.



*Building Fitted in and Brought to Streetfronts*

Accordingly, parking would be distributed along active pedestrian streets with parking or consolidated in lots or structures that do not interrupt the pedestrian and visual environment. Landscape plantings internal to parking lots should reflect the overall plant palette for the area.

**North Side of Harmony Road**

The existing land use is expected to remain within a reasonable planning time horizon. The park-n-ride facility could potentially expand or add a parking structure as part of long-range plans for a

transit hub, but its essential footprint, function, streetscape, and naturalistic landscape are expected to remain a key part of the overall vision.



*TTC (Park-n-Ride) Landscape Setback Character*

The commercial property at the northeast corner of the interchange, under County jurisdiction, appears unlikely to request annexation and redevelopment within a planning time frame. In the meantime, it will remain a reminder of a past era when it was zoned for commercial use at an outlying highway exit well beyond the City Limits.



*Northeast Commercial Corner Abutting the Interchange*

## **DEVELOPMENT STANDARDS TO IMPLEMENT THE STRATEGIES**

Architectural, site, landscape and sign plans will be subject to design standards and guidelines that emphasize a distinct place and image consistent with the vision.

## **PUBLIC SPACE MANAGEMENT**

Trail corridor and other open spaces: ownership, maintenance and liability issues would have to be negotiated. Retaining significant amounts of open space may require the expenditure of public funds or a reinvestment of tax dollars created by the development.

## **GATEWAY AREA GOALS**

Shape the future of the gateway area to:

1. Emphasize opportunities of the river valley setting.
2. Express a positive image, community values, and a distinct local feel.
3. Shape development south of Harmony Road to form a walkable, mixed-use district south, including diverse businesses, jobs, urban styles of housing and city amenities.
4. Take advantage of future public transportation systems along Harmony Road and I-25 by evolving a transit hub.

## **POLICIES**

**GW-1** Establish a well-planned and attractive gateway entrance to Fort Collins at the I-25 interchange, emphasizing the natural scenic qualities of the area.

**GW-2** Protect and enhance the natural resource value of the Cache la Poudre River.

**GW-3** Encourage continued master planning efforts in the gateway area.

**GW-4** Establish design standards and guidelines for development in the gateway area that emphasize scenic and natural resource values.

**GW-6** Create networks of open space and trail systems, that incorporate urban wildlife habitat.

**GW-7** Support a balanced transportation system within the context of a pedestrian district that prioritizes pedestrian, transit and bicycle use as well as driving.

## IMPLEMENTATION ACTIONS

The following actions need to be taken by the City to ensure that the gateway section of the Plan is implemented.

### 1. PLAN ADOPTION

Gateway Plan amendment adoption by City Council.

### 2. GATEWAY PLANNING PHASE TWO

The City should continue the gateway planning effort through the following design and coordination activities:

#### DESIGN

- Adopt Harmony Corridor Gateway Design Standards and Guidelines.
- Develop and fund a Harmony Road gateway streetscape design.
- Design a Fort Collins entry sign and develop a funding mechanism.
- Develop a conceptual plan for a regional multi-purpose trail.
- Design a naturalistic landscape design for the Harmony and I-25 rights-of-way.

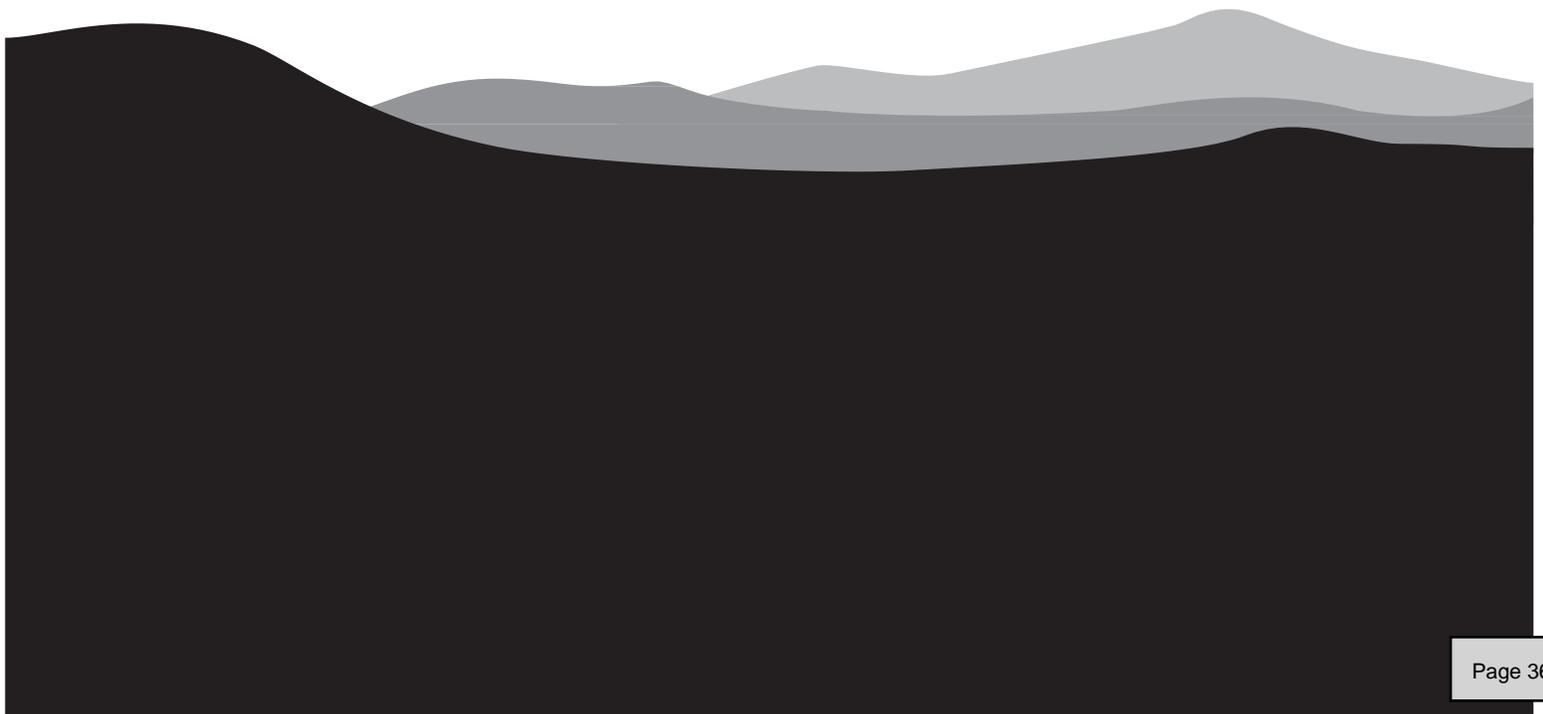
#### COORDINATION

- Coordinate with the long-range planning efforts of other City departments – Transportation, Parks and Recreation, Water, Wastewater and Stormwater Utilities.
- Coordinate with the Colorado Department of Transportation in regard to decommissioning of frontage roads, and landscaping in the highway right-of-way.

**ADOPTING ORDINANCE AND RESOLUTIONS**

- Resolution PZ 91-4 of the Planning and Zoning Board of the City of Fort Collins approving the City of Fort Collins Harmony Corridor Plan and recommending its inclusion as an element of the Comprehensive Plan of the City of Fort Collins.
- Resolution 91-42 of the Council of the City of Fort Collins approving the City of Fort Collins Harmony Corridor Plan and including it as an element of City Plan, the Comprehensive Plan of the City of Fort Collins.
- Ordinance No. 187, 1994 of the Council of the City of Fort Collins amending the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines.
- Resolution 2003-086 of the Council of the City of Fort Collins amending the Harmony Corridor Plan.
- Ordinance No. 011, 2006 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. 044, 2020 of the Council of the City of Fort Collins updating the Harmony Corridor Plan for the Gateway Area and the Harmony Corridor Standards and Guidelines
- Ordinance No. XXX, 2025 of the Council of the City of Fort Collins amending the Harmony Corridor Plan.

The full text of these resolutions and ordinances are available for inspection from the City Clerk's office.

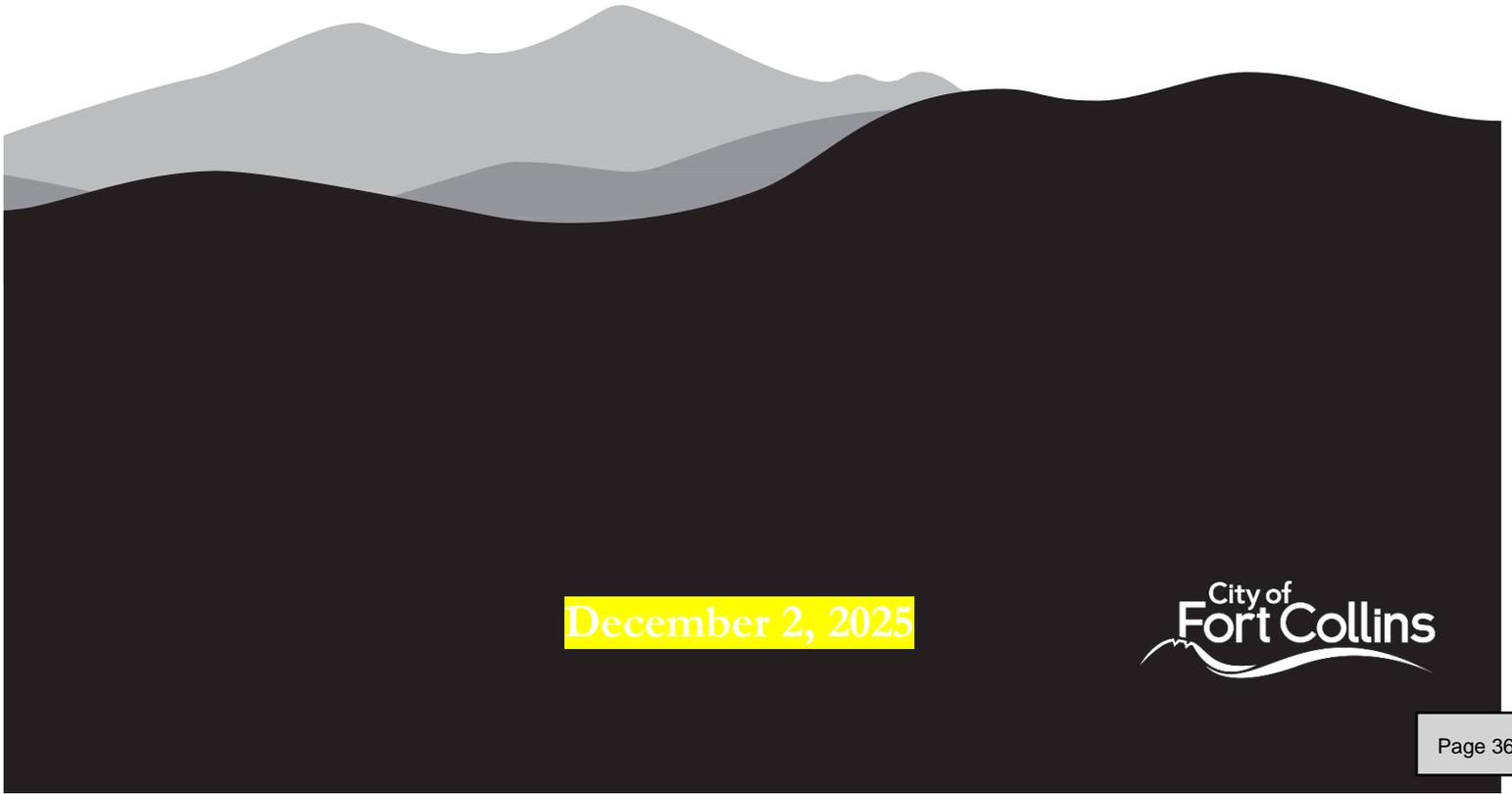


# Harmony

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# Corridor

*Standards and Guidelines*



December 2, 2025



# HARMONY CORRIDOR Standards and Guidelines

(Redline Version )

~~February 7, 2006~~

**December 2, 2025**





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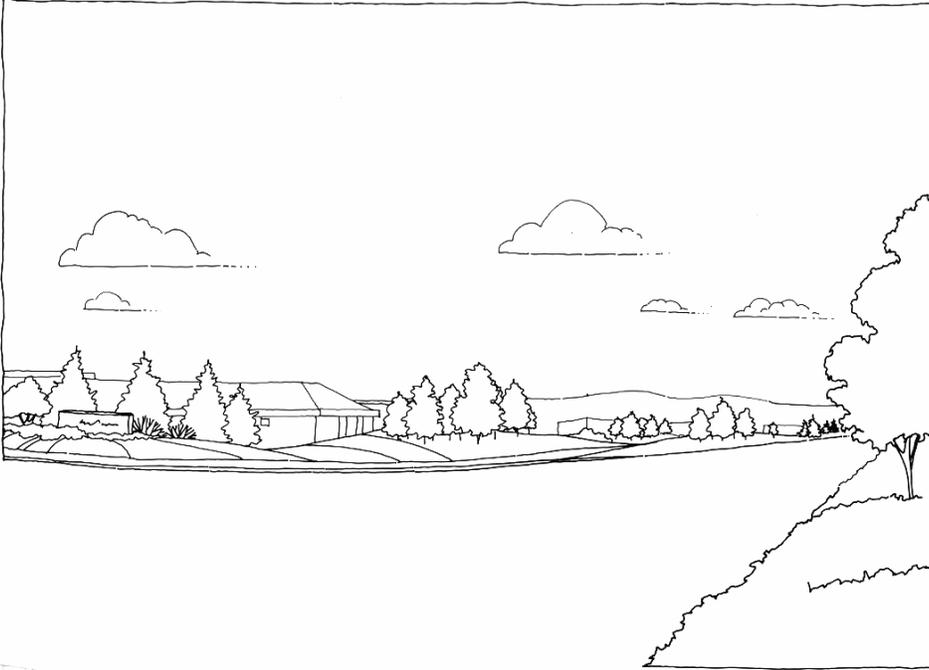
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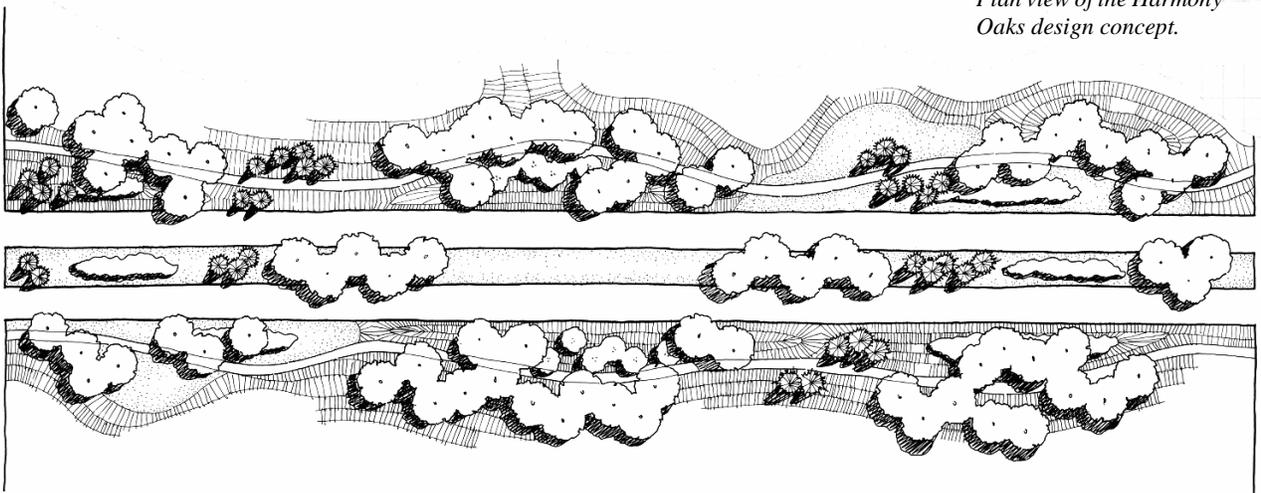
# I. THE HARMONY OAKS DESIGN CONCEPT

*The Harmony Oaks design concept strives to create a continuous and harmonious streetscape along Harmony Road from College Avenue to I-25 that is attractive and unique to this entryway corridor. The landscape proposed in the Harmony Oaks concept is characterized by wide setbacks, naturalistic berming, a meandering sidewalk and groves of oak trees alternating with wildflower meadows. Oaks have been selected as the dominant tree species for several reasons. Two types of trees are native to Colorado: coniferous species usually associated with higher elevations, and deciduous trees such as cottonwoods and willow typically found along streams. The Gambel Oak is one of the few deciduous hardwood trees that is native to Colorado. This – combined with the oak’s reputation for longevity, hardiness, disease resistance, low water demand, fall coloring and attractive appearance – led to the conclusion that the Gambel Oak, along with other oaks known to thrive in this climate, would be the best tree to dominate in the corridor landscape. Although the oaks will be combined with a substantial number of other tree species to avoid a monoculture, they will be planted in sufficient quantities to have a unifying effect. The oak’s rugged appearance makes it ideally suited to the informal naturalistic landscape emerging along Harmony Road. Drifts of pines will occur randomly to provide winter interest and add to the naturalistic forested effect.*

*Starting at I-25 and continuing to College Avenue, wildflowers will be planted in the median and intermittently along the edges of the road. The continuity of the wildflowers will provide a colorful welcome mat for people coming to Fort Collins via Harmony Road. Along both sides of the road, a wide sidewalk is planned to meander through berms providing the pedestrian and bicyclist with alternate experiences of wildflower meadow and oak forest. Low stone walls, along with special signage and graphics, will strengthen the Harmony Oaks design theme at intersections.*



*Perspective view of the Harmony Oaks design concept.*



*Plan view of the Harmony Oaks design concept.*

## II. PROCEDURES

The following standards and guidelines are intended to be used by developers proposing projects in the Harmony Corridor and by the City staff and the Decision Maker in their Land Use Code review process. “Standards” denoted by (+) are mandatory. “Guidelines” denoted by (o) are not mandatory, but are provided in order to further educate planners, design consultants, developers and City staff about the intent of the Harmony Corridor Plan. The guidelines describe a variety of ways that individual projects can contribute to the Harmony Corridor Plan. In addition, the guidelines will be used by City staff to guide the development of public sector projects in the corridor.

The Planning and Zoning Board **Commission** is empowered to grant modifications to the mandatory (+) standards under the following circumstances:

1. The strict application of the standard would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property;
2. The alternative plan, as submitted, will protect the public interest advanced by the standard for which the variance is requested equally well or better than would compliance with such standard; and
3. In either of the foregoing circumstances, the variance may be granted without substantial detriment to the public good.



### III. GENERAL STANDARDS & GUIDELINES

*The purpose of these standards and guidelines is to implement the design concepts and land use vision of the Harmony Corridor Plan – that of creating an attractive and complete mixed-use center with a major employment base. These standards and guidelines are an implementation action called for in the Harmony Corridor Plan, adopted by the City of Fort Collins in March 1991, then updated in January 1995, July 2003, February 2006, June 2020, and December 2025.*

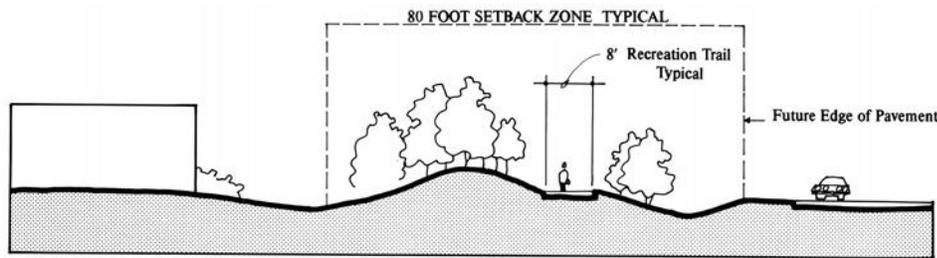
#### Harmony Road Setback

*The purpose of the setback zone along Harmony Road is to provide enough area between Harmony Road and adjacent development to create naturalistic berms, groves of trees and a meandering sidewalk. All three elements work together to create an attractive landscape that appears spacious and provides design continuity along the Harmony Road frontage.*

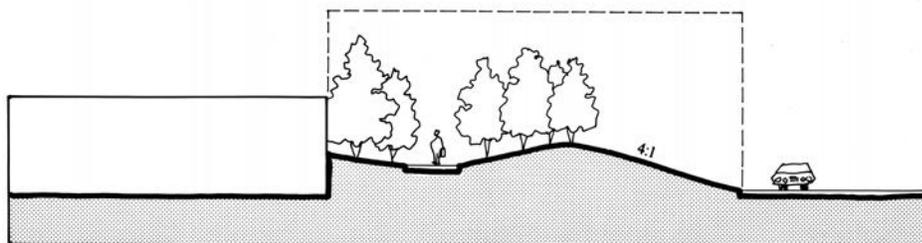
**Developments located along the Harmony Road frontage, east of Boardwalk Drive, shall provide a minimum 80 foot setback from the future edge of pavement, as determined by the City. (+)**

This area shall be referred to as the “setback zone.” The design standards and guidelines refer to the setback zone unless otherwise noted. Setbacks for I-25 and future frontage roads will be established in the design standards and guidelines developed for the gateway area as part of the Phase II Gateway Planning Effort described in the Harmony Corridor Plan. See page 32 for setback requirements on local and collector streets and page 30 for properties west of Boardwalk Drive.

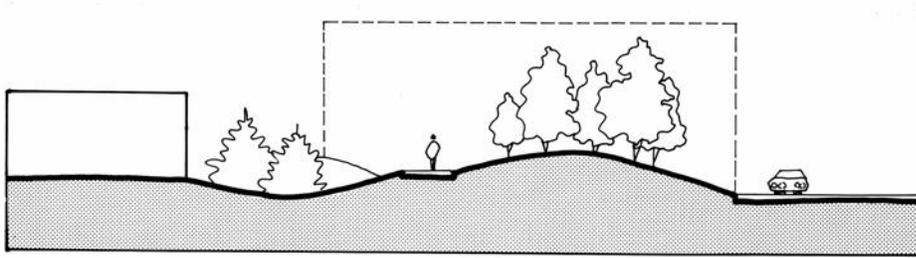
**Providing positive drainage away from a building shall not be considered a hardship in**



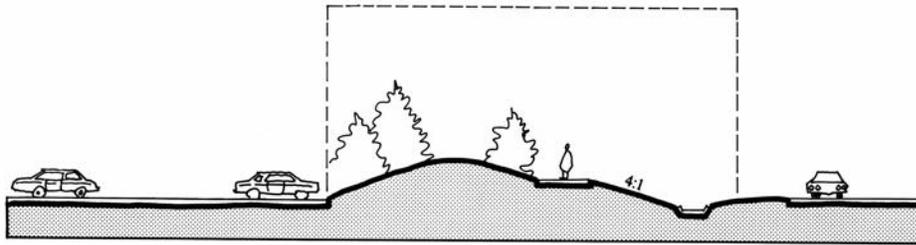
*80 foot minimum setback is measured from the future edge of the pavement.*



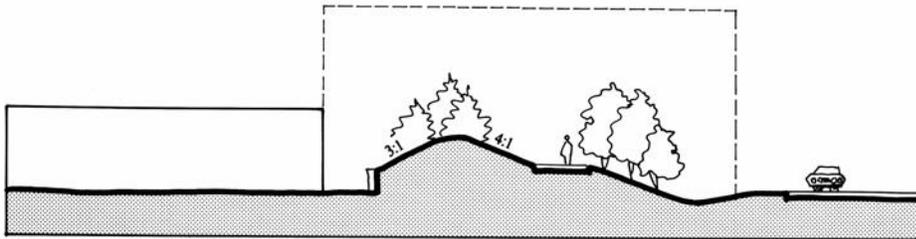
*Berming against buildings is encouraged. Buildings should be well integrated with the site and landscape.*



*Meandering recreation trail is integrated with berming and separated from travel lanes 30 feet where possible.*



*Parking lots can be screened with a combination of berms and plant material.*



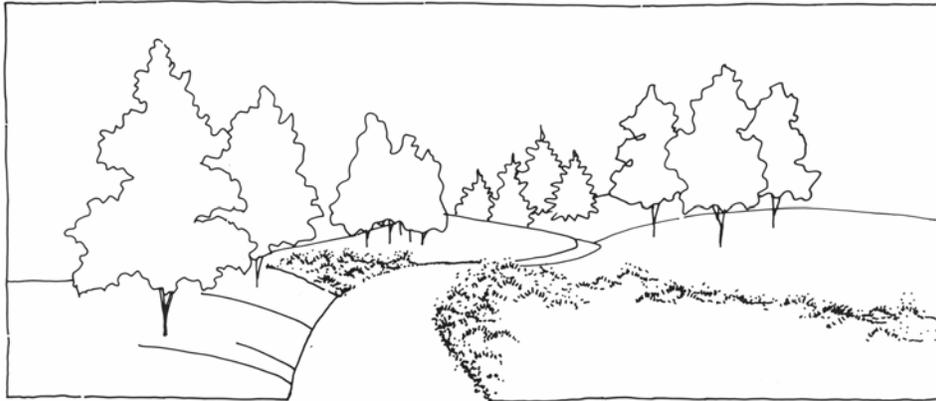
*Retaining walls can be used to create the desired streetscape effect in restricted locations.*

## Meandering Sidewalks

*The purpose is to provide a means for pedestrians and bicyclists to travel parallel to Harmony Road and have access to developments along the road where appropriate. Since pollution levels are highest closer to the road, the sidewalk is separated from the edge of pavement to the extent practical. The sidewalk is intended to be aesthetically pleasing as well as functional. The sidewalk is eight feet wide in order to accommodate both bicyclists and pedestrians, however, this sidewalk is not intended to serve as a commuter bicycle system.*

**A detached 8 foot wide concrete sidewalk is required along both sides of the road. The sidewalk shall be characterized by long smooth, sweeping curves through a gently bermed landscape. (+)**

**At intersections, the 8-foot wide sidewalk shall be parallel with Harmony Road for a minimum distance of 60 feet and shall connect to pedestrian crosswalks at the corner. See detail on page 20. (+)**



*Sidewalk system meanders through naturalistic berming.*

## Grading

*Landscape grading on either side of Harmony Road is one of the most important visual design elements used in the corridor. The purpose is to create naturalistic berms in order to emphasize the landscape and soften the visual impact of development. In addition, berms may be used to screen parking areas or other undesirable views.*

**Berms shall be used to create a naturalistic rolling landscape as opposed to flat terrain or rigidly designed berms that look engineered. (+)**

Berms are not mandatory for properties east of the Fossil Creek Inlet Ditch and west of Boardwalk Drive. It is anticipated that additional design standards and guidelines will be developed for properties in the gateway area east of the Fossil Creek Inlet Ditch during Phase II of the Gateway Planning Effort described in the Harmony Corridor Plan. See page 30 for properties west of Boardwalk Drive.

**The height of berms may vary from three to twelve feet above existing grade. Berms intended to screen parking shall be at least four feet high in order to effectively screen vehicle headlights. Berm heights shall be approved by the City. (+)**

**Slopes shall be 3:1 or less, with smooth transitions between changes in grade. (+)**

**Berms, swales and detention ponds within the setback zone and elsewhere on the site shall be graded in such a way as to be an integral part of the landscape, designed with smooth transitions between changes in slope. (+)**

**Avoid cutting or filling within the drip line of existing trees that are to be saved. (+)**

**The design of the berms and the alignment of the sidewalk should be integrated in order to create the illusion that the landform is the reason the sidewalk meanders. (o)**

**The materials used to construct retaining walls within the setback zone or elsewhere on the site should be buff color flagstone or materials that match the architecture of the building. (o)**

**Using concrete to line conveyance channels is discouraged. (o)**

**The following chart summarizes minimum and maximum desirable slopes for site grading: (o)**

| <b>Descriptions</b>  | <b>Minimum Slope</b> | <b>Maximum Slope</b> |
|----------------------|----------------------|----------------------|
| Planting Areas       | 2%                   | 3:1                  |
| Parking Lot Pavement | 2%                   | 4%                   |
| Driveways            | 2%                   | 6%                   |
| Pedestrian Walks     | 1%                   | 8%                   |
| Pedestrian Plazas    | 1%                   | 2%                   |

## **Water Transmission Main**

*The water transmission main which will be the backbone of the water distribution system for the Harmony Corridor will extend from Shields Street to County Road 9. A conceptual design and routing study for the project has been completed by the City's Water and Wastewater Utility. The presence of this main will create potential conflicts with the landscaping and berm design. Extensive coordination will be required during the development review process to minimize the effects upon either the water main or the Harmony Oaks design concept.*

**In designing berms and selecting and locating trees, the applicant shall avoid unnecessary interference with the City's water transmission main and the operation and maintenance thereof. (+)**

**As part of the preliminary development review process, the applicant shall submit a drawing to the City for its approval which graphically illustrates the water transmission main location, tree placement and grading concept. The drawing shall demonstrate that the tree and berm placement does not unnecessarily interfere with the City's water transmission main and the operation and maintenance thereof. (+)**

## Plant Palettes

*The purpose of the plant palettes is to promote design continuity along the Harmony Road streetscape through repetition of plant material species, with special emphasis on oak trees. Secondly, the plant palettes emphasize low to moderate water demand plant material in order to conserve water. The plant palettes offer an adequate range of plant material species to provide spatial definition; soften, buffer or screen development; and provide seasonal interest.*

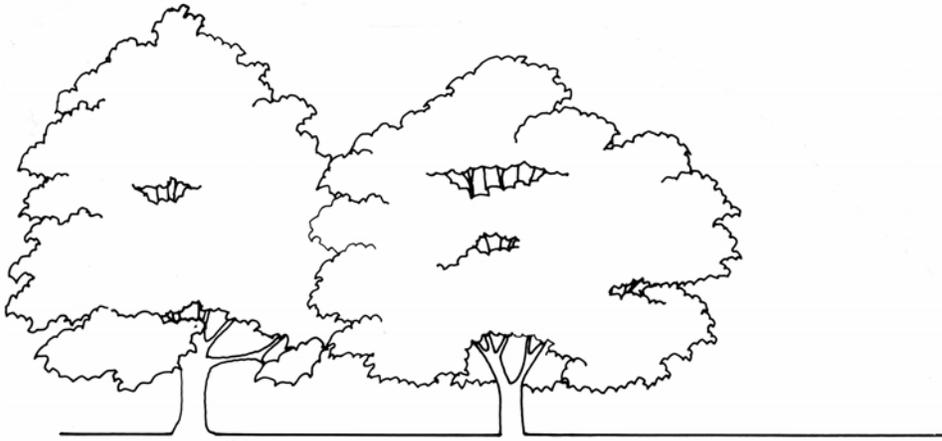
**The landscape of the setback zone should be composed of two plant palettes; an oak palette, consisting of trees exclusively from the oak family, and a mixed palette, which is made up of trees and shrubs from a wider variety of plant families. At least, 35% of the trees in the setback zone should be chosen from the oak palette. The remaining 65% may be entirely from the mixed palette, or partially from the oak palette. (o)**

The oak palette and the mixed palette apply to the setback zone landscape between College Avenue and the Fossil Creek Inlet Ditch located east of the Hewlett-Packard facility. It is anticipated that plant palettes for properties in the gateway area east of the Fossil Creek Inlet Ditch will be developed during Phase II of the Gateway Planning Effort described in the Harmony Corridor Plan.

**Areas of the corridor outside of the setback zone are not limited to specific plant palettes, however, it is recommended that landscape plans throughout the corridor utilize plant material from these plant palettes in order to complement the setback zone landscape and conserve water where ever possible. (o)**

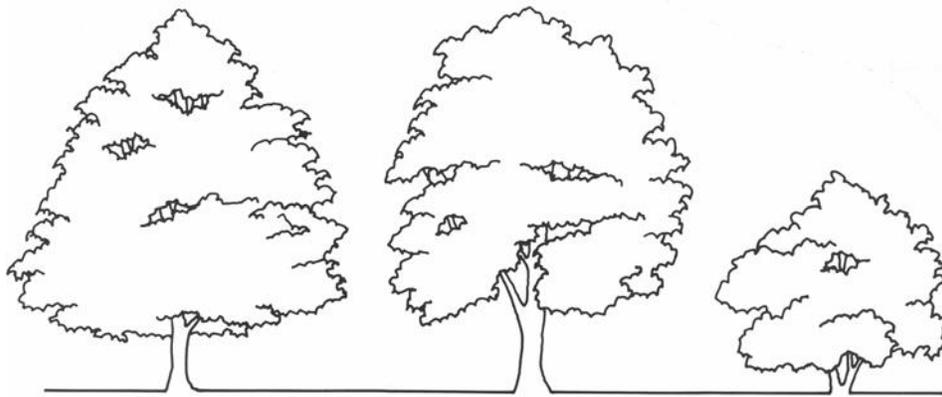
**Applicants are encouraged to use xeriscape techniques that include appropriate plant material selection, soil modification, mulches, appropriate irrigation and other techniques designed to conserve water without sacrificing variety and visual quality. (o)**

An estimated 25% of the setback zone landscape is an existing mix of plant material species not expected to change. When the corridor is completely developed, the overall ratio of oaks to other plant material varieties will be 1:4. This ratio does not take into account the median planting of oaks.



Bur Oak

English Oak



Northern Red Oak

Swamp White Oak

Gambel Oak

The following tables list the common names and a few, brief remarks concerning the plants of each palette. For more detailed information including specific drought tolerance rating, see Appendix A.

## Oak Palette

|                  |                             |
|------------------|-----------------------------|
| Bur Oak          | hardy, majestic             |
| English Oak      | wide, open habit, stately   |
| Northern Red Oak | local stock only            |
| Swamp White Oak  | dense foliage, narrow       |
| Gambel Oak       | understory tree, fall color |

## Mixed Palette

### DECIDUOUS TREES

|                           |                       |
|---------------------------|-----------------------|
| White Ash                 |                       |
| ‘Autumn Purple’ Ash       | purple fall color     |
| ‘Rose Hill’ Ash           | bronze red fall color |
| ‘Autumn Applause’ Ash     | purple fall color     |
| Green Ash                 |                       |
| ‘Marshall’s Seedless’ Ash | yellow fall color     |
| ‘Patmore’ Ash             | upright, formal       |
| Western Hackberry         | hardy, good texture   |

### ORNAMENTAL TREES

|                          |                              |
|--------------------------|------------------------------|
| Cockspur Hawthorn        | glossy foliage, fall berries |
| Toba Hawthorn            | double pink spring flowers   |
| Russian Hawthorn         | white flowers, red fruit     |
| Bigtooth Maple           | red fall color               |
| ‘Radiant’ Flowering Crab | pink-red spring flowers      |

### EVERGREEN TREES

|                   |                         |
|-------------------|-------------------------|
| Austrian Pine     | drought tolerant        |
| Ponderosa Pine    | drought tolerant        |
| Keteleeri Juniper | lt. green, blue berries |

### SHRUBS

|                    |                          |
|--------------------|--------------------------|
| Nanking Cherry     | white flowers, red fruit |
| Staghorn Sumac     | orange-red fall color    |
| Red Twig Dogwood   | red stem color in winter |
| Peking Cotoneaster | orange-red fall color    |
| Alpine Currant     | hardy, winter texture    |

### ACCENT PLANTS

|             |                        |
|-------------|------------------------|
| Daffodils   | bulbs, yellow flowers  |
| Wildflowers | annuals and perennials |

## Trees / Shrubs

*While the plant material palettes define what plant material species are to be used in the setback zone, the following standards and guidelines describe how the plant materials are to be arranged. The purpose is to produce a cohesive corridor scale landscape as opposed to a series of individual project landscapes placed side by side.*

**Each individual site shall be designed within the context of the corridor landscape, with particular attention to adjacent properties. Applicants are required to show how their landscape plan complements or harmonizes with the existing or proposed landscape on adjacent properties in terms of grading, sidewalk layout, plant material selection, plant material quantities, planting design, views to the mountains and seasonal change. (+)**

**Periodic views to Longs Peak and the Front Range should be maintained along the corridor. These windows to the mountains should be carefully planned so that significant views are not obscured by buildings and/or plant material for more than one- half mile. (o)**

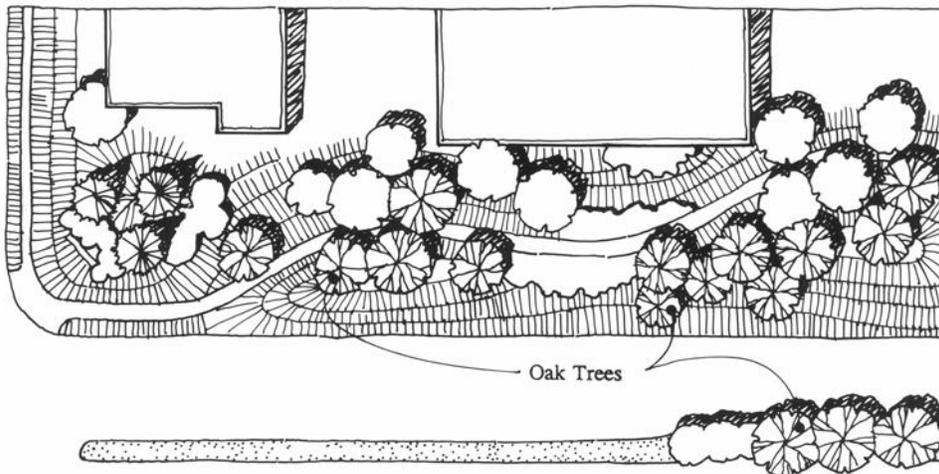
**Seasonal change is important to the aesthetic appeal of the streetscape. Accordingly, each project should contribute to an effective seasonal plant material display in the corridor, however, individual sites are not expected to have continuous year round seasonal displays on their frontage. (o)**

For example, if property A has a grove of oak trees and a drift of pines with a mass of shrubbery providing an effective fall color display, then the landscape plan for the adjacent property should emphasize spring color and may not need to use evergreen trees in the setback zone.

The planting design concept is naturalistic with heavy emphasis on oak trees. Repetition of the oak species is a design element used to create and strengthen the landscape continuity of the streetscape.

**Oak trees should be planted in groves with a minimum of 10-20 trees per grouping. Deciduous shade trees from the mixed palette may be included in the groves, provided that 35% of the trees in the setback zone are from the oak palette. This guideline does not apply to properties west of Boardwalk Drive and east of the Fossil Creek Inlet Ditch. (o)**

**The visibility of oak trees from the street should take priority over the visibility of other plant material species. (o)**



*Oak trees and small caliper trees are used at the edge of the grove.*

**Trees on the edge of the grove may be smaller caliper size to create a more naturalistic appearance. Planting young trees very close together or clumped as they might appear in a forest is encouraged. (o)**

**Grove of deciduous trees should be periodically interrupted with groupings of evergreen trees used to provide winter interest and to screen objectionable views. Consider the landscape plans for adjacent properties when deciding the placement of evergreen trees. (o)**

**Evergreen trees, when used, shall be massed in groupings of 5-15. (+)**

**Ornamental trees and shrubs provide spring blossoms and additional fall color. Ornamental trees, when used, shall be planted in single species groupings of at least three (3) trees per group. (+)**

**Shrubs shall be massed with 5-25 shrubs per group. (+)**

**Single species groupings of shrubbery are recommended. (o)**

**In general, shrub massed are most effective when they are used as an understory planting at the edge of a grove of trees, or in low areas in between berms. (o)**

**No shrubbery shall be used in wildflower areas. (+)**

**Bur Oak, English Oak and Gambel Oak with an understory of wildflowers shall make up the median landscape. (+)**

See the planting design examples on pages 18 and 19 for suggested plant material arrangements.



*Oak trees planted in groves.*

## **Wildflowers / Turf**

*The purpose is to provide a uniform and consistent landscape treatment of the ground plane along the Harmony Road frontage and to encourage the use of turf that consumes less water than traditional bluegrass. Starting at I-25 and continuing to College Avenue, wildflowers are planned to be the predominant ground cover in the median. The continuity of the wildflowers provides a colorful appearance throughout the spring, summer and fall months.*

**The predominant ground cover in the setback zone west of the Fossil Creek Inlet Ditch should be turf. (o)**

It is anticipated that design standards and guidelines for properties in the gateway area east of the Fossil Creek Inlet Ditch will be developed during Phase II of the Gateway Planning Effort described in the Harmony Corridor Plan.

**Where turf is used, it shall meet the following specification:**

- **70% Tall Fescue**
- **20% Bluegrass**
- **10% Smooth Brome**

**Other turf mixes that use 30-50% less water than traditional bluegrass may be substituted for the above specified mix with City approval. (+)**

The above specified mix should be considered a minimum standard. Applicants are encouraged to use turf mixes with lower percentages of bluegrass.

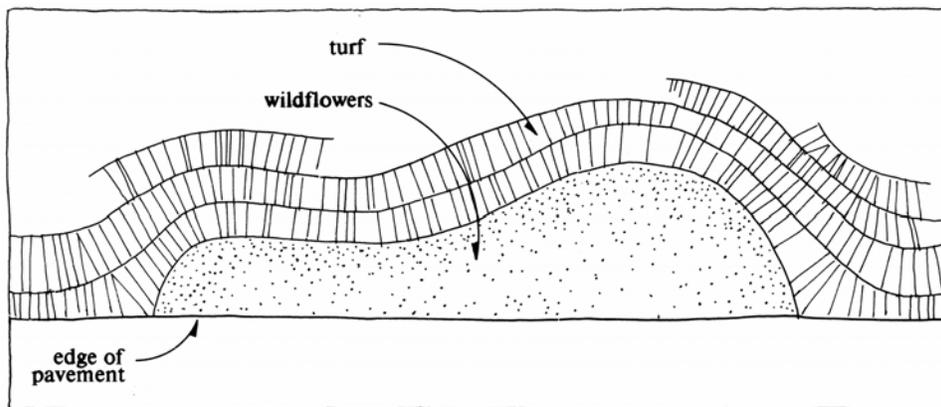
**Periodic wildflower plantings along the edges of the road are encouraged, however, the use of wildflowers in the setback zone is optional. (o)**

**Where wildflowers are used in the setback zone, plantings shall be a minimum of 1000 square feet and must end 100 feet from the nearest collector or arterial street intersection. (+)**

**Incorporating naturalized daffodils into wildflower plantings or turf areas is encouraged. (o)**

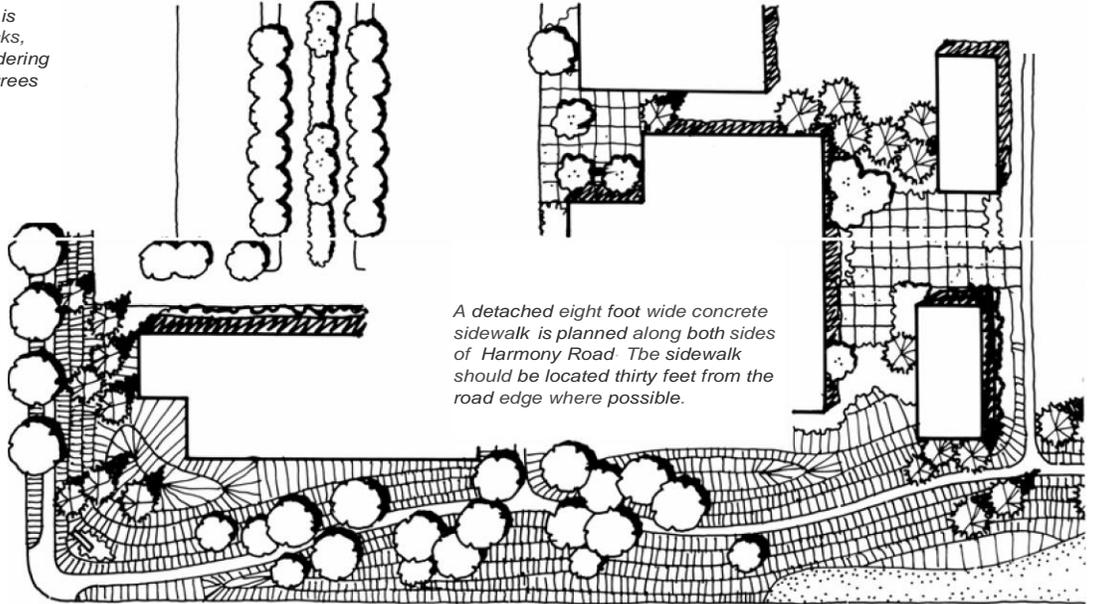
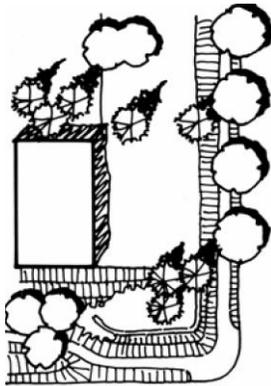
**Daffodil masses, when used, shall include 100 or more bulbs per grouping. (+)**

**Transitions between wildflower and turf areas shall be made with free flowing curvilinear lines. (+)**

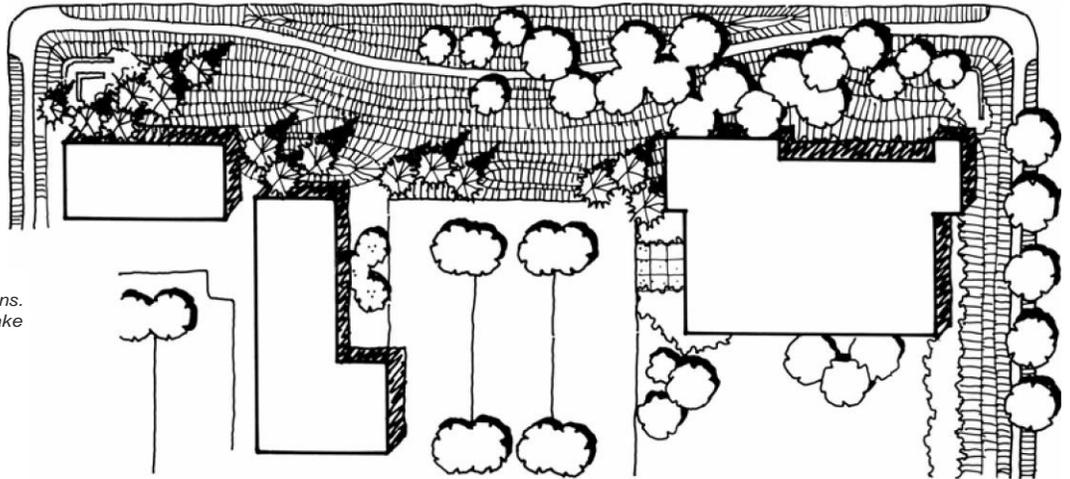
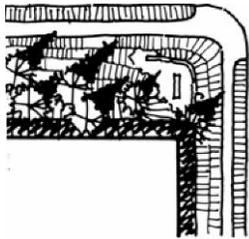


*Wildflower areas adjacent to the road edge are encouraged.*

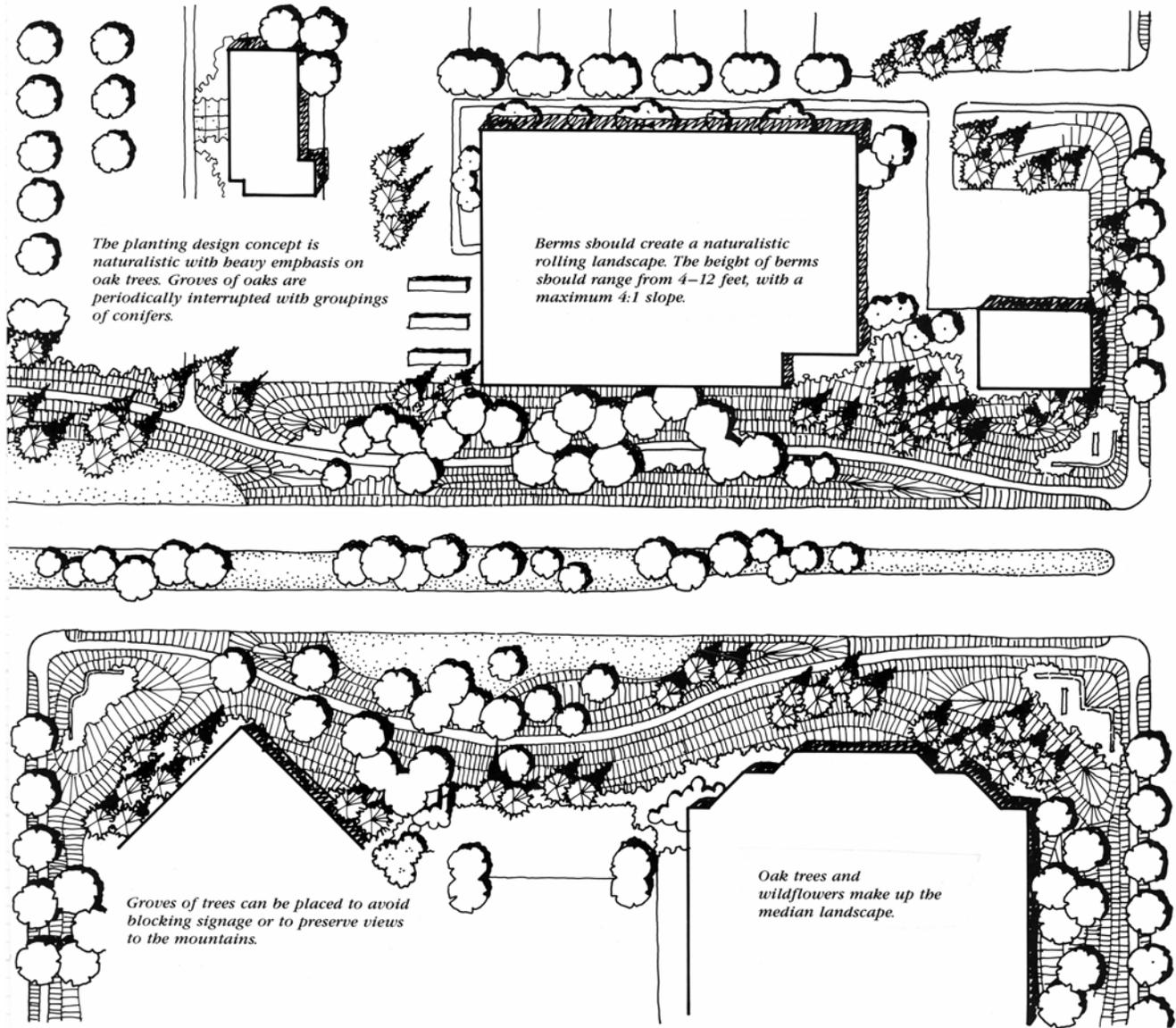
The Harmony Oaks concept is characterized by wide setbacks, naturalistic berming, a meandering sidewalk and groves of oak trees alternating with masses of wildflowers.



A detached eight foot wide concrete sidewalk is planned along both sides of Harmony Road. The sidewalk should be located thirty feet from the road edge where possible.



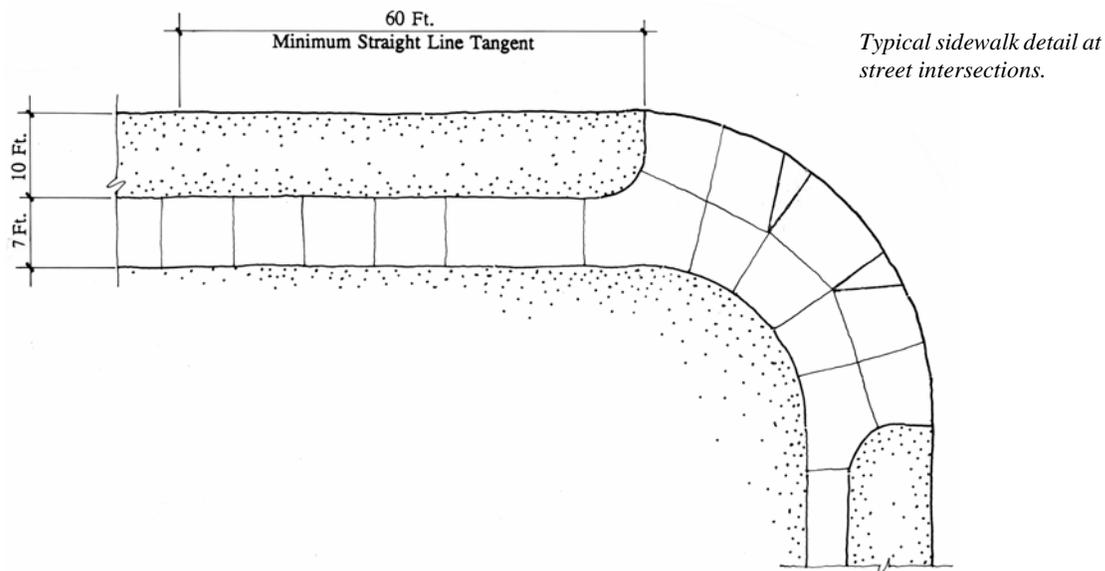
Entry features and/or low profile signage is encouraged at intersections. Low stone walls can be used to make the transition from turf to shrubs, ground covers and accent plants.



## Collector / Arterial Street Intersections

*The purpose of the following standards and guidelines is to establish a consistent appearance of major street intersections along Harmony Road so that collectively the intersections contribute to the Harmony Oaks design concept described in the Harmony Corridor Plan.*

**The 8 foot wide sidewalk and the local or collector street sidewalk shall be detached 10 feet and parallel to the street for a minimum of 60 feet from the curb return at intersections. (See detail.) (+)**



**Turf should be the predominant ground cover at intersections. (o)**

**Entryway plantings at intersections are encouraged. The incorporation of signage and/or project identity features is also encouraged. (o)**

**Entryway plantings, when used, shall be set back a minimum of 35 feet from the curb line. (+)**

**The grade at intersections should be gently mounded or sloped in the parkway strip between curb and sidewalk. (o)**

**The grade behind the sidewalk should be gently sloped up to an entryway planting or tie into a bermed landscape. A minimum 5% grade is recommended. See examples on pages 22 and 23. (o)**

**Entryway plantings should be characterized by low and medium height junipers, flowering accent plants, deciduous shrubbery and informally grouped deciduous and/or evergreen trees. Evergreen and small deciduous shrubs as well as annual and perennial flowers not found on the plant palettes may be incorporated into special feature landscapes at intersections. (o)**

**Entryway plantings and/or project identity features located on different corners of the same intersection should complement each other. (o)**

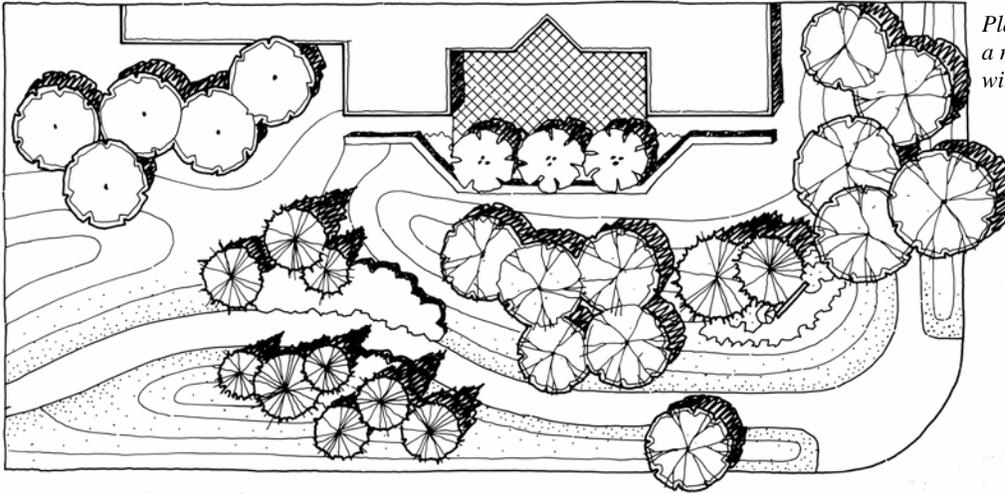
**Applicants are required to show how their landscape plan relates to the existing or proposed landscapes for the other corners of the intersection in terms of grading, plant material selection, plant material quantities, planting design and hardscape materials. (Landscape plans for proposed projects are available in the City Planning Department.) (+)**

**The incorporation of a low stone wall into entryway plantings and/or project identity features wherever possible is encouraged, in order to achieve a higher degree of design continuity and unique sense of place for the Harmony Corridor. (o)**

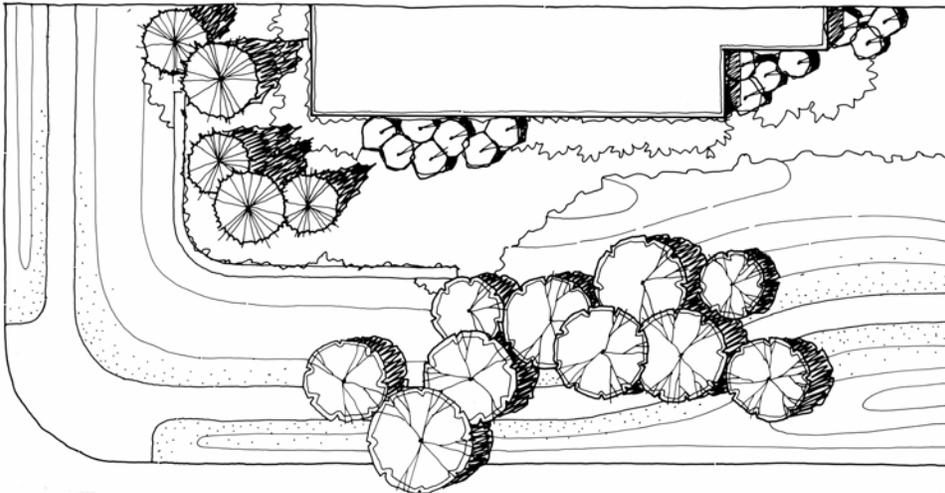
**Where stone walls are incorporated into the landscape, buff color flagstone shall be used. (+)**

**Example intersection planting plans and details on page 22 are intended to convey a “landscape character” consistent with the Harmony Oaks design concept. The repetition of oak trees and stone walls is encouraged. However, the placement of the wall and plant material may be flexible according to individual site requirements and personal preferences. (o)**

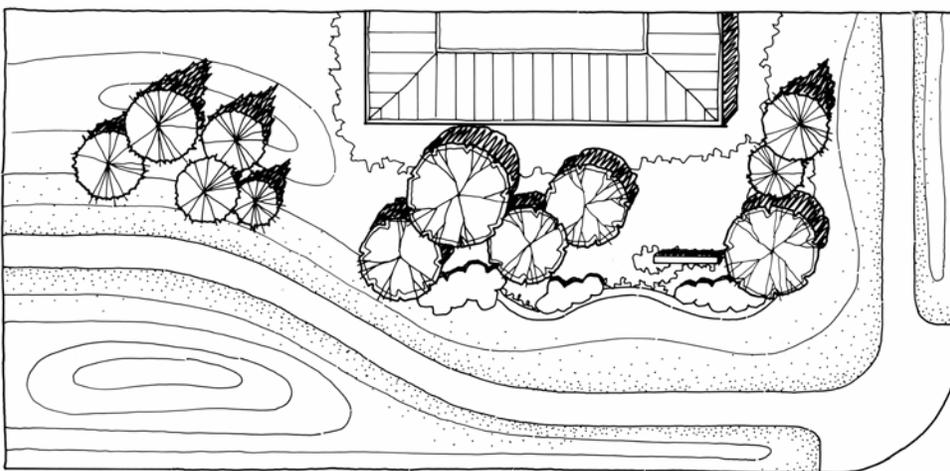
**Stone walls are considered to be a landscape element. In order for stone walls to be an effective unifying design element in the corridor, it is important that the context in which stone wall are used remains relatively consistent. Incorporating the stone into sign bases is discouraged. Examples of the appropriate use of stone walls are shown on pages 22 and 23. (o)**



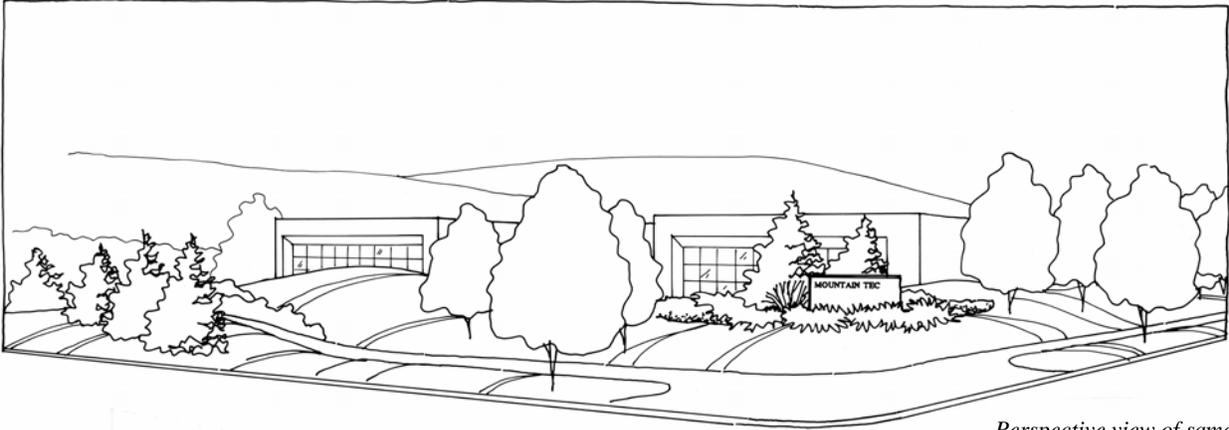
Plan view showing a monument sign with no stone wall.



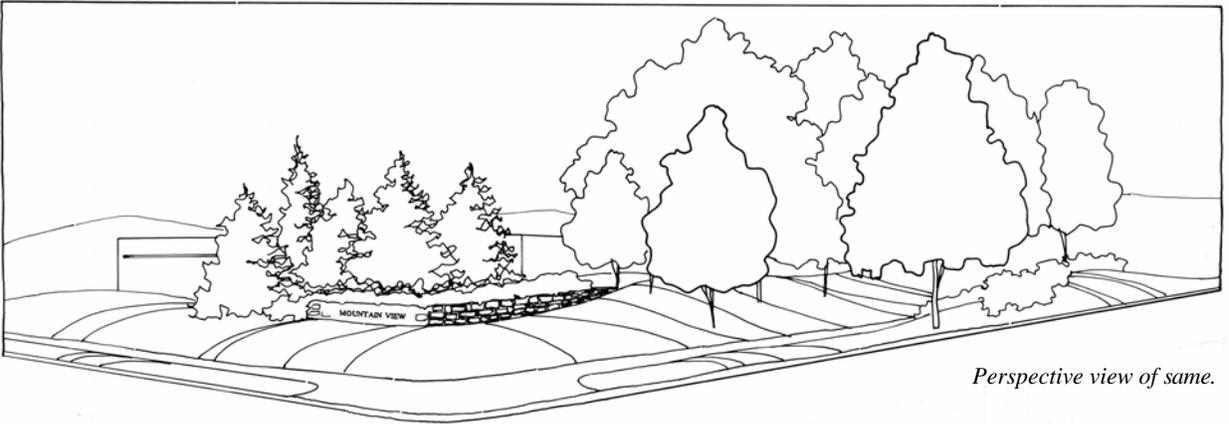
Plan view showing typography on a stone wall.



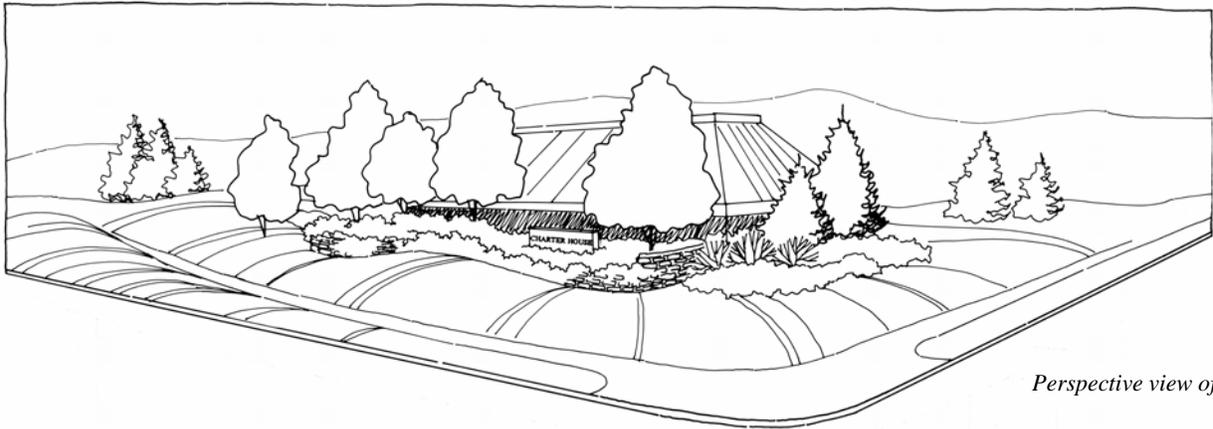
Plan view of stone wall used as a landscape element integrated with a monument sign.



*Perspective view of same.*



*Perspective view of same.*



*Perspective view of same.*

## Planting Specifications

*The purpose of planting specifications is to promote high quality landscape construction that requires less maintenance and conserves water.*

**Soil preparation should include the addition of organic matter and other amendments to improve the condition of the soil and to conserve water. (o)**

### **A. All shrubs and/or accent plants should be within defined shrub beds. (o)**

**Edging should be 4 inch steel strap set one inch above sod grade. (o)**

**The soil surface in shrub beds shall be mulched to reduce moisture evaporation, improve water penetration, control weeds and help moderate environmental extremes. (+)**

**Three to four inches of aspen bark or similar organic mulch should be applied over a weed barrier. Gravel mulch is discouraged. (o)**

**Plant material shall be spaced to achieve coverage within three years. (+)**

**Plant material with similar water requirements should be grouped together and irrigation systems should be designed to respond to these groupings. Zone plants with different water requirements separately and use the appropriate method – drip emitters, mini-sprays, standard sprays or bubblers – to match the water requirements. (o)**

## Maintenance

*The purpose of the following maintenance standards and guidelines is to establish maintenance responsibility and to promote a consistent quality of landscape maintenance along the Harmony Road streetscape.*

**Property owners are required to maintain the landscape up to the edge of pavement along Harmony Road and other public streets. (+)**

**Turf areas shall be irrigated with an automatic irrigation system. (+)**

**Shrub beds and turf areas shall be kept in a reasonably weed free condition. (+)**

**The pruning of trees and shrubs should be performed in such manner to enhance their natural character. (o)**

Currently the median landscape is maintained by the State Division of Highways. The responsibility for maintenance in the future shall be determined at the time the Harmony Oaks design concept is implemented in the median.

## Retaining Walls

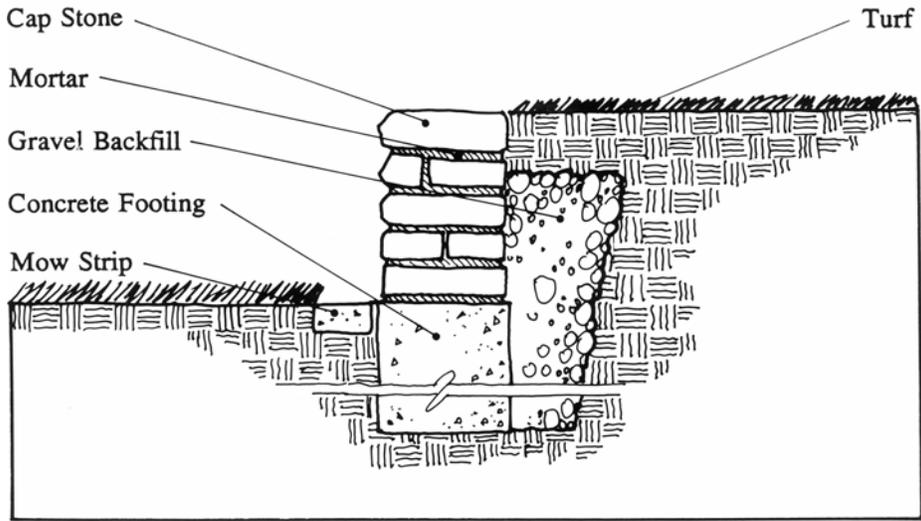
*The purpose of these standards and guidelines is to promote the use of stone walls as a landscape element along Harmony Road. The consistent use of stone as a building material for landscape walls is another opportunity to provide landscape cohesiveness along the Harmony Road streetscape. The following guidelines clarify the desired type of stone work.*

**Low stone walls, 18-36 inches in height and used as a landscape feature, is encouraged throughout the corridor. Developers are encouraged to use stone walls to make changes in grade, to make the transition from turf to wildflowers or to complement signage. Wall heights may vary, depending on site conditions and personal preferences. (o)**

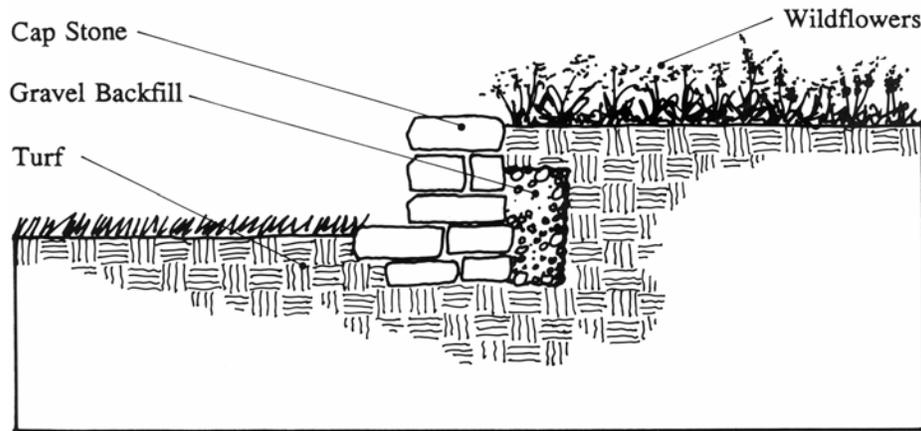
**The materials used to construct retaining walls shall be buff color flagstone or materials that match the architecture of the building. For example, a project with brick buildings may use matching brick retaining walls instead of stone. Using landscape timbers or other materials that do not match the architecture of the building in the construction of retaining walls in the setback zone is prohibited. (+)**

**Where stone walls are used in the setback zone, buff color flagstone shall be used in the construction. (+)**

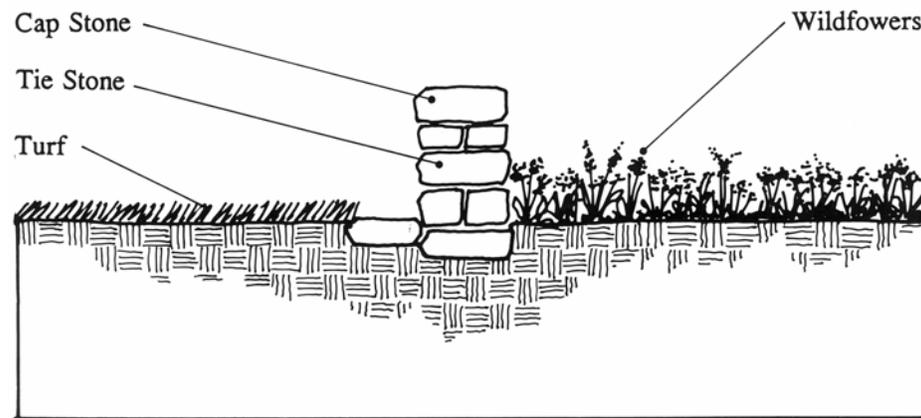
**Stone walls are considered to be a landscape element. In order for stone walls to be an effective unifying design element in the corridor, it is important that the context in which stone walls are used remains relatively consistent. Accordingly, incorporating the stone into sign bases is discouraged. Examples of the appropriate use of stone walls are shown on pages 22 and 23. (o)**



*Mortared stone wall used as a retaining wall.*



*Dry laid stone wall used as a retaining wall.*



*Dry laid stone wall used as a freestanding seat wall.*

## Fencing

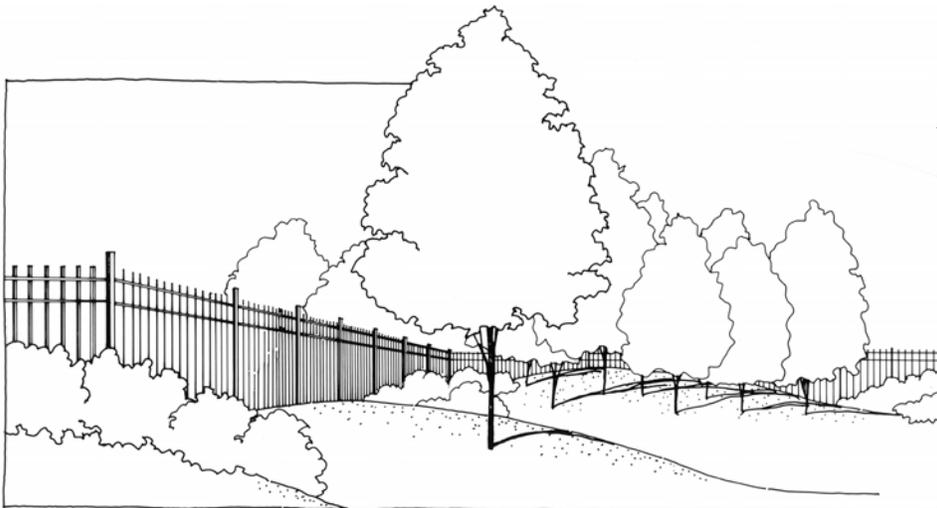
*The purpose of these standards and guidelines is to promote the use of black metal picket fencing as a landscape element along Harmony Road. The consistent use of black picket fencing as security fencing and/or decoration, will help provide landscape cohesiveness along the Harmony Road streetscape. The following standards and guidelines clarify the desired type of fencing.*

**Fence location and details shall be submitted with development plans. (+)**

**Security fencing is not allowed within the setback zone, except when the fence is part of an entryway feature. Only that part of the security fence that is incorporated into the entryway feature is allowed to encroach into the setback zone. (+)**

**Outside of the setback zone, ornamental aluminum fence with black baked enamel finish and pickets spaced four inches apart is the preferred material and style for fencing that is visible along Harmony Road. Repetition of this distinctive style of fence is another design element that can help unify the corridor landscape. Applicants are encouraged to use this type of fencing for their security fencing needs. (o)**

**Unclad chain link, dog-eared and shadow box wood fences that are visible from Harmony Road are discouraged. (o)**



*Repetition of black picket fencing helps unify the landscape character of Harmony Road.*

**The appearance of chain link fencing can be greatly improved by using black, vinyl clad chain link and partially screening it with berming and plant material. (o)**

**Screen wall and other architectural fences may encroach into the setback zone, if the Planning and Zoning Board Commission determines that the design of the fence adds to the architectural interest of the building and does not detract from the corridor landscape. Such a fence shall be 8 feet or less in height and constructed using building materials and design details that match or complement the building or project identity. (+)**

**The visual appearance of all fencing should be enhanced with plant material. (o)**

## **Lighting**

*The purpose of the following standards and guidelines is to encourage consistent light quality in the corridor and to reduce conflicts between street lighting and tree placement.*

**Public street lighting along the corridor shall be standard City fixtures on 30 foot high light standards, spaced approximately 175 feet apart, on both sides of the road. The light source shall be high pressure sodium lamps. (+)**

**Consistent use of high pressure sodium light sources contributes to the aesthetic quality of the corridor. Projects are encouraged to use high pressure sodium light sources in their site design. (o)**

**Trees with maximum heights above 30 feet shall be spaced at least 40 feet from a streetlight. (+)**

**Trees with a maximum height of less than 30 feet may be planted as close as 15 feet from a streetlight. (+)**

## **Boardwalk Drive to College Avenue**

*The Harmony Oaks concept becomes more difficult to implement between Boardwalk Drive and College Avenue for a variety of reasons. Most of the property adjacent to the road in this area is developed. Setbacks are narrower and there is no median in the road. Some properties are vacant and others are expected to redevelop at some time in the future. The unique characteristics of this section of Harmony Road require special attention. Wide setbacks, a meandering sidewalk, rolling berms, groves of trees and wildflower meadows are difficult to implement in this area, however, other design elements can be emphasized to create continuity. The following guidelines apply specifically to new development along Harmony Road from Boardwalk Drive to College Avenue.*

**The design elements that contribute to the Harmony Oaks design concept are listed below. Developers are encouraged to incorporate as many elements as possible into their development projects. (o)**

1. Wide setbacks.
2. Naturalistic bermings.
3. Meandering sidewalk.
4. Groves of trees.
5. Plant material from selected palettes.
6. Wildflower masses.
7. Daffodil masses.
8. Stone walls.
9. Black picket fencing.

Properties in this area will not be required to provide an 80 foot setback. The appropriate setback dimension for individual properties in this area will be determined during the development review process, when more site development variables are known.

**Trees and shrubs should be selected from the oak palette and the mixed palette in the recommended ratios. See pages 12 and 13. (o)**

**Properties west of Boardwalk Drive are not required to plant trees in groves, however, these properties are required to plant trees in naturalistic clusters as opposed to straight lines and formal patterns. (+)**

**Wildflowers shall not be used unless they can be established in a continuous bed that measures at least 1000 square feet. (+)**

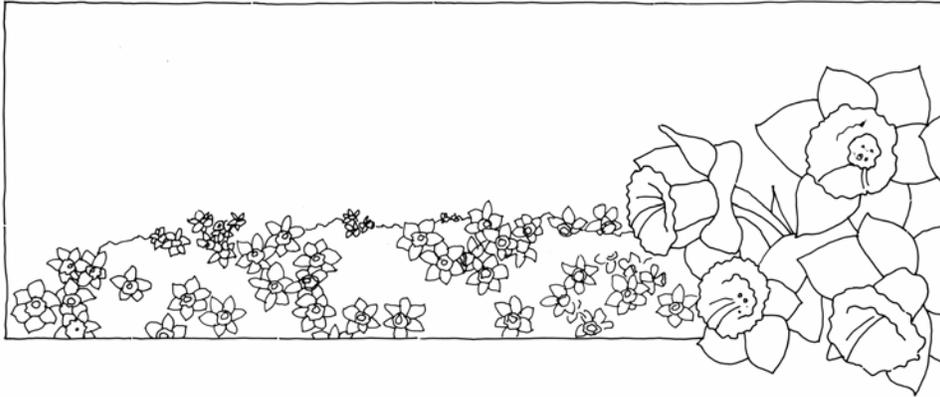
**The use of daffodils in large masses (100 bulb minimum) should be emphasized in this area. (o)**

**Hardscape elements such as stone walls and black picket fencing play a more dominant role in creating continuity and should be emphasized in this area. (o)**

**The Harmony Corridor Plan recommends the design and implementation of special signage and graphics for public signage in the corridor. Special signage and/or graphics for public signage should be emphasized in this portion of the corridor. (o)**

**The use of stone walls can provide landscape continuity with the rest of the corridor; accordingly, properties which are too small to accommodate naturalistic berming (see GRADING on page 10) are encouraged to use stone walls in combination with plant materials as screening devices. (o)**

**Properties west of Boardwalk Drive shall not be required to provide meandering sidewalks, however, minimum 7 feet wide concrete sidewalks parallel to Harmony Road are required. Ramps shall be provided at all street intersections so that pedestrians, bicycles, wheelchairs and baby strollers can negotiate the sidewalk system. (+)**



*Daffodil masses play an important role near College Avenue.*

## Local & Collector Streets

*Local and collector streets in the corridor can be utilized to extend the unifying effect of the Harmony Oaks design concept into the adjacent area. Design standards and guidelines for local streets which intersect with Harmony Road and for collector streets in the corridor are detailed below.*

### **Suggested setbacks for buildings and parking lots from future edge of pavement: (o)**

| Description       | Building Setback | Parking Setback | Fencing Setback |
|-------------------|------------------|-----------------|-----------------|
| Collector Streets | 40'              | 30'             | 20'             |
| Local Streets     | 40'              | 20'             | 20'             |

**At least 35% of the plant material used in the setback area along local and collector streets within one-half mile of Harmony Road should be selected from the oak palette. The remainder of the plant material should be selected from the following palette: (o)**

## Local / Collector Street Palette

### DECIDUOUS TREES

#### White Ash

'Autumn Purple' Ash purple fall color

'Rose Hill' Ash bronze red fall color

'Autumn Applause' Ash purple fall color

#### Green Ash

'Marshall's Seedless' Ash yellow fall color

'Patmore' Ash upright, formal

Kentucky Coffee Tree coarse winter texture

### ORNAMENTAL TREES

Flowering Crabapples flowers, fall color

Newport Plum pink flowers, purple foliage

Bigtooth Maple red fall color

### EVERGREEN TREES

Austrian Pine drought tolerant

Ponderosa Pine drought tolerant

Keteleeri Juniper lt. green, blue berries

Scotch Pine drought tolerant

### SHRUBS

Snowmound Spirea white flowers, arching

Bluemist Spirea blue flowers late summer

Red Twig Dogwood red stem color in winter

Peking Cotoneaster orange-red fall color

Alpine Currant hardy, winter texture

### ACCENT PLANTS

Grape Hyacinth blue-purple spring flowers

Yellow Tulips spring bulbs

Rocky Mountain Penstemon blue-purple flowers

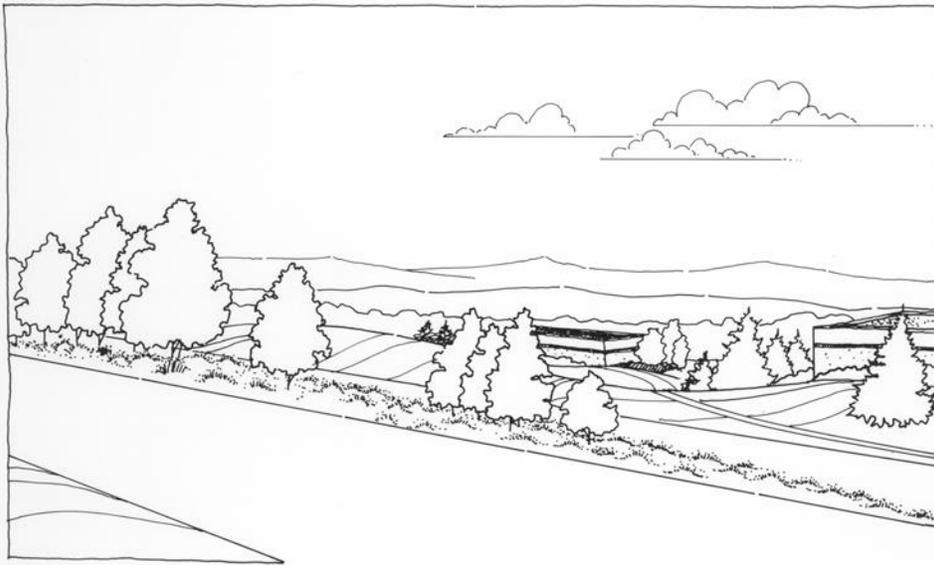
Orange Day Lilies summer flowers

## Median Planting

*Utilization of the Harmony Road median to affect a coordinated design theme is essential. Since the median is under one ownership, it can be designed and maintained as one continuous landscape. The following guideline should be the starting point for future median landscape plans.*

**The median shall be planted in wildflowers from the I-25 interchange to the end of the median at Boardwalk Drive. (+)**

A combination of wildflowers and a mixture of Gambel Oak and Bur Oak at various stages of growth make up the median landscape. The wildflowers, once established provide spectacular seasonal effects. The oaks grow more slowly and develop character over time. Utilized together and reinforced by private sector landscapes along the edges of the roadway the oaks and wildflowers create a unique pastoral landscape.



## Architectural Design

*The purpose of these standards is to promote high quality architectural design along the Harmony Road frontage, so that the architecture of the buildings adds to the visual interest of the corridor.*

**Buildings shall be designed to ensure that all elevations are attractive, rather than placing heavy emphasis on the front elevation and downgrading the aesthetic appeal of side elevations. Any accessory building or enclosure shall be similar to the principal building in design and materials. (+)**

**Rooftop mechanical equipment shall be screened. (+)**

**Internally illuminated awnings on building elevations that face Harmony Road are prohibited. Such awnings are permissible where only logos and/or typography are illuminated. (+)**

## Parking & Service Areas

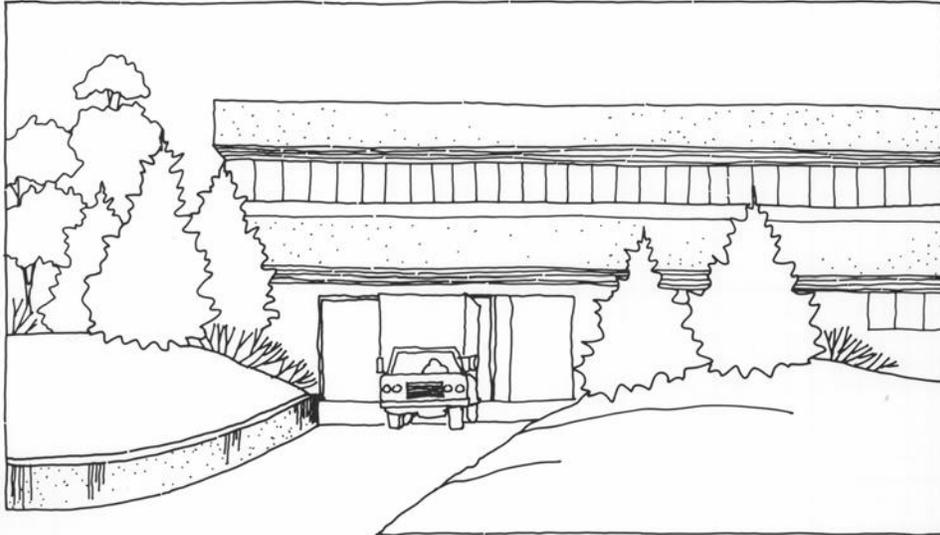
*The following standards and guidelines are intended to promote skillful design of parking and service areas in developments located adjacent to Harmony Road. The goal is to have these areas as visually unobtrusive as possible.*

**All parking shall be screened from public streets by plant material, fencing and/or berming. (+)**

**Parking is prohibited within the setback zone. (+)**

**Parking areas shall not extend for more than a quarter of a mile along the Harmony Road frontage (adjacent to the setback zone) without a significant visual break provided by buildings and/or open space. (+)**

**Large parking lots should be broken into sections not to exceed 200 cars each, separated by a major landscape buffer to provide visual relief. (o)**



*Service area screened with plant material and berms.*

**Utility equipment, storage areas, service areas, loading docks and trash collection areas are encouraged to be located so that they are not visible from public streets or building entries. (o)**

**Utility equipment, storage areas, service areas, loading docks and trash collection areas that are visible shall be screened with berming, plant material and/or fencing. (+)**

**Loading and service areas should be designed as an integral part of the building architecture to the extent practical. (o)**

## IV. SHOPPING CENTERS

# STANDARDS & GUIDELINES

Ideally, retail development adds vitality and convenience to neighborhoods and work places without introducing negative impacts that overwhelm the surroundings. Achieving this in the Harmony Corridor is the purpose of these Standards and Guidelines.

*Design criteria cannot predict the unique potential and constraints for each site and building. Thus, the following Standards and Guidelines are intended to establish a direction and a basic level of quality for compatibility with neighborhoods.*

*It is the City's hope that the mandatory standards do not limit creativity or reduce a potentially better design, created by skillful and sensitive architects and land planners, to a level of minimum compliance.*

*This section should encourage those who are responsible for new development to thoroughly consider the particular situation, including the surrounding context, so that each new development complements the positive and unique character of its neighborhood and the community.*

*This section focuses on three areas: (1) the function of buildings in defining a neighborhood and the community; (2) site relationships to surrounding neighborhoods and mitigation of negative impacts; and (3) the mixing of uses.*

*Fort Collins already has a development review system that promotes solutions to these general issues on a city-wide basis. The purpose of these Standards and Guidelines is to augment those existing criteria with more specific interpretations that apply to the Harmony Corridor.*

*\*See Appendix B for definitions of these Shopping Centers.*

# Buildings

## 1. Massing, Orientation, and Configuration on Site

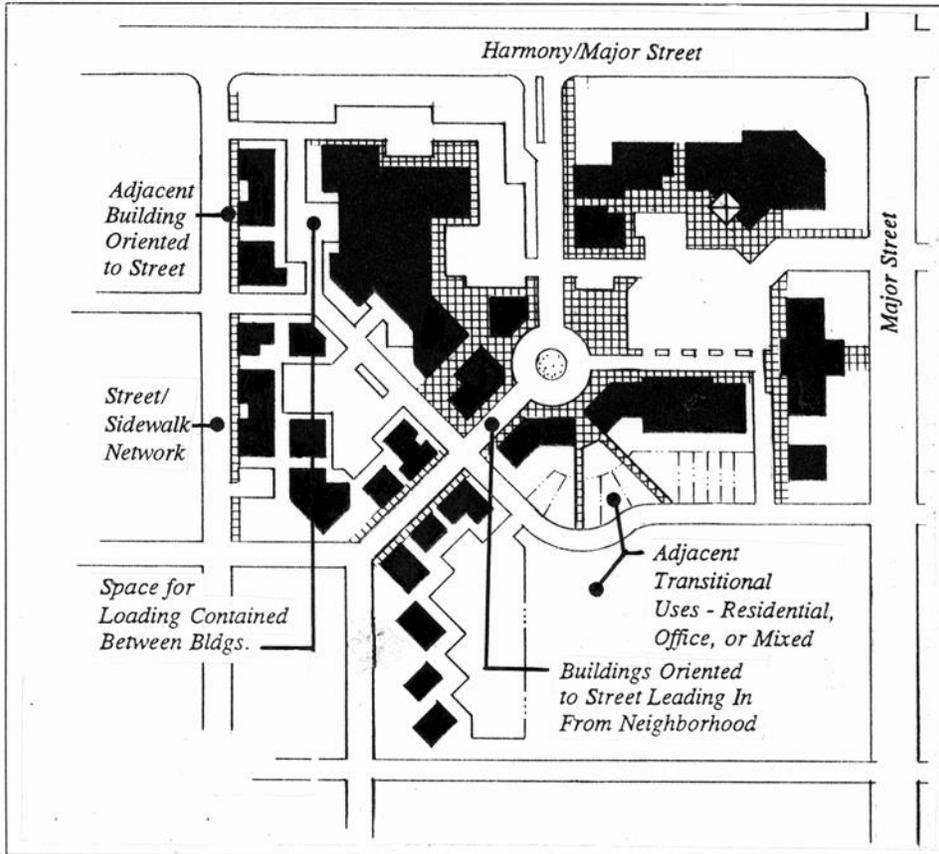
*The purpose of these Standards and Guidelines is to encourage site-specific, responsive planning and design. The massing, orientation, and configuration of buildings automatically shapes public space and establishes relationships and transitions to adjacent land uses. If designed skillfully, buildings can do this in a positive way.*

**Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. They should reflect the fabric of surrounding neighborhoods, rather than a superimposed formula. The cumulative patterns and connections created by multiple buildings, and the quality and memorability of their public spaces, is at least as important as the architecture of the buildings themselves. (o)**



*Intimately scaled spaces for people shaped by buildings.*

**Building mass should be shaped by connections to the street and sidewalk network, and in turn the building mass should be designed to give deliberate form to adjacent public spaces, such as streets, sidewalks, plazas, or landscaped spaces. (o)**

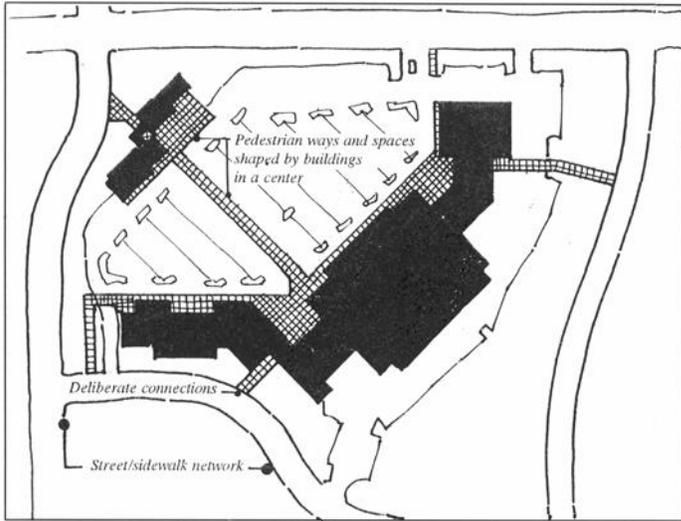


*A center in which the buildings have been shaped by the street/sidewalk network, and in turn give definite form to streets, sidewalks, and other spaces.*

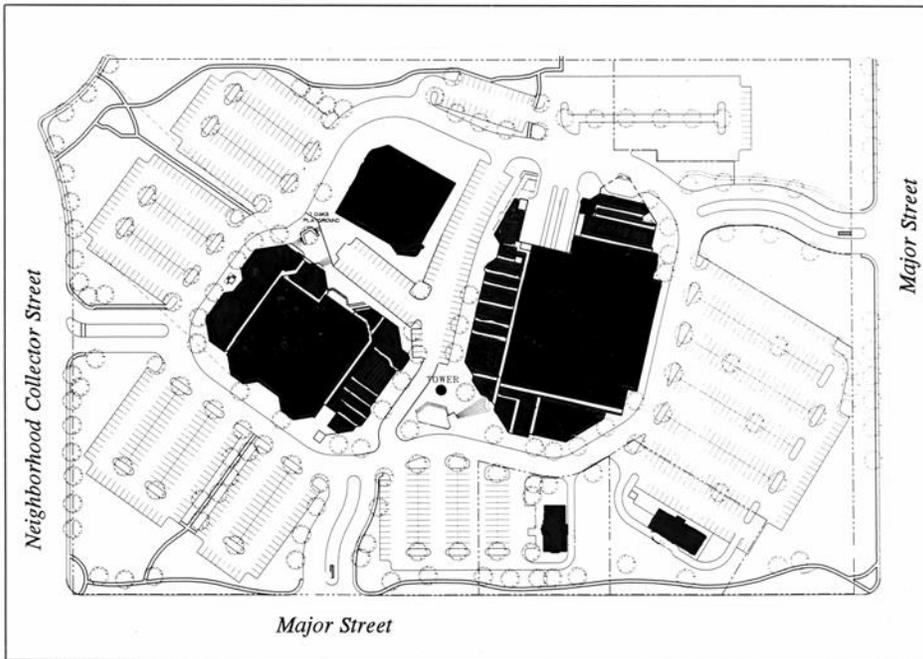
**Consider orienting some buildings in multiple-building centers to streets leading in from the neighborhood, rather than to the arterial or collector street. This can create an inviting transition into the center and accommodate neighborhood-serving uses with lower visibility needs and traffic impacts, such as daycare, shared mail pick-up, office, coffee shop, and other similar uses. (o)**

**Residential use buildings, whether solely residential or mixed use, should also be used to create an effective land use transition between a center and adjacent neighborhoods. (o)**

Where it is not possible or appropriate to extend streets or sidewalks directly, building mass can still shape definite, pleasant *connections* to adjacent land uses. (o)



*Pedestrian ways and spaces in a center of about 96,000 square feet, shaped in part by offsets and articulation in building massing.*

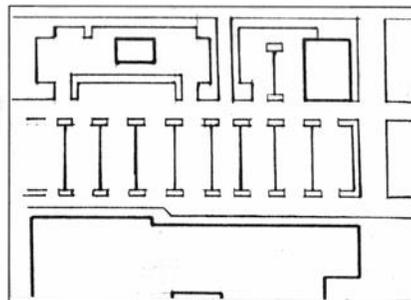
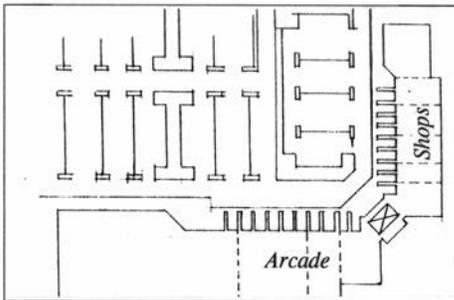


*Independent network of circulation and pedestrian spaces shaped by buildings in a center of about 120,000 square feet; streets and paths lead in from all sides.*

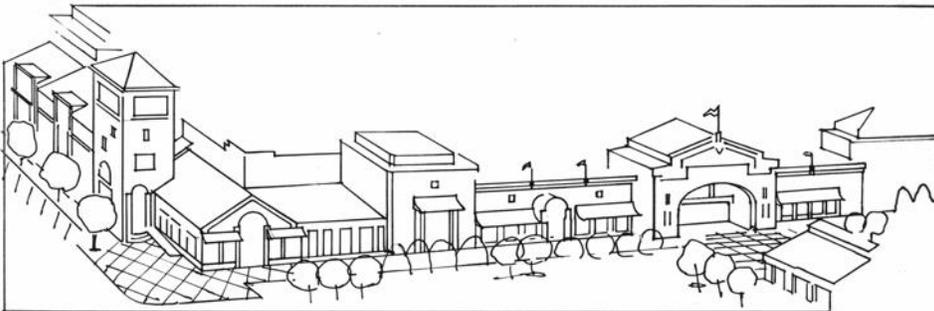
**Consider distinguishing the different businesses or activities in the center with variation in massing rather than through detail features and fenestration alone. Consider slipped-plane offsets, recesses and projections, reveals, harmonious variations in roof shape or height, and vertical extensions at focal points. (o)**



**A possible reason not to use the preceding guideline would be to allow a single building mass containing several small businesses to shape a deliberate and pleasant overall outdoor space, such as an animated pedestrian walkway or arcade. (o)**



*Two diagrams – deliberate, pleasant outdoor space vs. residual space left over from parking and unarticulated buildings.*



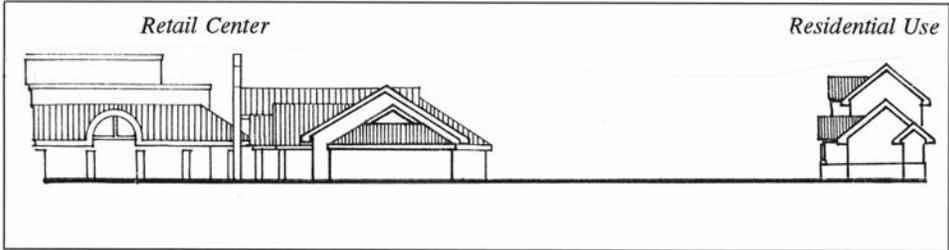
*Animated walkway with building mass aligned on essentially a single plane.*

**Building massing and configuration shall be established in such manner as to provide aesthetically appealing and convenient access on all sides, and not merely from the arterial or collector street. (+)**



*Back side of a shopping center showing building massing that complements adjacent residential use and creates a convenient access point for pedestrians and bicyclists.*

**Building massing shall create a transition from the edges of the center inward. To achieve this effect, smaller and lower building mass shall be located near edges of the center where adjacent buildings are smaller or residential in scale. (+)**



**Where buildings are adjacent to single or multi-family residential uses, rooflines shall be of a similar or lower height than the residential rooflines. (+)**

## 2. Image, Detail Features, Fenestration, Entrances, Color and Materials

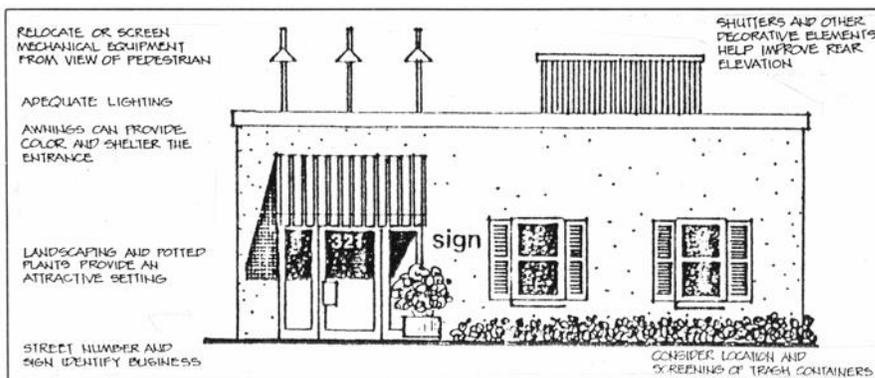
*The purpose of these Standards and Guidelines is to assure that retail buildings contribute to neighborhood identity in a positive way and complement the image of the community.*

Create visual interest and appropriate scale with rooflines or cornices, dormer or clerestory type roof features, and elements such as arcades, canopies, arbors, awnings, pilasters, and expression of bays. Trees and their shadows on walls may be used to add interest and improve the pedestrian scale of buildings, particularly when deliberately designed as part of the architecture. Consider enhancing pedestrian spaces with architectural details for interest, ledges or sills for sitting, arbors or canopy structures for shade and shadows, planters and window boxes for life and color, and other similar features. Windows and window displays, with aesthetically pleasing night lighting, may be used to add interest and animation in appropriate areas. (o)

Generally, rooflines adjacent to residential uses should be relatively low in height, and sloping roofs should emphasize long, horizontal lines, form overhanging eaves, and have hipped rather than gabled ends or a combination of hipped and gabled ends to complement surrounding neighborhood character. (o)

Where it is not practical for buildings adjacent to residential uses to have low rooflines, other prominent detail features should be included that break a taller building down into stories to relate to residential scale. (o)

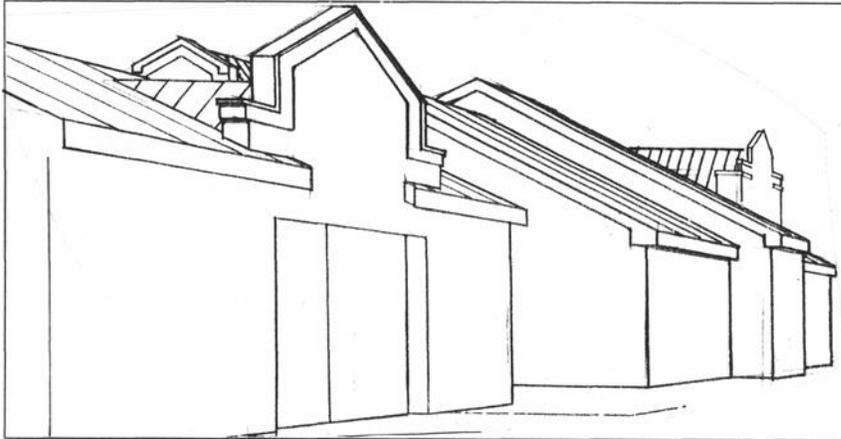
In a center, where the rear sides of shops face adjacent uses or streets, consider adding some design detail to service doors and windows to give the appearance of a “friendly” entrance oriented to the neighborhood circulation network. The intent of this guideline is to avoid facing the neighboring use with unattractive service doors and security lights. (o)



*“Friendly”  
treatment of a  
service entrance.*

**The sides and backs of buildings shall be as attractive and interesting as the front, where those sides and backs are visible from adjacent properties. (+)**

**Buildings must have sloped roofs, three dimensional cornice treatments, or both. Large sloping roofed areas must have multiple planes with features such as overlaps and varied peak height, offsets, and harmonious variation in form. (+)**



*Sloped roofs combined with corniced parapet features.*

**Building entrances must be placed and designed to give clear orientation from the main avenues of approach. Entrances must be highlighted with façade variations, porticos, roof variations, or other integral building features. (+)**

**Predominant exterior colors must be low reflectance, muted, neutral or earth tone colors. Colors other than these may be used for accent and emphasis of focal areas. (+)**

**All architectural elements and detail features must be consistent or harmonious among multiple buildings.**

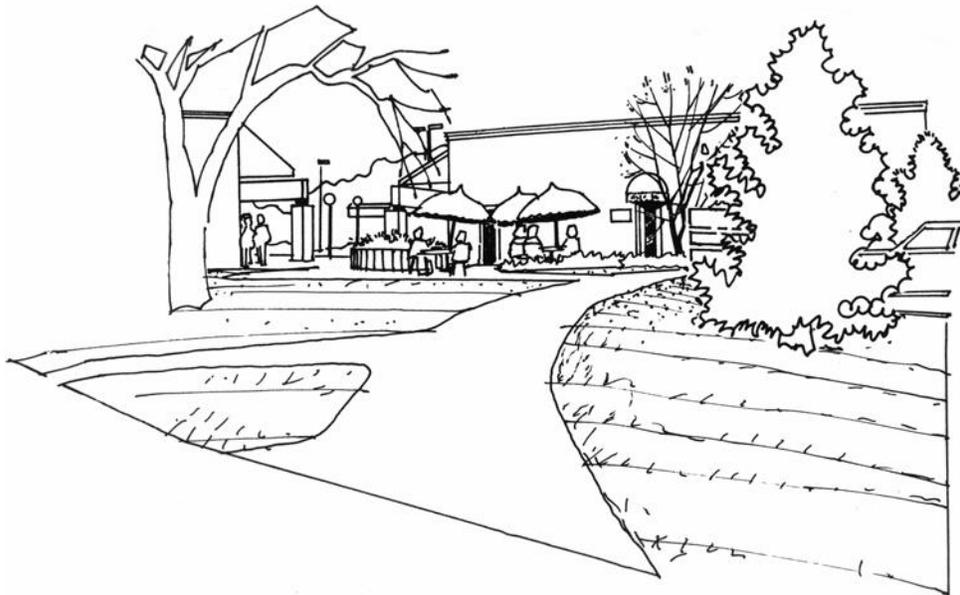
**Adjunct appurtenances such as vending machines, express mail drops, teller machines, newspaper dispensers, and other similar items must be incorporated within the architectural theme of the center. (+)**

## Site Relationship to Surrounding Neighborhoods and Mitigation of Adverse Impacts

*The purpose of these Standards and Guidelines is to provide a harmonious relationship between land uses; to achieve the benefits of having goods and services convenient to neighborhoods and work places while minimizing any negative aspects of retail and commercial development.*

### 1. Access and Circulation

Where possible, retail uses should be tied to the surrounding neighborhoods and uses by extending streets, sidewalks and paths directly into and through the center, thereby allowing residents and workers to conveniently walk, bike or drive to the center. Such connections highlight the importance of having an attractive, inviting appearance on the sides and back of the center. (o)



*Path extending into a center from adjacent neighborhood.*

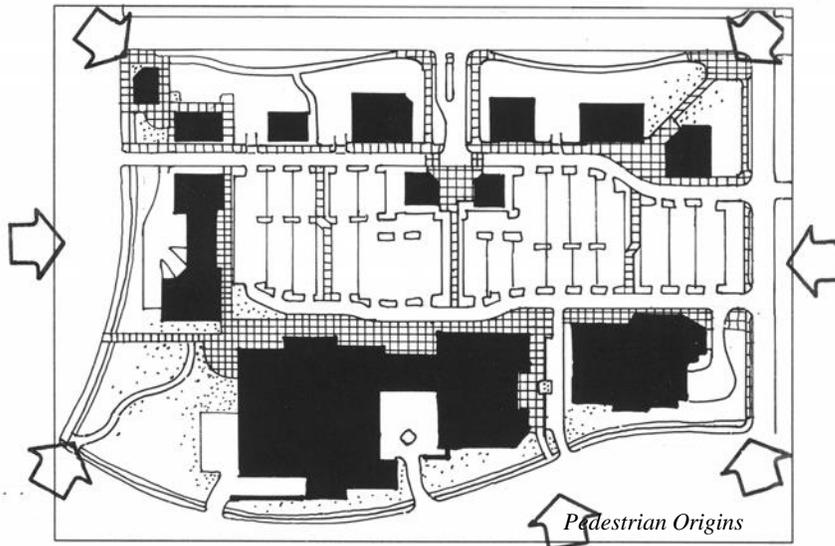
Pleasant street vistas should be created to reinforce the direct connections. Streets should serve equitably the needs of the motorist, the bicyclist, and the pedestrian; and the center should share some of the neighborhood streets and sidewalks with buildings fronting on them where possible. (o)

The street access system must be designed in such a way that no “short cut” is created that attracts non-neighborhood traffic through local neighborhood streets. (+)

**Entrances and parking lots should be shaped to be functional and inviting with walkways tied to logical destinations through landscape islands. The appearance of buildings facing a public street/sidewalk system should be maximized; the development of buildings on isolated “pad sites” that emphasize only driveway and parking lot access, and offer mainly signage for inviting orientation, should be minimized. (o)**



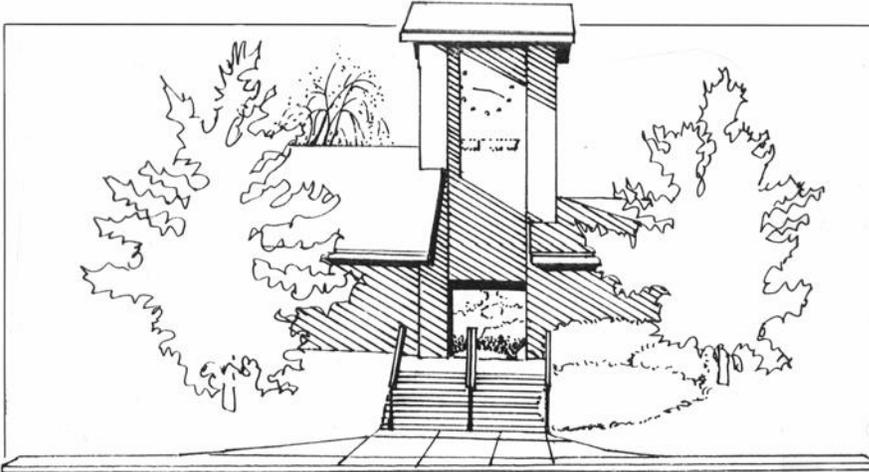
*A center where an independent parking lot circulation system looks like streets, sidewalks, and plazas.*



*A center with a circulation system that appears organized in a legible and convenient street/sidewalk pattern, with pedestrian flows to and through the center tied directly to logical destinations.*



*Walkway through landscape islands made to be as functional and inviting as possible.*



*Although the pedestrian traffic at this location is not a critical part of this center's business, this landmark building oriented to the street and sidewalk gives a friendly appearance and creates a focal point for the whole area.*

**Architectural elements such as arcades, arbors, porticoes, and plazas should incorporate and enhance access and circulation. Architectural elements and the site design should incorporate focal points such as information kiosks, drop-off/pick-up points, and bus stops. (o)**



*A center with architectural elements that incorporate circulation ways and landscape spaces.*

**The development shall provide convenient pedestrian and bicyclist access to the center from all sides where people live or work. (+)**

## **2. Screening and Buffering of Service, Delivery and Loading Functions**

To the extent possible, delivery and loading functions should be accommodated with the general layout of the access and circulation network, including delivery to the fronts or sides of buildings where practical. Loading dock access, truck parking, and other concentrated operations should be located out of public view, yet located and designed carefully to mitigate potential impacts on adjacent land uses. If possible, contain such areas in screened recesses or between buildings within the Center. If this is not possible, provide screening and buffering with perimeter landscaping, landscaped islands, and walls or fencing. Adjacent to residential areas, consider posting signs asking operators of delivery and service vehicles to shut off engines. Where driveways and walkways cross these areas, landscape islands should be used to organize the circulation. (o)

Neighboring uses shall be adequately buffered from the negative effects of noise, traffic, and idling trucks. (+)

Loading docks, truck parking, storage, meters, HVAC, trash collection, compaction, and other service functions must be incorporated into the overall design of the building and the landscape so that the visual impact of these functions is contained out of view from adjacent properties and/or public streets and no attention is attracted to these functions by the use of screening materials that are different than or inferior to materials than the principal materials of the building and landscape. The design treatment of these areas and functions shall not create unsightly “secondary” or “backside” areas. (+)

## **3. Lighting**

Lighting should enhance the overall aesthetics of the site and buildings. Consider the appearance of interior lighting through windows so that lighting does not detract from the nighttime appearance of the façade. (o)

Consider the use of ornamental pedestrian light fixtures in pedestrian areas, and the use of residential style fixtures near adjacent residential land uses. (o)

All lighting shall be designed to achieve the intended effects without creating glare that impacts adjacent uses. The lamp source of light (light bulb) shall be shielded to reflect downward and not off-site. (+)

## Mixed Land Uses

*Provision of most of the necessities of daily life within walking distance helps to reduce the number and length of car trips and vehicle miles traveled (VMT); allows the young and the elderly to gain independence of movement; and increases the chances for social interaction.*

**A mix of uses and services consistent with the definitions in Appendix B is encouraged in centers. The variety of uses should be used to help shape the transitions into centers from nearby residential areas and reinforce the integration of centers and their neighborhoods.**

(o)



*A neighborhood center with a full range of uses including dwellings and offices stacked above shops; and adjacent small-lot houses fronting on the "square."*

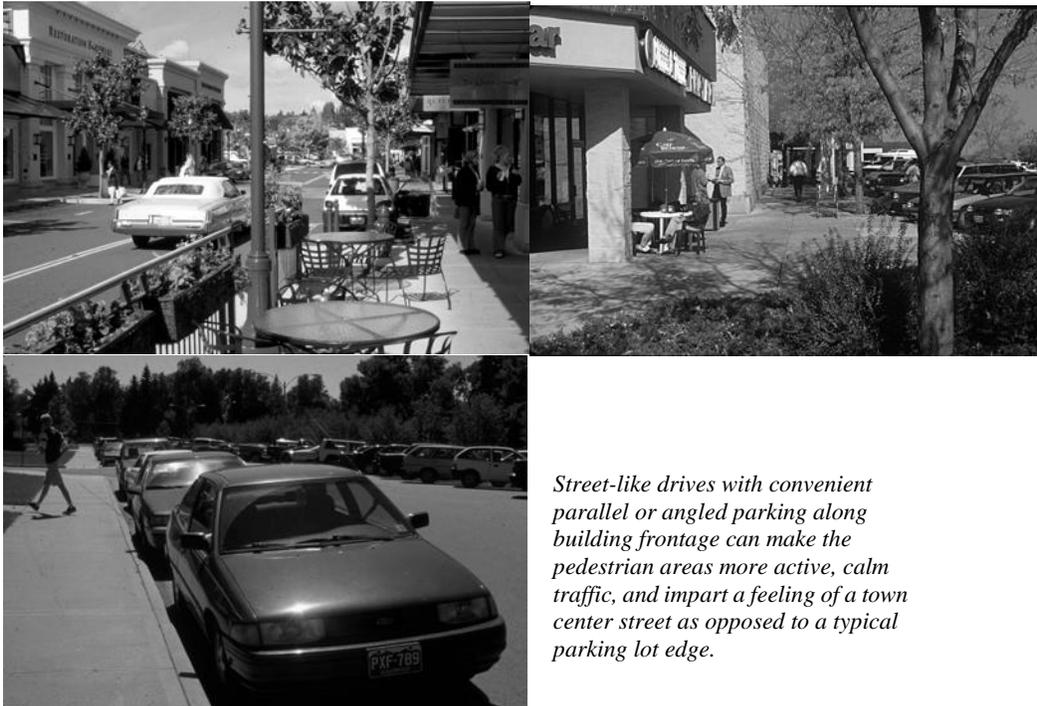
## New Lifestyle and Regional Shopping Centers

*The unique and high-quality site and building design of major new shopping centers in the Harmony Corridor reflect the special value the community places on the corridor as a development opportunity and entryway into the city from I-25. These standards and guidelines are intended to ensure that if a lifestyle or a regional shopping center is developed, it fulfills the purposes of the land use designation. These purposes include adding a significant and different new element to the city's retail mix, thus enhancing the city's fiscal health.*

### 1. Framework of Streets, Drives, and Walkway Spines

**Clear, Continuous Pedestrian Network.** Building sites shall be formed by a system of connecting walkways, plazas, and courtyards. These pedestrian frontages shall form a continuous network and a clear, shared focus for building orientation. Shoppers shall be able to directly access all buildings and central features and gathering places of the center via the pedestrian network. (+)

**Street-Like Drives and Parking Blocks.** Off-street surface parking shall be configured as a combination of 1) street-like parking drives with angled or parallel parking and tree-lined walkways; and 2) discernable parking blocks bounded by streets, drives, or walkway spines, with tree-lined sidewalks. (+)



*Street-like drives with convenient parallel or angled parking along building frontage can make the pedestrian areas more active, calm traffic, and impart a feeling of a town center street as opposed to a typical parking lot edge.*

Shoppers will typically have the potential opportunity to park relatively close to the front door of any store, and yet also conveniently walk from one store to another. In other words, the layout of the center is conducive to both the convenience shopper with a targeted destination, and to the browser shopper with time to walk around the center or visit more stores. (o)

## 2. Grouping of Buildings Along Pedestrian Frontage

**Non-Linear, Pedestrian-Friendly Site Plan.** The site plan for a center is not a simple linear line-up of stores, as often found in a strip shopping center. A site plan for a Center shall display creativity and flexibility in site layout to achieve the following objectives:

- **Buildings Clustered Along Walkways.** Buildings shall be brought together to form visually interesting pedestrian frontages that feature main entrances to the buildings. To the maximum extent feasible, remote or independent pad sites, separated by their own parking lots and service drives, shall be minimized (single-tenant buildings on pad sites are allowed, but must be brought together along pedestrian frontages in accordance with this standard). (+)

**Multiple Buildings.** The site plan shall create multiple corner (end-cap) sites, by housing the Center's retail stores in more than one primary multi-store building. (this does not include the separate, single-occupant buildings on pad sites, which are often occupied by freestanding restaurants or theatres). (+)

## 3. Very High **Quality** Architectural Program, Level of Finish and Detail

**Variation and Quality.** The architectural program for a center shall emphasize the individuality and unique storefront design of most of the stores in a center, giving the impression of a place built over time. The program shall include varied building heights—often used as a means to differentiate individual stores; high quality building materials (e.g., natural or synthetic stone, brick, tinted and textured concrete masonry units, stucco, high quality precast and prestressed architectural concrete, water- managed EIFS, woodwork, architectural metals, glass); and architectural lighting. (+)



*Two examples of high quality architecture setting the standard for overall design of a center.*

**Mixed Use Buildings.** Centers often include mixed-use dwellings and other multi-story buildings to add vitality to the center, add drama and interest to the buildings, and reveal and capitalize on hidden markets for office and residential products uncommon in suburban markets. (o)



*Examples of mixed use buildings integrated into a center, along with other positive elements such as streets and street-like drives with parking leading into or through the centers.*



#### **4. Very High Degree of Finish in Hardscape and Landscaping**

**Relatively Greater Amount of Landscaping and Pedestrian Enhancements.** A Center typically incorporates a significant amount of landscaping, community amenities, and pedestrian enhancements that result in common areas considerably more lavish than similar areas found in typical shopping centers. (o)

**Landscaping.** A Center shall incorporate substantial amounts of on-site landscaping that exceed the minimum landscaping requirements of the Land Use Code. On-site landscaping shall include landscaping along all walkways or integrated into the walkway space with tree wells and raised planters; and in conjunction with central features and gathering places, and both around and within surface parking areas. In addition to such permanent on-site landscaping, a substantial amount of seasonal plantings (e.g., flowers in raised architectural planters and containers) shall be incorporated in order to provide color and variety to the grounds and enhance the pedestrian/shopper experience. (+)



*Raised planters, sculpture, furnishings, paving, and plantings are all designed, built, and maintained with a high degree of attention and quality.*

**Xeriscape Design Principles/Regional Character.** Landscaping should be developed to express xeriscape principles and characteristics appropriate to the North Front Range (this may include relatively lush plantings requiring significant watering, such as flower beds and lawns, in appropriate high-use areas). (o)

**Pedestrian Amenities and Enhancements.** A Center shall, to the maximum extent feasible, incorporate the following features to ensure a high level of ambience for shoppers:

- **Very wide (8 to 15-foot clear) sidewalks, particularly adjacent to buildings, Incorporation of quality pavers and enhanced concrete treatments into pedestrian areas,**
- **Street furnishings (e.g. benches and trash receptacles)**
- **Pedestrian-scale lighting along walkways and access drives**
- **Outdoor service or seating areas**
- **Gardens, container flowers, and other supplementary landscaping**
- **Fountains and other water features**
- **Sculpture, murals, and other public art**
- **Overhead weather protection elements (e.g. arcades, canopies, awnings, umbrellas over seating, and double entries for stores)**
- **Full-time security during the center's operating hours (+)**

## 5. Central Feature or Gathering Place

A Center shall contain facilities that establish a focus for the Center, and that can also serve as a focal point for neighborhood and community activities, gatherings and meetings, and passive recreation. Such facilities shall include a pedestrian plaza, courtyard, or small park, containing a total of 6,000 square feet, with such features as seating, an information kiosk, a water feature, a clock tower, special plantings, an outdoor playground area, a gazebo, an amphitheatre or performance stage, or other similar features and amenities. Alternatively, this standard may be met by another such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the decision maker, adequately establishes a community gathering space or facility and a focus for the Center. (+)

Such facilities shall be highly visible, secure settings formed by the framework of streets, drives and walkway spines, with direct linkage and visibility to and from primary buildings within the Center. (+)

Any such facilities shall be constructed of materials that are equal to or better than the principal materials of the building and landscape. (+)



*Example of a multi-purpose central feature/gathering place with landscape and hardscape elements.*

## V. LAND USE & LOCATIONAL STANDARDS AND GUIDELINES

*The Harmony Corridor offers an opportunity for creating a major business and industrial center in northern Colorado due to its desirable location, accessibility, available infrastructure and land ownership pattern. Attracting desirable industries and businesses into the community, and in particular the Harmony Corridor, achieves an important public purpose because it promotes primary and secondary jobs and generally enhances the local economy.*

*The focus of future development activity is planned to take place in two types of major “activity centers” – the Basic Industrial and Non-Retail Employment Activity Center and the Mixed-Use Activity Center. Basic Industrial and Non-Retail Employment Activity Center are locations where either industrial uses, and/or office or institutional type land uses are permitted to locate in planned office (or business) park settings. Base industries are firms that produce goods and services which are produced for export outside of the city, and thereby import income into the city. Mixed-Use Activity Centers permit a broader range of uses including shopping centers. The distribution of these activity centers in the corridor is shown on the Land Use Map. Different types of shopping centers are defined in Appendix B.*

*The essence of both types of activity centers is a combination of different types of land uses along with urban design elements that reduce the dependence on the private automobile, encourage the utilization of alternative transportation modes, and ensure an attractive appearance.*

*Locate industries and businesses in the Basic Industrial and Non-Retail Employment Activity Centers in areas of the Harmony Corridor designated for such uses on the Land Use Map. Permitted principal uses in the Basic Industrial and Non-Retail Employment Activity Center shall be limited to:*

- **Research facilities, testing laboratories, offices and other facilities for research and development**
- **Industrial uses**
- **Hospitals, clinics, nursing and personal care facilities**
- **Regional, national, or international headquarters of a services-producing organization**
- **Vocational, business or private schools and universities**
- **Professional offices**
- **Finance, insurance and real estate services**
- **Other uses of similar character as determined by the Planning and Zoning Board Commission. (+)**

Secondary and supporting uses will also be permitted in the Basic Industrial and Non-Retail Employment Activity Center, but shall occupy no more than ~~25~~**50** percent (~~25%~~**50%**) of the total gross area of the Office (or Business) Park, Overall Development Plan or Planned Unit Development, as applicable. If single family housing is provided, at least a generally equivalent number of multi-family dwelling units must also be provided. “Multi-family” shall mean attached single family, 2-family or multi-family dwellings. All housing must be integrated with and function with an office (or business) park. Non-residential, secondary uses shall be integrated both in function and appearance with an office (or business) park, unless a special exception is granted by the Planning and Zoning Board **Commission**. In order for such an exemption to be granted, the applicant must demonstrate to the satisfaction of the Board **Commission** that the granting of the exemption would neither be detrimental to the public good nor impact the intent and purposes of the foregoing requirement and that by reason of exceptional narrowness, small parcel size, or other special condition peculiar to a site, undue hardship would be caused by the strict application of this requirement.

Permitted secondary uses shall be limited to:

- Hotels/motels
- Sit-down restaurants
- Neighborhood Convenience Shopping Centers
- Child care centers
- Athletic clubs
- Single family and multi-family housing
- Accessory buildings and uses as defined in Section 29-456 of the Code. (+)

Basic (and non-retail) jobs are planned to be the major economic focus of the corridor area. The standards provide for a variety of retail and services in close proximity to meet the needs of employees and business in the corridor. As the corridor develops, new housing of a mix of types and densities is anticipated to locate near jobs, shopping, parks and schools.

Locate a broader range of land uses in the areas of the Harmony Corridor known as Mixed-Use Activity Centers as shown on the Land Use Map. The Mixed-Use Activity Center provides, in addition to the uses listed in the Basic Industrial and Non-Retail Employment Activity Center, a variety of retail and commercial uses in shopping centers. If single family housing is provided, at least a generally equivalent number of multi-family dwelling units must also be provided. “Multi-family” shall mean attached single family, 2-family or multi-family dwellings. All housing must be integrated with and function with an office (or business) park and/or shopping center. Neighborhood service centers, community shopping centers and regional shopping centers shall be limited to those locations shown on the Land Use Map. (+)

The Plan provides for a range of retail, non-retail and residential uses to occur in the Mixed-Use Activity Centers, including shopping centers which satisfy the consumer demands of residents and employees who live and work in adjacent and surrounding neighborhoods, as well as from the community and region.

**All retail and commercial land uses, except those permitted as secondary uses in the Basic Industrial and Non-Retail Employment Activity Center, shall be located in shopping centers. All shopping centers, except neighborhood convenience shopping centers, shall be limited to locations shown on the Land Use Map. Neighborhood convenience shopping centers shall also be permitted in the Basic Industrial and Non-Retail Employment Activity Center. The general definition, scale, use and character of neighborhood service centers shall be as described in Appendix B. (+)**

Coordinated planning of a “shopping center” rather than isolated retail uses is the most effective means of avoiding “strip” commercial development.

## VI. HARMONY GATEWAY AREA

*The Harmony Gateway Area is an exceptional location due to high values the community holds regarding the Poudre River valley and the high public visibility of this entryway to the City.*

*The intent for the Gateway Area is to capture the special opportunity to integrate a mixed-use employment activity center within a landscape that expresses community values for environmental features and the larger corridor of open and rural lands at this southeast edge of the City along the river corridor and Fossil Creek Reservoir.*

*Development shall be programmed and designed with an emphasis on the landscape to maintain a sense of place derived from the river valley setting.*

*These Standards and Guidelines are to ensure that as development and redevelopment occurs as part of the Gateway Area, it fulfills the vision described in Chapter 5 of the Harmony Corridor Plan for the area.*

## **Design Standards and Guidelines**

### **1. Naturalistic Landscape Development: River Valley Character and Image**

*The intent is to create the effect of Harmony Road passing through a larger river valley landscape that spans across Harmony Road with buildings and parking lots carefully clustered and integrated unobtrusively within the landscape and not merely lining the major roadways with conventional landscaping around buildings and parking lots.*

**Landscaped Setback Dimensions.** A landscaped setback area for buildings and parking lots averaging 140 feet in depth for parking lots and 190 feet in depth for buildings shall be provided from the edge of vehicular travel lanes along Harmony Road and I-25. The landscaped setback area may include sidewalks and tree lawns. Minimum landscaped setback depth shall be 70 feet for parking lots and 95 feet for buildings. (+)

**Landscaped Setback Design.** This landscaped setback area shall be comprised of a River Valley landscape design that includes groupings of native cottonwoods and willows, and evergreens and other plant materials in conjunction with other native and xeric plantings appropriate to specific positions within the landscape plan, and shall consist of at least one tree and ten shrubs per twenty-five lineal feet of frontage. (+)

**2. Parking Lot Location and Screening.** Locating large parking lots between buildings and the landscape setback areas along Harmony Road and I-25 is encouraged to consolidate vehicular impacts of both parking and traffic on the roadways away from the internal pedestrian-friendly public space framework. (o)

If such parking lots adjacent Harmony Road and I-25 are not fully screened by berms and planting in the landscape setback area, additional screening shall be provided with the following:

- At least 30 additional shrubs per one hundred lineal feet of frontage, or
- At least 8 additional trees per one hundred lineal feet of frontage, or
- An alternative combination of trees and shrubs approved by staff as providing equal or better screening than the above; or
- Fences or site walls that replace the need for screening that such landscape plantings would provide. (+)

Off-street parking shall be consolidated into shared parking lots wherever appropriate in order to avoid interrupting pedestrian frontages in the public space framework. (+)

**3. Service and Loading Areas.** If any truck operations for servicing and loading are not fully screened from Harmony Road and I-25 by other means, they shall be fully screened by building massing or architectural wall. (+)

**4. Potential Channelized Floodway.** If the Poudre River floodway is channelized within the Harmony Road and I-25 setback area, the channel and adjacent upland areas shall be designed to complement and reinforce the overall naturalistic landscape with informal, undulating grading of

landforms, to the maximum extent feasible and within engineering requirements, not rigidly-engineered geometric grading. (+)

The programming and design of naturalistic river valley landscaping should be designed to provide consideration for maintenance activities such as irrigation, weed control, tree trimming, shrub and plant pruning, and replacement and reseeding, which consideration should be equal to the consideration given to design. (o)

**5. Incorporation of Water into Landscaped Setback.** Drainage channels and/or wetlands are strongly encouraged in landscaped areas along Harmony Road and I-25 to further reinforce the distinct landscape setting. (o)

**6. Landscaping Development: River Valley Character and Image.** Landscaping shall be developed to express xeriscape principles and characteristics consistent with Section 3.2.1 (E)(3) and include plants native to the River Valley landscape. More lush plantings that requiring significant watering, such as flower beds and lawns, shall be limited to appropriate high-use areas. (+)

## **7. Mixed-Use Employment Activity Center Within the Landscape Setting.**

### **A. Public Space Framework**

*Development of streets, buildings, parking lots and other site improvements will be arranged to form a unified mixed-use employment activity center. Within this center shall be a framework of streets and public spaces that provide for an attractive, cohesive and walkable area that reflects the unique site context.*

**A Framework of Streets.** Street-like private drives, walkway spines and a trail corridor shall be established to form sites for buildings and parking lots with the emphasis on forming a distinct overall sense of place into which buildings and parking lots fit. (+)

**On-Street Parking.** On-street parking should be maximized on streets scaled and designed to reinforce the distinct pedestrian orientation of the Gateway Area. (o)

**Trail Corridor.** Development shall provide an area for a trail corridor, which may be located within and will be counted towards the area for landscape setbacks. The trail corridor should also create linkage with the Fossil Creek and Poudre River Trails to the south and north of the Gateway Area respectively. Alignment and design shall be determined in collaboration with the City (+) and maximize the user experience. (o)

**Bus Transit.** Accommodation should be provided for bus stops and routes linking the mixed-use employment center to transit service on Harmony Road. Final transit stops and route configuration is subject to the review and approval of TransFort. (o)

## B. Permitted Uses

All individual uses permitted in the Harmony Corridor (HC) Zone District shall be permitted in the Gateway Area subject to the following minimum and maximum Secondary Use limitations. (+) The use percentages shall be measured using gross site area on land located within the Gateway Area as set forth in any development plan. The following use limitations and requirements shall be referred to collectively as the “**Land Use Limitation.**”

**Retail/Commercial Limitation.** Retail and commercial uses shall not exceed 50% of development. (+)

**Minimum Employment Use Requirement.** Office, light industrial, and non-retail employment uses shall occupy at least 25% of development. (+)

**Minimum Residential Use Requirement.** Residential uses shall occupy at least 25% of development. (+)

**Minimum Naturalistic Landscaped Area Requirement.** Coverage of streets, buildings, and parking lots is limited to 60% of the site area on the south side of Harmony Road. The remaining 40% shall be retained as an open, landscaped area with naturalistic plantings. The following areas shall be counted in fulfillment of the minimum 40% requirement:

- Landscaped setbacks from I-25 and Harmony Road
- Designated floodways
- Delineated natural habitat or features
- Stormwater detention areas
- Trail Corridor
- Other landscaped areas with minimum dimensions of 10,000 square feet and 30-foot width at any location.

(+)

**Civic Uses Effect on Calculations.** Civic uses such as parks and recreation space, cultural facilities, community facilities, a trail corridor, and other public uses are not subject to the Harmony Corridor land use limitations. Such uses, if developed, may be applied toward the minimum employment or residential use requirements at the election of the Applicant. (+)

Additional uses shall be permitted: Artisan and photography studios and galleries; Limited and Unlimited indoor and outdoor recreation facilities; Dog day-care facilities; Grocery stores; Supermarkets; Exhibit halls; Funeral homes; Parking lots and garages; Small scale reception centers; Large Retail Establishments subject to individual and collective size limitations set forth below; Gasoline stations; Entertainment facilities and theaters; Day Shelters; and open air farmers’ markets. (+)

**Large Retail Establishment Size Limitations.** No individual Large Retail Establishment may exceed 100,000 square foot footprint. (+)

Total floor area of large retail establishments (more than 25,000 square feet) in the gateway area shall not exceed 250,000 square feet. (+)

*Large retail establishment* shall mean a retail establishment in a single building occupying more than twenty-five thousand (25,000) gross square feet of floor area. Movie Theaters, recreational, entertainment and indoor recreational uses, and similar shall not be classified as large retail establishments and shall not count towards this limitation. (+)

**Large Retail Establishment Exceptions.** In instances where a large retail establishment (more than 25,000 SF) is developed as part of a vertical mixed-use building, it shall not count towards the Large Retail Establishment Floor Area Limitations. (+)

**Mixed Use Dwellings.** Mixed use dwellings are encouraged to add vitality and charm to the sense of place, add interest to the buildings, and reveal and capitalize on specialized residential products uncommon in suburban markets. (o)

### C. Buildings

**Building Grouping and Orientation – Public Space Framework.** Buildings and their entrances should be brought together along the overall public space framework. Each building should contribute to and reinforce the overall goal of creating a walkable destination with a primary orientation to the overall framework and other buildings nearby; and orientation to individual parking lots secondary. (o)

Buildings should offer attractive pedestrian-scale features and outdoor spaces to complement the streetscape. (o)

**Maximum Height.** 5 stories for commercial and mixed-use buildings and 3 stories for residential buildings, with an exception provided for 6 story mixed-used buildings if structured parking is integrated into the mixed-use building. (+)

**Building Character.** The architectural program for the Gateway Area shall emphasize high-quality building materials providing visual interest for pedestrians and that complement the colors and textures of the Poudre River Corridor (e.g., natural or cultured stone, brick, textured concrete masonry units with architectural finishes, stucco, high quality precast and prestressed architectural concrete, architectural metals, glass, timbers); and architectural lighting. (+)

### D. Signs

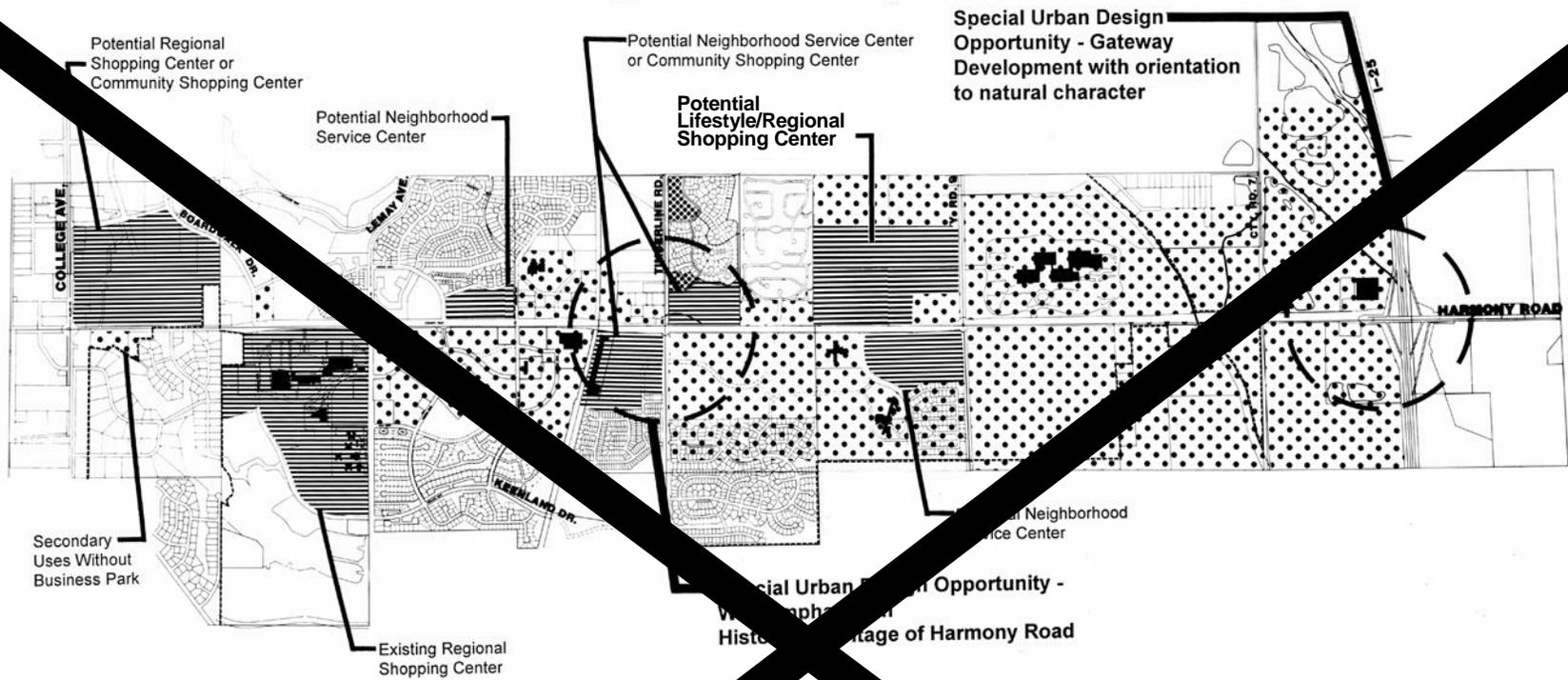
**Commercial Signs.** Signs should be designed and oriented to reduce visual clutter along I-25 and Harmony Road. (o)

Wall signs should be designed as an integral element of the architecture, with the sign shape and materials complementing the architectural style and features. (o)

Internally illuminated signs should not create glare that would distract motorists or pedestrians, nor should the degree of illumination contribute to night sky light pollution. (o)

Two types of signs are prohibited within the Harmony Gateway:

1. Off-premise advertising (billboards); and
2. Electronic Message Center (EMC) signs (+)



**Harmony Activity Centers**

-  Basic Industrial and Non-Retail Activity Center
-  Mixed Use Activity Center

**Potential Shopping Center Locations Outside of Activity Center**

-  Neighborhood Service Center

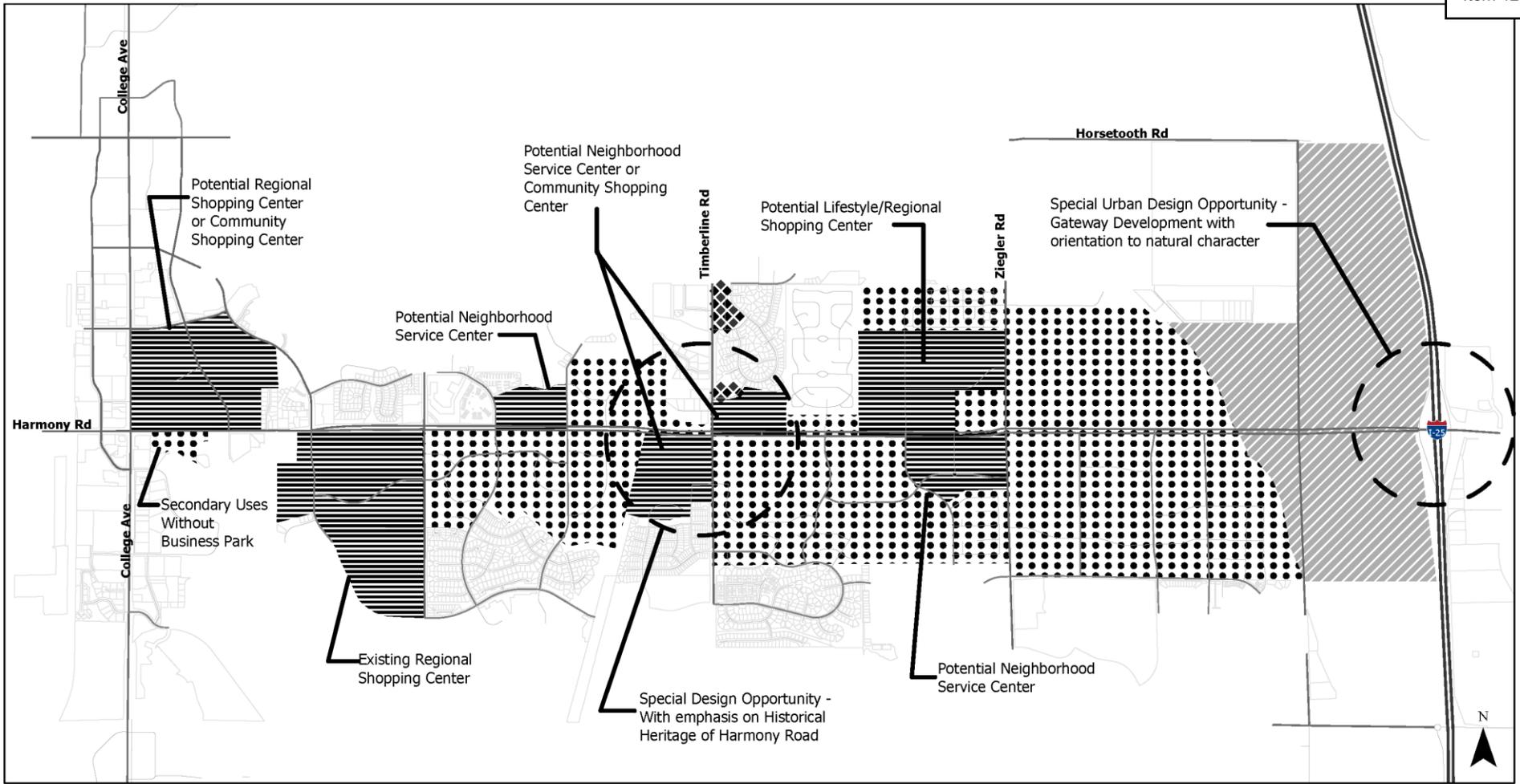
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1500' 0' 3000' 6000'



# LAND USE PLAN



**Harmony Activity Centers**

-  Basic Industrial and Non-Retail Activity Center
-  Mixed-Use Activity Center

**Potential Shopping Center Locations Outside of Activity Center**

-  Neighborhood Convenience Center
-  Gateway Area

# LAND USE PLAN

# VI. APPENDIX A— PLANT PALETTE SUMMARY

Key: \* = good rating + = adequate rating ^ = Recommended limited use from local stock only

## OAK PALETTE

| Scientific/Common Name                            | Seasonal Interest | Soil Compatibility | Hardiness | Withstands Drought/Irrigation | Availability | Disease Resistance |
|---------------------------------------------------|-------------------|--------------------|-----------|-------------------------------|--------------|--------------------|
| <b>Deciduous Overstory Trees</b>                  |                   |                    |           |                               |              |                    |
| Quercus macrocarpa<br>Bur Oak                     | texture           | *                  | *         | *                             | *            | *                  |
| Quercus robur<br>English Oak                      | texture           | *                  | *         | *                             | +            | *                  |
| Quercus borealis<br>Northern Red Oak <sup>^</sup> | fall              | +                  | +         | +                             | +            | +                  |
| Quercus bicolor<br>Swamp White Oak                | texture           | +                  | +         |                               | +            | +                  |
| <b>Ornamental, Understory Tree</b>                |                   |                    |           |                               |              |                    |
| Quercus gambelli<br>English Oak                   | fall              | *                  | *         | *                             | *            | *                  |

## MIXED PALETTE

| Scientific/Common Name                            | Seasonal Interest | Soil Compatibility | Hardiness | Withstands Drought/Irrigation | Availability | Disease Resistance |
|---------------------------------------------------|-------------------|--------------------|-----------|-------------------------------|--------------|--------------------|
| <b>Deciduous Overstory Trees</b>                  |                   |                    |           |                               |              |                    |
| Fraxinus americana<br>'Autumn Purple' Ash         | fall              |                    | *         | *                             | *            | *                  |
| 'Rose Hill' Ash                                   | fall              | *                  | *         |                               | +            | *                  |
| 'Autumn Applause' Ash                             | fall              | *                  | *         |                               | +            | *                  |
| Fraxinus pennsylvanica<br>'Marshall Seedless' Ash | fall              | *                  | *         | *                             | *            | *                  |
| 'Patmore' Ash                                     | fall              | *                  | +         | *                             | +            | +                  |
| Fraxinus occidentalis<br>Western Hackberry        | texture           | *                  | *         | *                             |              | *                  |
| Gymnocladus dioica<br>Kentucky Coffeetree         | winter            | +                  | +         | +                             | *            | +                  |
| <b>Ornamental Understory Trees</b>                |                   |                    |           |                               |              |                    |
| Crataegus crus-galli<br>Cockspur Hawthorn         | fall/spring       | *                  | *         | *                             | *            |                    |
| Crataegus floridensis<br>Toba Hawthorn            | fall/spring       | +                  | +         | *                             | *            | +                  |

**Key:** \* = good rating + = adequate rating ^ = Recommended limited use from local stock only

**MIXED PALETTE – con’t**

| Scientific/Common Name                        | Seasonal Interest | Soil Compatibility | Hardiness | Withstands Drought/Irrigation | Availability | Disease Resistance |
|-----------------------------------------------|-------------------|--------------------|-----------|-------------------------------|--------------|--------------------|
| Crataegus arvensis<br>Russian Hawthorn        | fall/spring       | +                  | *         | *                             | *            | +                  |
| Acer grandidentatum<br>Bigtooth Maple         | fall              | *                  | *         | *                             | *            | *                  |
| Malus spp.<br>'Radiant' Flowering Crabapple   | spring            | *                  | *         | +                             |              | *                  |
| Prunus cistena<br>Newport Plum                | summer            | *                  | *         | *                             | *            | +                  |
| <b>Coniferous Trees</b>                       |                   |                    |           |                               |              |                    |
| Pinus nigra<br>Austrian Pine                  | winter            | *                  | *         |                               | *            | *                  |
| Pinus ponderosa<br>Ponderosa Pine             | winter            | +                  | *         | *                             | *            | +                  |
| Pinus sylvestris<br>Scotch Pine               | winter            | *                  | *         | *                             | *            | *                  |
| Juniperus chinensis<br>Keteleeri Juniper      | winter            | *                  |           | *                             | *            | *                  |
| <b>Shrubs</b>                                 |                   |                    |           |                               |              |                    |
| Prunus tomentosa<br>Nanking Cherry            | winter            |                    | *         | *                             | *            | *                  |
| Rhus typhina<br>Staghorn Sumac                | fall              | *                  | *         | *                             | *            | *                  |
| Cornus stolonifera<br>Red Twig Dogwood        | winter            |                    | *         | *                             | *            | *                  |
| Cotoneaster acutifolia<br>Peking Cotoneaster  | fall/spring       | *                  | *         | *                             | *            | *                  |
| Ribes alpinum<br>Alpine Currant               | winter            | *                  |           | *                             | *            | *                  |
| Spirea nipponica<br>Snowmound Spirea          | fall              | *                  | *         | *                             | *            | *                  |
| Caryopteris incana<br>Bluemist Spirea         | late summer       | *                  | *         | *                             | *            | *                  |
| <b>Herbaceous Plants</b>                      |                   |                    |           |                               |              |                    |
| Narcissus spp.<br>Daffodils                   | fall              | *                  | *         | *                             | *            | *                  |
| Wildflower Mix                                | summer            | *                  | *         | +                             | *            | *                  |
| Hyacinthus species<br>Grape Hyacinth          | spring            | *                  | *         | *                             | *            | *                  |
| Tulipa species<br>Yellow Tulips               | fall              | *                  | *         | *                             |              | *                  |
| Penstemon species<br>Rocky Mountain Penstemon | late spring       | *                  | *         | *                             | *            | *                  |
| Hemerocallis species<br>Orange Daylilies      | late spring       | *                  | *         | *                             | *            | *                  |

## VII. APPENDIX B— SHOPPING CENTER DEFINITIONS

The following standards and guidelines are intended to be used in the definition of proposed shopping centers and shall substitute for and otherwise replace and supersede any conflicting definitions contained in the City Code. **These definitions apply only to shopping centers located in the Harmony Corridor.**

### HARMONY CORRIDOR NEIGHBORHOOD SERVICE CENTER

General Definition:

A shopping center located in a complex which is planned and developed as a unit, and located within and intended to primarily serve the consumer demands of residents and employees who live and work in adjacent and surrounding neighborhoods. Typically, a neighborhood service center shall contain a grocery store or supermarket.

**Permitted Uses:**

- The principal uses shall be limited to grocery stores, supermarkets, personal services, business services, gasoline service stations, drug stores, standard or fast food restaurants, liquor and wine sales, clothing and accessory shops, equipment rental (not including outdoor storage), hardware stores, video stores, and uses of similar character as determined by the Planning and Zoning **Board Commission**. Secondary uses shall be limited to professional offices, banks and financial institutions, multi-family dwellings, small animal veterinary clinics, libraries, youth centers, child care centers, health services, and uses of similar character as determined by the Planning and Zoning **Board Commission**. (+)
- The hours of operation of the center shall be between 5:00 a.m. and 12:00 a.m. Extended hours may be permitted by the Planning and Zoning **Board Commission** if evidence is submitted by the applicant to demonstrate that the extended hours will not create an unreasonable disruption or intrusion upon the adjacent residential neighborhood due to exterior lighting, noise and automobile traffic. (+)

**Scale:**

A neighborhood service center shall be situated on seven (7) to twenty (20) acres. (+)

- » Generally, a neighborhood service center should occur on 10-15 acres. A center may be larger than 15 acres if necessary to allow for the siting of secondary uses that would help to create an effective transition from the adjacent residential neighborhood. (o)

A neighborhood service center shall contain at least six (6) independent business

- A neighborhood service center continues the City’s tradition of having a small neighborhood shops supplementing a grocery store or supermarket. One building offering several different services or goods is not considered a neighborhood service center. (o)
- A neighborhood service center shall contain 50,000 to 120,000 square feet of gross floor area. A neighborhood service center may contain an additional 10,000 square feet of gross floor area of secondary uses (for a total of not more than 130,000 square feet of gross floor area) if necessary for the purpose of providing an effective land use transition from the adjacent residential neighborhood. (+)
  - » The scale of a neighborhood service center should be compatible with its immediate and surrounding neighborhood. The placement of secondary uses should create an effective land use transition between the more intensive retail uses in the neighborhood service center and adjacent residential uses. (o)
- No retail establishment occupying more than 25,000 square feet of gross floor area shall be permitted, except a supermarket shall be permitted that does not exceed 49,000 square feet of gross floor area. (+)

**Character:**

- Neighborhood streets, or sidewalks and bike paths shall lead into and through the neighborhood service center, so that people who live or work nearby can conveniently use the neighborhood service center. The neighborhood service center shall contain a transit stop with convenient and comfortable access to the uses in the neighborhood service center. (+)
  - » The appearance and function of the neighborhood service center shall be effectively integrated with the surrounding neighborhoods, not segregated with them. (+)
  - » A neighborhood service center should look and function as a “social and identity” center for the neighborhood. Its buildings should create pleasant and readily identifiable outdoor spaces, such as a plaza and/or major walkway, where people can meet, rest or wait. (o)
  - » Careful design and placement of buildings and uses in a Neighborhood Service Center can create an effective transition from the rest of the neighborhood. The negative effects of large buildings, noise, traffic, and exhaust should be contained within the Neighborhood Service Center. (o)

## **HARMONY CORRIDOR COMMUNITY SHOPPING CENTER**

**General Definition:**

A shopping and service center located in a complex that is planned and developed as a unit, and intended to serve consumer demands from residents and employees who live and work in surrounding neighborhoods as well as the community as a whole. A community shopping

center provides, in addition to the convenience goods of a neighborhood service center, a wider range of facilities for the sale of goods, such as (but not limited to) food, books, apparel and furniture. Multi-family residential, as well as non-retail employment generating uses (such as professional offices) may be located amongst the retail component of the center.

#### **Permitted Uses:**

- The permitted uses shall be limited to those listed for neighborhood service centers, as well as discount department stores, department stores, cinemas, showroom/catalog stores, libraries, and uses of similar character as determined by the Planning and Zoning Board **Commission**. (+)

#### **Scale:**

- A community shopping center shall be situated on thirteen (13) to thirty (30) acres. (+)
- A community shopping center shall contain at least ten (10) independent business establishments with separate public entrances. (+)
  - » A community shopping center continues the City's tradition of having small and medium-size shops supplementing the principal tenant(s). (o)
- A community shopping center shall contain 117,500 to 250,000 square feet of gross floor area devoted to retail, service and commercial uses, of which the gross floor area of each principal tenant(s), if any, shall not exceed 80,000 square feet. (+)
  - » The scale of the community shopping center should be compatible with its immediate and surrounding neighborhood, while allowing adequate space for needed goods and

#### **Character:**

- Local streets (or driveway entrances), or sidewalks and bike paths shall lead into and through the community shopping center so that people who live and work in the surrounding neighborhoods can avoid using arterial streets to gain access to the Center. A community shopping center shall contain a transit stop. (+)
  - » The buildings in a community shopping center should create pleasant and convenient outdoor spaces including streets, parking lots, sidewalks, plazas, and drop-off areas that facilitate pedestrian transit use. (o)
  - » A community shopping center should contain outdoor space, and possibly other facilities, which can serve as a focal point for neighborhood and community activities. Public and semi-public places may serve this role by providing meeting places, recreation opportunities, and lunch time picnic spots essential to the vitality of the community shopping center. (o)

» The primary access for non-neighborhood traffic should be from an arterial or non-residential collector street system. (o)

» Careful design and placement of buildings and uses can create an effective transition into a community shopping center with lower intensity uses, open space, landscaping, fencing, etc. used to achieve compatibility with adjacent single family neighborhoods. The negative effects of large buildings, noise, traffic, and exhaust should be contained within the community shopping center. (o)

## **HARMONY CORRIDOR REGIONAL SHOPPING CENTER**

### **General Definition:**

A shopping and service center located in a complex that is planned and developed as a unit, and intended to serve consumer demands from the community and region. The regional shopping center contains a wide selection of general merchandise, apparel, and home furnishings, as well as a variety of services and recreational facilities. Generally, one or two anchor stores are the principal tenants in a regional shopping center. But the presence of an anchor tenant is not required. Multi-family residential as well as non-retail employment generating uses (such as professional offices), may be located amongst the retail component of the regional shopping center.

### **Permitted Uses:**

- The permitted uses shall be limited to retail, service, general merchandise, apparel, home furnishings, supermarkets, full-line department stores, discount department stores, drugstores, warehouse clubs, cinemas, showroom/catalog stores, professional offices, post offices, libraries, residential and uses of similar character as determined by the Planning and Zoning Board **Commission**. (+)

### **Scale:**

- A regional shopping center shall be situated on thirty (30) to one hundred (100) acres. (+)
- A regional shopping center shall contain at least fifteen (15) independent business establishments with separate public entrances. (+)
- A regional shopping center should continue the City's tradition of having small and medium-sized shops supplementing the principal tenant(s). (o)
- A regional shopping center shall contain at least 250,000 square feet of gross floor area. (+)

**Character:**

- Local streets (or driveway entrances), sidewalks and bike paths shall lead into and through the regional shopping center so that people who live and work in the surrounding neighborhoods can avoid using arterial streets to gain access to the Center. A regional shopping center shall contain an on-site transit stop or, if necessary in the judgment of the Planning and Zoning Board<sup>1</sup> Commission, a larger transfer facility. (+)
  - » The configuration of buildings should balance the needs of pedestrians, bicyclist, transit users and motorists. The primary focus should be vehicular access from arterial and non-residential collector streets. (o)
  - » A regional shopping center should be buffered from neighboring lower intensity land uses (especially residential uses) by careful site and architectural design and placement of uses. Neighboring residential uses should be buffered from negative effects of noise, traffic, light, and exhaust. A transition of lower intensity uses or open space should be present between a regional shopping center and adjacent residential uses. (o)
  - » A regional shopping center should contain facilities and outdoor spaces that can serve as a focal point for neighborhood and community activities. Public and semi-public uses may serve this role by providing meeting places, recreation opportunities, and lunch time picnic spots essential to the vitality of a regional shopping center. (o)

**LIFESTYLE SHOPPING CENTER****General Definition**

Lifestyle Shopping Center (hereafter sometimes referred to as a “Center”) shall mean a shopping center which is planned and developed as a unit, and intended to serve consumer demands from the community as a whole and the region, with the primary offering consisting of a mix of specialty retail stores.

The unique and high-quality site and building design of a Lifestyle Shopping Center sets it apart from community shopping centers, outlet centers, power centers, and many other regional shopping centers. Buildings and their entrances are brought together along a sidewalk network in an open air setting, and the Center includes a central gathering place for sitting outdoors, meeting, gathering, and neighborhood and community activities.

As understood and defined by the commercial real estate industry,<sup>1</sup> a “Lifestyle Shopping Center” is a relatively new format of shopping center that is not a typical regional shopping

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<sup>1</sup>The definition of “Lifestyle Shopping Center” adopted in the Harmony Corridor Plan is purposefully based on, and tied to, the commercial real estate industry’s usage and definition of the term (a.k.a. “Lifestyle Center”). Fort Collins intends to interpret and apply its definition in ways that do not significantly depart from the definition and usage of the term adopted by the International Council of Shopping Centers in 2002. In addition, terms of art unique to the commercial real estate industry used throughout these Lifestyle Shopping Center Provisions, such as “inline tenants,” “community center,” or “specialty retail,” shall be interpreted by the City in

center (e.g., a regional mall) or community shopping center. Consistent with the majority of the Lifestyle Shopping Centers built in the United States by year-end 2002, a Harmony Corridor Lifestyle Shopping Center shall have the following defining characteristics:

### Permitted Uses, Number of Uses, and Mix of Uses:

Permitted Uses—General. Subject to the limitations stated in this section below, permitted uses shall be limited to retail stores, restaurants, grocery stores, entertainment facilities and theaters. (+)

Retail Stores and Restaurants. A Center shall contain at least two types of uses, those being retail stores and sit-down restaurants. (+)

Predominance and Mix of Retail Uses. Retail stores are predominate in the mix of uses. The predominate *type* of retail stores is specialty retailers such as apparel, home furnishings/accessories, books/music, bath/body, sporting goods, and grocery stores. (o)

The majority of retail stores shall be small or medium-size retail stores, each containing less than 20,000 square feet of gross floor area. The majority of these stores will be the kind of retail stores which are typical inline occupants in regional shopping centers and regional malls. (+)

A Center shall be permitted to have no more than nine larger stores, each containing between 20,000 and 50,000 square feet of gross floor area. (+)

A Center shall also be permitted to have no more than two department stores, each containing less than 110,000 square feet of ground floor gross floor area. (+)

Large Number of Retail Stores in a Center. The minimum number of individual retail store uses (with separate entrances) in a Center shall be twenty-five (25) stores. (+)

Restaurants. A Center shall include at least two full-service (sit-down) restaurants.<sup>2</sup> Limited service restaurants<sup>3</sup> may also be included in a Center's mix of occupants, as well as snack and

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a manner that is consistent with the common meaning and usage of the terms adopted by the industry. Because hybrids of lifestyle shopping centers are certain to emerge in the years after the effective date of this Plan amendment, Fort Collins intends that the term "Lifestyle Shopping Center," as applied in the Harmony Corridor, shall retain the industry's definition and understanding of the term as it existed in 2002. Pertinent industry sources and explanations of the term relied upon by Fort Collins in preparing this definition of "Lifestyle Shopping Center" include: "Lifestyle Centers: A Defining Moment," *ICSC Research Quarterly*, Vol. 8, No. 4 (Winter 2001-2002); "Lifestyle Centers Part II: The Shopper's Verdict," *ICSC Research Quarterly*, Vol. 9, No. 4 (Winter 2002-2003); and Gunter, Gregory R., "Lifestyle Centers," *Urban Land* (Urban Land Institute, Feb. 2002).

<sup>2</sup> A full-service restaurant, as defined by the National Restaurant Association, is an establishment that provides waiter or waitress service, and patrons pay after they eat.

<sup>3</sup> A limited-service restaurant, as defined by the National Restaurant Association, is an establishment that usually does not provide table service, patrons generally order at a cash register or select food items from a food bar, and pay before they eat.

nonalcoholic beverage bars such as coffee shops, ice cream/frozen custard/yogurt stores, cookie shops, bagel/doughnut shops, and similar uses. (+)

**Mixed-Use Dwellings.** Mixed-use dwellings shall be permitted in conjunction with the retail-based mix of uses in a Center. (+)

**Other Complementary Uses Permitted As Part of a Center.** In addition to the predominant retail-based mix of uses, a Center shall also be permitted to contain other subsidiary, complementary uses including offices, financial services, and clinics, civic or cultural facilities (e.g., a branch library or museum), health/beauty services (e.g., day spas and athletic clubs), and uses of similar character. (+)

**Scale:**

- A Lifestyle Shopping Center shall be situated on forty (40) to eighty-five (85) acres. (+)
- A Lifestyle Center shall contain 200,000 to 800,000 square feet of gross floor area. (+)



## ADOPTING ORDINANCES AND RESOLUTIONS

- Resolution PZ 91-5 of the Planning and Zoning Board Commission of the City of Fort Collins recommending to the City Council the adoption of the Harmony Corridor Design Standards and Guidelines.
- Ordinance No. 28, 1991 of the Council of the City of Fort Collins adopting the Harmony Corridor Design Standards and Guidelines with amendments.
- Ordinance No. 187, 1994 of the Council of the City of Fort Collins amending the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines.
- Ordinance No. 29, 1995 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. 103, 2003 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. 011, 2006 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. 044, 2020 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. XXX, 2025 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.

The full text of these resolutions and ordinances are available for inspection in the City Clerk's office.



## **First Reading: Land Use Code Updates**

The Future of Commercial Corridors and Centers

Names Here

Does Council wish to adopt Ordinance XX-2025 for the proposed Land Use Code Commercial Corridors and Centers updates on First Reading?

## The Future of Commercial Corridors and Centers: Land Use Code Updates

The Future of Commercial Corridors and Centers is focused on updating the Land Use Code governing commercial zone districts, corridors and development standards to ensure they align with current city policies and community needs.

- Advancing the City's 15-Minute City goals
- Aligning with existing City policy plans
- Balancing desired outcomes
- Adding clarity to the City's Development Review Process

# Structure Plan

## PLACETYPES

### Districts

 Downtown District

  Urban Mixed-Use District

  Suburban Mixed-Use District

  Neighborhood Mixed-Use District

  Mixed Employment District

 Research & Development/Flex District

 Industrial District

 Campus District

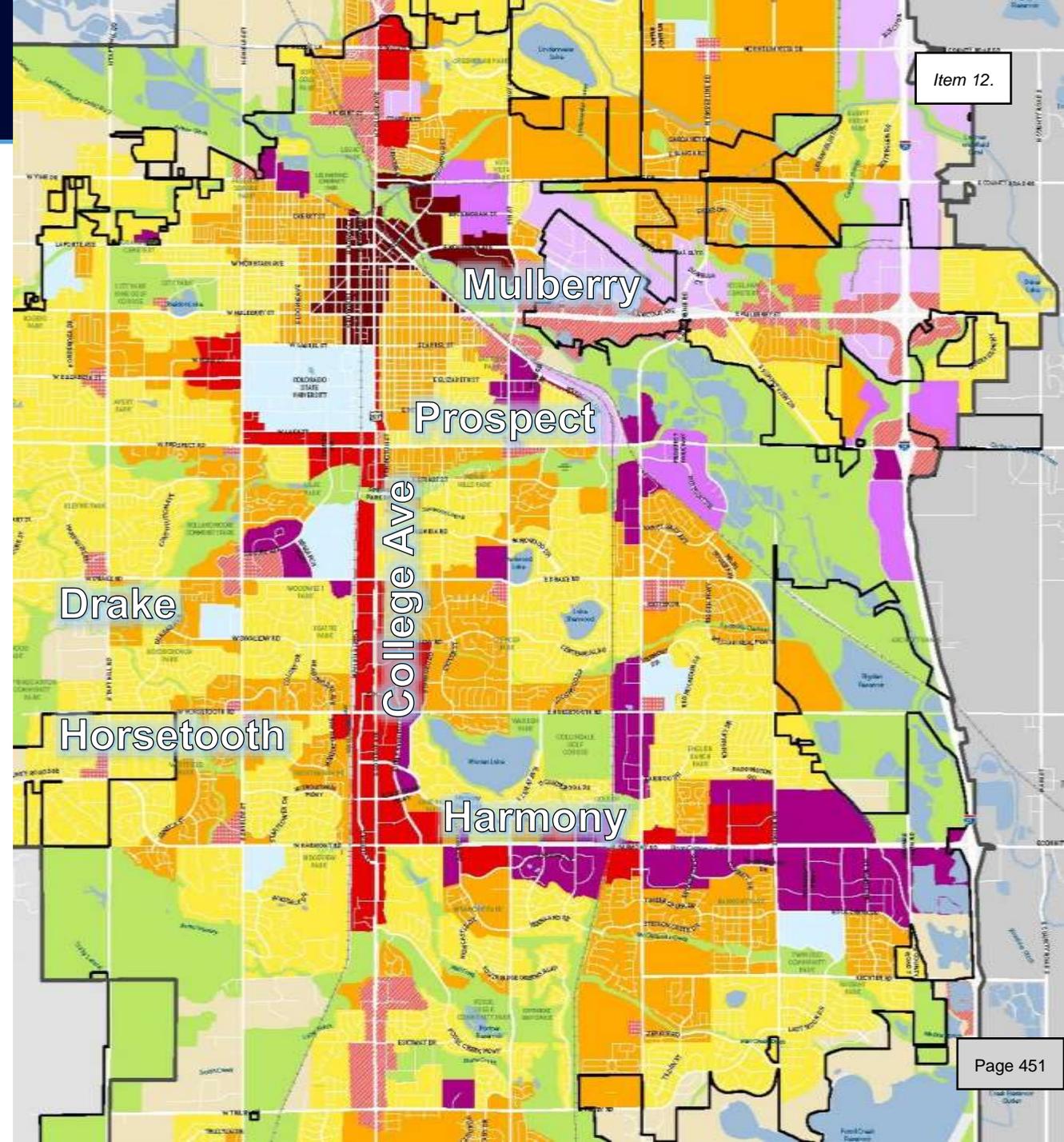
### Neighborhoods

 Rural Neighborhood

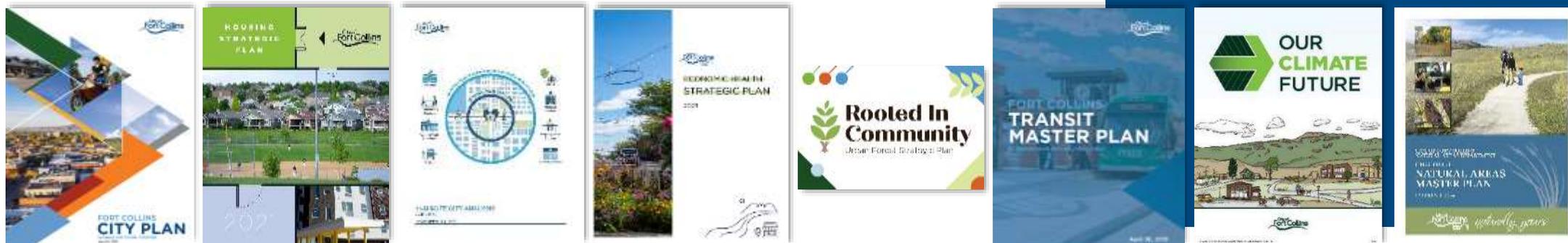
 Suburban Neighborhood

  Mixed Neighborhood

 Priority Place Types Designated in City Plan



# Purpose of the Land Use Code Updates: To Align the LUC with Adopted City Plans and Policies



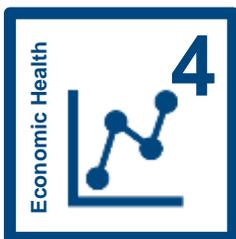
## Council Priority



**Council Priority No. 1:** Operationalize City resources to build and preserve affordable housing



**Council Priority No. 3:** Advance a 15-minute city by igniting neighborhood centers



**Council Priority No. 4:** Pursue an integrated, intentional approach to economic health



**Council Priority No. 8:** Advance a 15-minute city by accelerating our shift to active modes

## Guiding Principles

Enable more housing and mixed-use buildings, especially along roads with frequent bus service

Create resilient commercial and employment centers that are adaptable to future needs

Create clearer building and site design standards that promote transit use, walking, and rolling along roads with frequent bus service

Improve predictability of the Land Use Code, especially to support small business owners

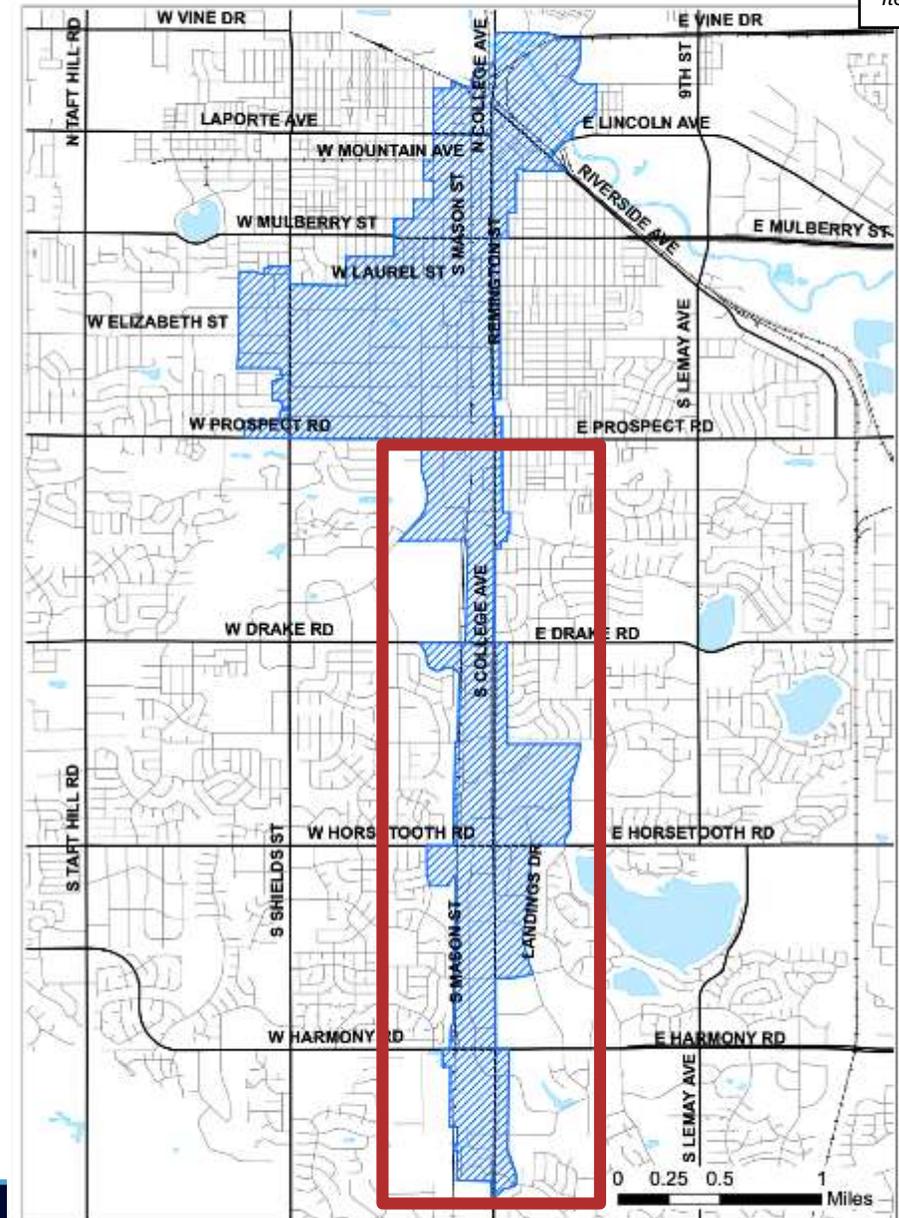
# Transit Oriented Development Overlay

Enable more housing and mixed-use buildings, especially along roads with frequent bus service

- **Purpose of TOD Overlay:** Modify the underlying zone districts south of Prospect Road to encourage land uses and densities that enhance and support transit.
- The TOD Overlay offers height bonuses if projects meet various criteria.
  - However, with current market conditions, the incentives offered by the TOD Overlay are not economically feasible for producing mixed-use development.
- Permitted land uses in the TOD: gas stations, self-storage, drive-thru restaurants, drive-thru pharmacies, car washes, drive-thru banks & credit unions, amongst others.
  - Some currently allowed uses may not align with the vision of the TOD overlay.

## Transit-Oriented Development (TOD) Overlay Zone

Item 12.



**Guiding Principle: Enable more housing and mixed-use buildings, especially along roads with frequent bus service.**

## Transit-Oriented Development (TOD) Overlay Recommendations

| Recommendation Number | Recommendation                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TOD 1                 | Allow 5-story standalone residential within the General Commercial zone                                                                                                                                                                                                                                                                                     |
| TOD 2                 | Limit new Gasoline Stations (gas stations) within 1000' of MAX Stations, other existing gas stations, and Convenience Stores with Fuel Sales                                                                                                                                                                                                                |
| TOD 3                 | Prohibit new enclosed mini-storage use in entire TOD Overlay                                                                                                                                                                                                                                                                                                |
| TOD 4                 | Prohibit new boat sales with storage use in entire TOD Overlay                                                                                                                                                                                                                                                                                              |
| TOD 5                 | Eliminate parking minimums in the entire TOD Overlay but retain maximums for surface parking. Set a maximum contiguous surface parking lot allowance at 2.0 acres, inclusive of circulation and landscaping. Introduce additional site design standards such as requiring parking lots to be bound on at least two sides by streets (public and/or private) |

# Harmony Corridor & Employment Zones

## Create resilient commercial and employment centers that are adaptable to future needs

*The Harmony Corridor District is intended to implement the design concepts and land use vision of the Harmony Corridor Plan - that of creating an attractive and complete mixed-use area with a major employment base.*

- **Primary Uses:**

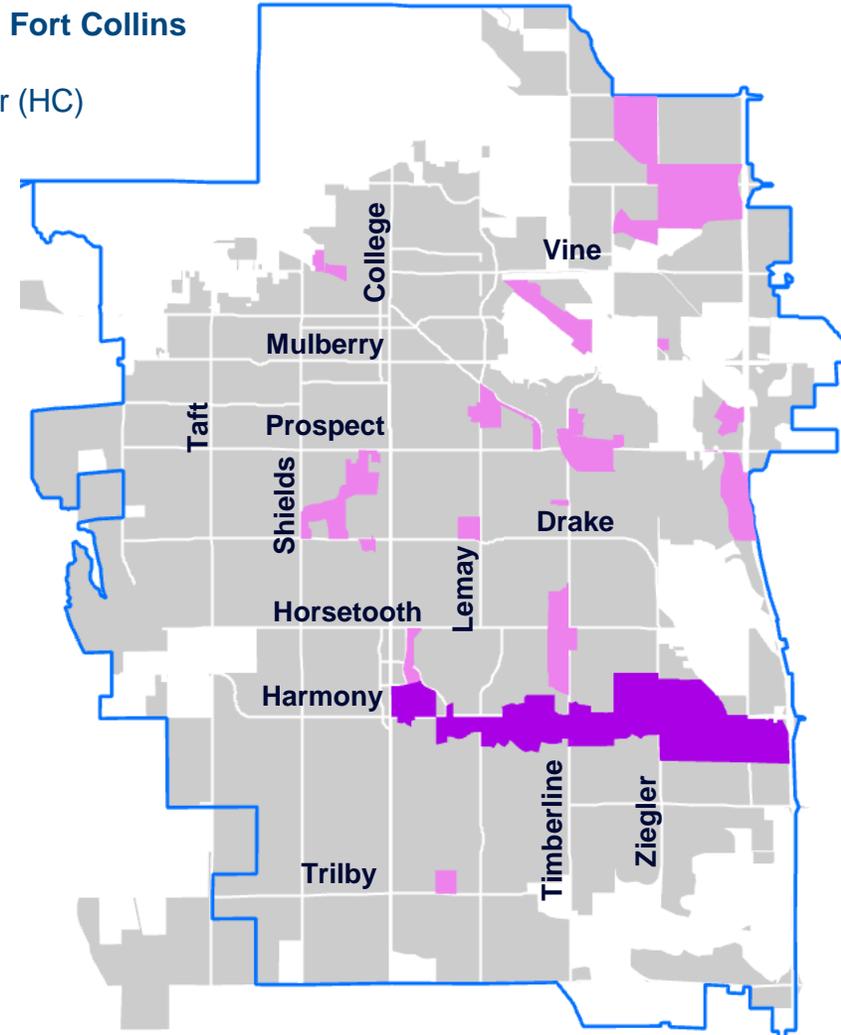
- Offices, financial services & clinics
- Long term care facility
- Medical centers/clinics
- Light industrial
- Mixed-use Dwellings
- And Others

- **Secondary Uses:**

- Residential uses (with some exceptions)
- Convenience shopping centers
- Standard restaurants
- Limited indoor recreation use and facility
- Child Care Centers
- And Others

### Employment Zoning in Fort Collins

-  - Employment (E)
-  - Harmony Corridor (HC)



- Current primary/secondary use requirements could impair mixed-use corridor strategies and policies.
- Demand for new office space has continued to decline following the COVID-19 Pandemic.

## Guiding Principle: Create resilient employment centers that are adaptable to future needs

### Harmony Corridor (HC) and Employment Zone (E) Recommendations

| Recommendation Number          | Recommendation                                                                                                                                                                                                                                              |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HC/E 1                         | Adjust to a 50:50 primary/secondary use split                                                                                                                                                                                                               |
| HC/E 2                         | Allow standalone residential to replace existing parking lots (will not count towards ratio)                                                                                                                                                                |
| HC/E 3                         | Codify primary/secondary use split calculation methodology                                                                                                                                                                                                  |
| HC/E 4                         | Allow primary use exceptions for mixed-use buildings when: <ul style="list-style-type: none"> <li>• Primary uses occupy at least 25% of the ground floor <u>or</u></li> <li>• Non-residential secondary uses may occupy 100% of the ground floor</li> </ul> |
| HC/E 5                         | Allow residential buildings to be a maximum of six (6) stories in HC zone (increased from 3 stories)                                                                                                                                                        |
| HC/E 6 (added by City Council) | Allow Affordable Housing Projects to be exempt from the primary/secondary use split                                                                                                                                                                         |

## Consolidate, clarify, and update building standards

Simplify building, site, & design standards from **Article 5** into **Article 3: Building Types**

### 5.15 Building Standards

- 5.15.1 Building and Project Compatibility
- 5.15.2 Mixed-Use, Institutional, and Commercial Buildings
- 5.15.3 Large Retail Establishments
- 5.15.4 Convenience Shopping Center



ALLOWED ZONE DISTRICTS

BUILDING STANDARDS  
(HEIGHT, FORM, SETBACKS)

MASSING & ARTICULATION

PARKING & CIRCULATION

SITE ACCESS  
(VEHICULAR & PEDESTRIAN)

STYLE / MATERIALS

**Guiding Principle: Create clearer building and site design standards that promote transit use, walking, and rolling along roads with frequent bus service**

## Building Types & Design Standards

| Recommendation Number | Recommendation                                                                                                                                       |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| BTDS 1                | Add Non-Residential Building Types ‘Shopfront’ and ‘General’ to the Land Use Code. Shopfront Building Type replaces existing Mixed-Use Building Type |
| BTDS 2                | Consolidate, clarify and update standards within Land Use Code Articles 3 and 5                                                                      |
| BTDS 3                | Convert text standards to illustrations and tables whenever possible                                                                                 |

# Change of Use Process

## Improve predictability of the Land Use Code, especially to support small business owners

- A change of use means the act of changing the occupancy of the building or land to a different use
- Under the current process, businesses are required to comply with the LUC, with a few exceptions
  - Traditionally, the Land Use Code has relied on an 'all-or-nothing' approach to site upgrades
  - The Director may grant a waiver for a few standards only



## Guiding Principle: Improve predictability of the Land Use Code, especially to support small business owners

***These updates entirely replace existing text under 6.3.10 Step 10: Amendments and Changes of Use – now titled 6.3.10 Step 10: Amendments and Changes Not Requiring Amendment***

| Recommendation Number | Code Updates                                                                                                                                                                                                                                                            |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CU 1                  | <ul style="list-style-type: none"><li>• Created new tables that outline proposed exterior and interior changes that determine amendment type</li><li>• Tables cover No Amendment, Micro and Parkway Landscape Amendment, Minor Amendment, and Major Amendment</li></ul> |
| CU 2                  | Created a new table that lists site improvements, and which are applicable based on amendment type.                                                                                                                                                                     |

## Article 1:

- Revised Purpose Statement Section 1.2.2
- Revised Applicability Section 1.2.4 (clarifies role of adopted policy plans and subarea plans)

## Article 2:

- Clarified and revised purpose statements for majority of zone districts
- Adjusts primary/secondary ratio in HC and E zones
- New section added within each HC and E to outline methodology of calculating primary and secondary uses
- Remove text that limits maximum height for residential buildings to 3 stories in HC (allow to be 6 stories)
- TOD Overlay updates

## Article 3:

- Adding Shopfront and General Building Types (Shopfront replaces Mixed-Use)

## Article 4:

- Conforming edits to use table

## Article 5:

- Deleting or cleaning up subjective standards
- Additional standards for drive-throughs

## Article 6:

- Entirely new text for 6.3.10 (Change-of-Use)
- Modification and Variance Review Procedures minor edits
- Text and Map Amendment Review Procedure minor edits

## Article 7:

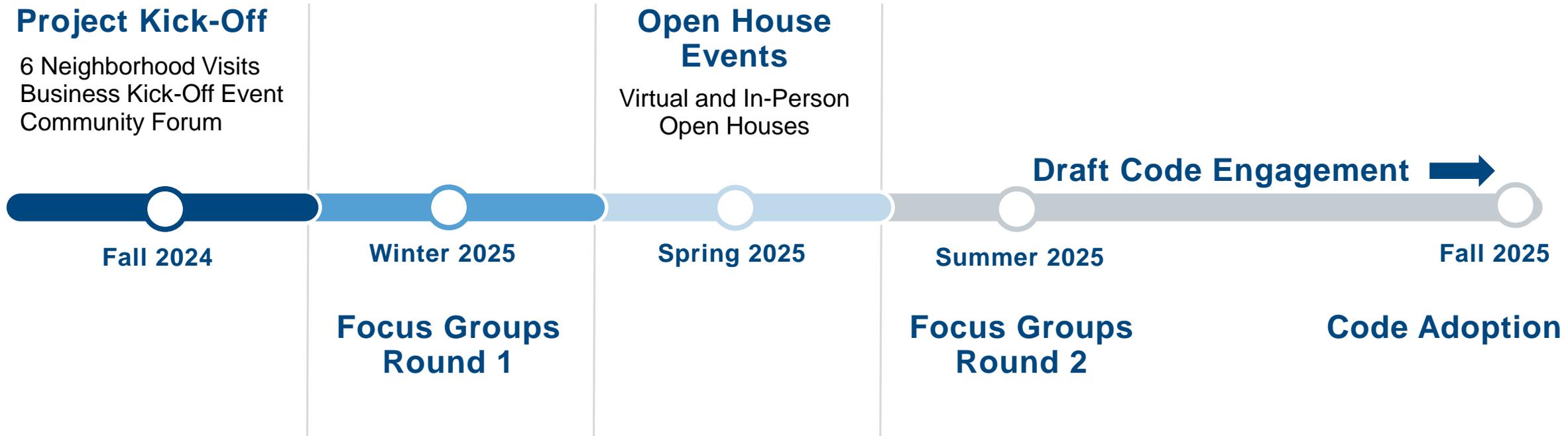
- Clarified and cleaned up drive-through terminology
- Deleting definitions for terms that do not appear in the LUC

- With the proposed Land Use Code updates, staff are also proposing updates to the Harmony Corridor Plan and Standards and Guidelines documents to ensure consistency.
  - At least 50% of land uses in the 'Basic Industrial and Non-Retail Employment Activity Centers' must be primary uses, down from 75%.
  - Proposed Land Use Code exceptions for mixed-use dwellings containing ground floor non-residential uses as well as affordable housing projects.
  - Both documents also incorporate changes to chapters and policies related to the Gateway Area of the Harmony Corridor near I-25.

## Harmony Corridor Plan

*An Element of the City of Fort Collins Comprehensive Plan*





**Ongoing Engagement:**

- Monthly newsletter updates to project newsletter subscribers
- Adding new content to OurCity page



**Since the Public Review Draft was released in early September, the project team has...**

- Offered office hours 2 times a week or by appointment
- Held internal review sessions with development review staff
- Hosted sessions to test the draft code on real projects with external participants
- Met with community groups, Boards and Commissions including:
  - Transportation Board
  - Active Modes Advisory Board
  - Economic Advisory Board
  - Affordable Housing Board
  - Fort Collins Chamber of Commerce Local Legislative Affairs Committee

# Timeline

| September                                                                                                | October                                                                                                            | November | December                                                    |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|----------|-------------------------------------------------------------|
|  <p>Public<br/>Draft</p> | <p>October 16,<br/>2025: P&amp;Z<br/>Recommendation</p> <p>October 21,<br/>2025: First<br/>Reading of<br/>Code</p> |          | <p>December 2,<br/>2025: Second<br/>Reading of<br/>Code</p> |

- The following topics could be pursued following adoption of the LUC:
  - **Consolidation of commercial zone districts and examination of employment zone districts**
  - **Expansion of the Transit-Oriented Development Overlay to North College, West Elizabeth**
  - **Continued refinement, clean-up and reorganization of Article 5 of the Land Use Code**

Does Council wish to adopt Ordinance XX-2025 for the proposed Land Use Code Commercial Corridors and Centers updates on First Reading?



**Thank you!**

ORDINANCE NO. 166, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE LAND USE CODE OF THE CITY OF FORT  
COLLINS REGARDING COMMERCIAL CORRIDORS AND  
CENTERS

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 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. The Land Use Code amendments set forth in this Ordinance focus on updating the Transit-Oriented Development (TOD) Overlay, the Harmony Corridor and Employment zone districts, building types and design standards, changes of use and amendments, and additional clarifications and corrections of existing Land Use Code provisions.

E. On October 16, 2025, the Planning and Zoning Commission recommended to City Council on a 6-0 vote (Bruxvoort absent) that City Council adopt 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 as follows:

Section 1. ARTICLE 1 GENERAL PURPOSE AND PROVISIONS, DIVISION 1.2 TITLE, PURPOSE, AND AUTHORITY Section 1.2.1, PURPOSE is hereby amended to read as follows:

## 1.2.2 Purpose

The purpose of this Code is to improve and protect the public health, safety, and welfare by **furthering one or more of the following considerations with respect to proposed development:**

- (A) Ensuring that all growth and development which occurs is consistent with this Code, **and in general alignment with** City Plan and its adopted elements, including, but not limited to, the Structure Plan, Principles and Policies, and associated sub-area plans.
- (B) Implementing the vision of the Housing Strategic Plan that everyone in Fort Collins has healthy, stable housing they can afford.
- (C) Supporting *Our Climate Future* goals to reduce energy consumption and greenhouse gas emissions, provide renewable electricity, and achieving zero waste.
- (D) Encouraging innovations **and responsive design solutions** in land development and ~~renewal~~ **redevelopment**.
- (E) Fostering the safe, **and** efficient, ~~and economic~~ use of the land, the city's transportation infrastructure, and other public facilities and services.
- (F) ~~Facilitating and e~~Ensuring the provision of adequate public facilities and services such as transportation (streets, bicycle routes, sidewalks and mass transit), water, wastewater, storm drainage, fire and emergency services, police, electricity, open space, recreation, and public parks.
- (G) Avoiding the inappropriate development of lands and providing for adequate drainage and reduction of flood damage.
- (H) Encouraging **efficient and functional** patterns of land use which decrease **reliance on** ~~trip length of~~ automobile travel and encourage trip consolidation.
- (I) Increasing public **safety, availability, and** access to mass transit, sidewalks, trails, bicycle routes and other alternative modes of transportation.
- (J) ~~Minimizing the adverse environmental impacts of development~~ **on natural systems and the environment**.

- (K) Improving the design, quality, and character of ~~new~~ development.
- (L) Fostering a more ~~rational~~ **integrated and purposeful development** pattern of ~~relationship among~~ **that incorporates a resilient balance of** ~~residential, business and industrial uses for the mutual benefit of all.~~
- (M) Encouraging **appropriate** the development **and redevelopment** of vacant properties within established areas.
- (N) Encouraging a wide variety of housing opportunities at various densities that are well-served by public transportation for people of all ages, abilities, and income levels ~~to promote diversity.~~

**The purpose statements set forth in this Section and all other purpose statements set forth in this Land Use Code are not intended to be interpreted or applied as binding standards, terms, conditions, requirements, or procedures pursuant to Section 1.2.4 or otherwise, unless specifically referenced in the Land Use Code including but not limited to Sections 6.8.2 and 6.14.4, and only to the extent the purpose statements in this Section reasonably apply in consideration of the specific context. Purpose statements are solely intended to provide guidance in the interpretation and application of the accompanying Land Use Code standards that have been adopted to implement the purposes described in such statements.**

Section 2. ARTICLE 1 GENERAL PURPOSE AND PROVISIONS, DIVISION 1.2 TITLE, PURPOSE, AND AUTHORITY Section 1.2.4, APPLICABILITY is hereby amended to read as follows:

### **1.2.4 Applicability**

The provisions of this Code shall apply to any and all development of land, as defined in Article 7 of this Code, within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in this Code. For example, this Code is meant to complement and not override or substitute for the requirements of Chapter 14 of the Code of the City of Fort Collins regarding landmarks. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of this Code. All development shall comply with the applicable terms, conditions, requirements, standards and procedures established in this Code. **However, (1) purpose statements set forth in this Code, and (2) City Council adopted policy plans, including but not limited to City Plan and its adopted elements or sub-area plans, are not intended to establish applicable terms, conditions, requirements, standards or procedures, unless explicitly identified and specified otherwise in this Code. Instead, purpose statements and**

Council adopted policy plans are solely intended to provide guidance in the interpretation and application of the accompanying Land Use Code standards that have been adopted to implement the purposes described in such statements.

...

Section 3. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.2 UE Urban Estates District is hereby amended to read as follows:

...

The following building types are permitted in the UE District:

| BUILDING TYPES                    | LOT SIZE                               | LOT WIDTH | BUILDING HEIGHT                               | ADDITIONAL REQUIREMENTS                                                      |
|-----------------------------------|----------------------------------------|-----------|-----------------------------------------------|------------------------------------------------------------------------------|
| Detached House (Urban & Suburban) | 21,780 ft <sup>2</sup> (1/2 Acre) min. | 100' min. | 3 Stories max.                                | Only one detached house on a lot, may include one (1) ADU                    |
| Duplex                            | 21,780 ft <sup>2</sup> (1/2 Acre) min. | 100' min. | 3 Stories max.                                | Only one duplex on a lot, shall not be combined with a detached house or ADU |
| Accessory Dwelling Unit           | N/A                                    | N/A       | No taller than Detached house on the same lot | Located on the same lot with a detached house                                |
| Detached Accessory Structure      | 21,780 ft <sup>2</sup> (1/2 Acre) min. | 100' min. | 30' max.                                      | Located on the same lot with a primary use                                   |
| Shopfront                         | N/A                                    | N/A       | 3 Stories max.                                | See other Articles                                                           |
| Nonresidential General            | N/A                                    | N/A       | 3 Stories max.                                | See other Articles                                                           |
| Residential Cluster               | See section 3.1.10                     |           | 3 Stories max.                                | See other Articles                                                           |

...

Section 4. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.3 RF Residential Foothills District is hereby amended to read as follows:

...

The following building types are permitted in the RF District:

| BUILDING TYPES                    | LOT SIZE                                  | LOT WIDTH | BUILDING HEIGHT                               | ELEVATION                                                                                                                                            | ADDITIONAL REQUIREMENTS                                   |
|-----------------------------------|-------------------------------------------|-----------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| Detached House (Urban & Suburban) | 100,000 ft <sup>2</sup> (2.29 Acres) min. | 200' min. | 3 Stories max.                                | No elevation of any building built on a lot in the RF District shall extend above five thousand two hundred fifty (5,250) feet above mean sea level. | Only one detached house on a lot, may include one (1) ADU |
| Accessory Dwelling Unit           | N/A                                       | N/A       | No taller than Detached house on the same lot |                                                                                                                                                      | Located on the same lot with a detached house             |
| Detached Accessory Structure      | 100,000 ft <sup>2</sup> (2.29 Acres) min. | 200' min. | 30' max.                                      |                                                                                                                                                      | Located on the same lot with a primary use                |
| Non-Residential General           | N/A                                       | N/A       | 3 Stories max.                                |                                                                                                                                                      | See other Articles                                        |
| Residential Cluster               | See section 3.1.10                        |           | 3 Stories max.                                |                                                                                                                                                      | See other Articles                                        |

...

Section 5. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.4 RL Low Density Residential District is hereby amended to read as follows:

...

**BUILDING TYPES**

The following building types are permitted in the RL District:

| BUILDING TYPES                                | # OF UNITS*       | LOT AREA                                                                                                      | ADDITIONAL REQUIREMENTS                                  |
|-----------------------------------------------|-------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Detached House (Urban & Suburban)             | 1 max.            | The greater of 6000 ft <sup>2</sup> or three (3) times the total floor area of all buildings excluding an ADU | N/A                                                      |
| Accessory Dwelling Unit (Attached & Detached) | 1 max.            | N/A                                                                                                           | Located on the same lot with a detached house            |
| Detached Accessory Structure                  | See Section 3.1.8 |                                                                                                               | Located on the same lot with and behind a detached house |
| General                                       | N/A               | N/A                                                                                                           | See other Articles                                       |

\*The total number of units shall not exceed one (1) Detached house and one (1) ADU.

Refer to *Building Types Article 3 and Use Standards Article 4* for specific definitions.

...

**HEIGHT SETBACK**

|                     |                                                              |
|---------------------|--------------------------------------------------------------|
| Upper Story Setback | Above 2 stories, a 25' min. upper story setback shall apply. |
|---------------------|--------------------------------------------------------------|

Applies only to the **General Building Type** ~~Non-Residential Buildings~~.

...

Section 6. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.5 MH Manufactured Housing District is hereby amended to read as follows:

...

The following building types are permitted in the MH District:

| BUILDING TYPES                                         | BUILDING HEIGHT                             | FOOTPRINT                                    | ADDITIONAL STANDARDS                          |
|--------------------------------------------------------|---------------------------------------------|----------------------------------------------|-----------------------------------------------|
| Mobile Home                                            | 3 Stories max.                              | N/A                                          | Lot may include one (1) ADU.                  |
| Accessory Dwelling Unit (Detached & Attached)          | No taller than Mobile Home on the same lot. | No greater than Mobile Home on the same lot. | Only one (1) ADU on a lot with a Mobile Home. |
| Detached Accessory Structure                           | 28' max.                                    | 800 ft <sup>2</sup>                          | Located on the same lot with a primary use.   |
| <del>Non-Residential Buildings</del><br><b>General</b> | 3 Stories max.                              | 5,000 ft <sup>2</sup>                        | See Articles <b>4</b> and 5                   |

...

Section 7. ARTICLE 2 ZONE DISTRICTS 2.1 RESIDENTIAL DISTRICTS Section 2.1.6 OT Old Town District is hereby amended to read as follows:

**PURPOSE**

The Old Town District is intended to preserve the unique history, character, and scale of the neighborhoods **and buildings located** ~~developed~~ adjacent to Downtown and Colorado State University (CSU) ~~and given this designation in accordance with an adopted subarea plan~~. The District is divided into three (3) subdistricts ~~and is intended to encourage a mix of~~ **building types** ~~housing options, choices, and intensities as permitted by each subdistrict, which are~~ **are** described on the following pages. The Old Town Districts consists of the following three (3) sub-districts:

...

**OT-A  
Old Town District, Low**

...  
**BUILDING TYPES**

The following building types are permitted in the OT-A subdistrict:

| BUILDING TYPES                                | UNITS *           | LOT AREA                   | FLOOR AREA                 | ADDITIONAL SITE REQUIREMENT                   |
|-----------------------------------------------|-------------------|----------------------------|----------------------------|-----------------------------------------------|
| Detached House (Urban & Suburban)             | 1 max.            | 6,000 ft <sup>2</sup> min. | 2,400 ft <sup>2</sup> max. | N/A                                           |
| Accessory Dwelling Unit (Attached & Detached) | 1 max.            | N/A                        | See Section 3.1.9          | Located on the same lot with a Detached House |
| Detached Accessory Structure                  | See Section 3.1.8 |                            |                            | Located on the same lot with a primary use    |
| <b>General</b>                                | <b>N/A</b>        | <b>N/A</b>                 | <b>N/A</b>                 | <b>See other Articles</b>                     |

\*The total number of units shall not exceed two (2) on a lot.

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

**OT-B  
Old Town District, Medium**

**PURPOSE**

The Old Town District, Medium (OT-B) subdistrict is intended to preserve **and enhance** the character **of existing neighborhoods** of areas that have a predominance of developed single-unit and low- to medium-density multi-unit housing ~~and have been given this designation in accordance with an adopted subarea plan.~~

## BUILDING TYPES

The following building types are permitted in the OT-B subdistrict:

| BUILDING TYPES                                | UNITS*            | LOT AREA                   | FLOOR AREA                 | ADDITIONAL SITE REQUIREMENT                                       |
|-----------------------------------------------|-------------------|----------------------------|----------------------------|-------------------------------------------------------------------|
| Detached House (Urban & Suburban)             | 1 max.            | 5,000 ft <sup>2</sup> min. | 2,400 ft <sup>2</sup> max. | N/A                                                               |
| Duplex                                        | 2 max.            | 5,000 ft <sup>2</sup> min. | 40% of lot area max.       | N/A                                                               |
| Triplex                                       | 3 max.            | 6,000 ft <sup>2</sup> min. | 70% of lot area max.       | N/A                                                               |
| Apartment Building                            | 4 max.            | 6,000 ft <sup>2</sup> min. | 85% of lot area max.       | N/A                                                               |
| Accessory Dwelling Unit (Attached & Detached) | 1 max.            | N/A                        | See Section 3.1.9          | Located on the same lot with a Detached House, Duplex, or Triplex |
| Detached Accessory Structure                  | See Section 3.1.8 |                            |                            | Located on the same lot with a primary use                        |
| <b>General</b>                                | <b>N/A</b>        | <b>N/A</b>                 | <b>N/A</b>                 | <b>See other Articles</b>                                         |

\*The total number of units shall not exceed four (4) units on a lot.

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions.

## OT-C

Old Town District, High

### PURPOSE

The Old Town District, High (OT-C) subdistrict is intended **as a transition** for areas that are a transition between Downtown, the CSU campus, and adjacent neighborhoods. **OT-C supports a more intensive mix of commercial and residential land uses** ~~Intensive commercial use areas or high traffic zones have been given this designation in accordance with an adopted subarea plan.~~

**BUILDING TYPES**

The following building types are permitted in the OT-C subdistrict:

| BUILDING TYPES                                | UNITS             | LOT AREA                                                                                           | FLOOR AREA                 | ADDITIONAL SITE REQUIREMENT                                       |
|-----------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------|----------------------------|-------------------------------------------------------------------|
| Detached House (Urban & Suburban)             | 1 max.            | 4500 ft <sup>2</sup> min.                                                                          | 2,400 ft <sup>2</sup> max. | N/A                                                               |
| Duplex                                        | 2 max.            | 4500 ft <sup>2</sup> min.                                                                          | No max.                    | N/A                                                               |
| Apartment Bldg. (Triplex and other)           | 3 min.            | 4500 ft <sup>2</sup> min. & additional 750 ft <sup>2</sup> min. for each unit greater than 3 units | No max.                    | N/A                                                               |
| Rowhouse                                      | 2 min. to 3 max.  | 4500 ft <sup>2</sup> min.                                                                          | No max.                    | N/A                                                               |
|                                               | 4 max.            | 6000 ft <sup>2</sup> min.                                                                          | No max.                    | N/A                                                               |
|                                               | 5 max.            | 7500 ft <sup>2</sup> min.                                                                          | No max.                    | N/A                                                               |
| Cottage Court                                 | 5 min.            | 9000 ft <sup>2</sup> min.                                                                          | See Section 3.1.3          | N/A                                                               |
| Mixed-Use Shopfront                           | 3 min.            | 4500 ft <sup>2</sup> min. & additional 750 ft <sup>2</sup> min. for each unit greater than 3 units | No max.                    | N/A                                                               |
| General                                       | N/A               | N/A                                                                                                | N/A                        | See other Articles                                                |
| Accessory Dwelling Unit (Attached & Detached) | 1 max.            | N/A                                                                                                | See Section 3.1.9          | Located on the same lot with a Detached House, Duplex, or Triplex |
| Detached Accessory Structure                  | See Section 3.1.8 |                                                                                                    |                            | Located on the same lot with a primary use                        |

Refer to Building Types Article 3 and Use Standards Article 4 for specific definitions

...

**ACCESSORY BUILDING - LOT STANDARDS**

|                                   |                                                                                                      |
|-----------------------------------|------------------------------------------------------------------------------------------------------|
| ADU Floor Area                    | 1000 ft <sup>2</sup> max. / or 45% of primary dwelling unit (whichever is less)<br>See Section 3.1.8 |
| ADU Setback from Primary Dwelling | 5' min.                                                                                              |

...

Section 8. ARTICLE 2 ZONE DISTRICTS 2.2 MIXED-USE DISTRICTS Section 2.2.1 LMN Low Density Mixed-Use Neighborhood District is hereby amended to read as follows:

...

**BUILDING TYPES**

The following building types are permitted in the LMN District:

| LMN BUILDING TYPES             | # OF UNITS        | MAXIMUM DENSITY*                      |                                                 | MIN. DENSITY*                          |
|--------------------------------|-------------------|---------------------------------------|-------------------------------------------------|----------------------------------------|
|                                |                   | BASE                                  | BONUS                                           |                                        |
| Non-Residential <b>General</b> | N/A               | N/A                                   | N/A                                             | N/A                                    |
| Mixed-Use <b>Shopfront</b>     | 1 min.            | 1 unit per 3,630 sq. ft. of site area | No max. density for affordable housing projects | 1 unit per 10,000 sq. ft. of site area |
| Apartment                      | 3+ min.           |                                       |                                                 |                                        |
| Rowhouse                       | 2+ min.           |                                       |                                                 |                                        |
| Cottage Court                  | 3+ min.           |                                       |                                                 |                                        |
| Duplex                         | 2 max.            |                                       |                                                 |                                        |
| Detached House - Urban         | 1 max.            |                                       |                                                 |                                        |
| Detached House - Suburban      | 1 max.            |                                       |                                                 |                                        |
| ADU                            | 1 max.            | N/A                                   | N/A                                             | N/A                                    |
| Detached Accessory Structure   | See Section 3.1.8 | N/A                                   | N/A                                             | N/A                                    |

\*Minimum and Maximum Density applies to an entire site or subdivision.

**BUILDING HEIGHT**

|                                                            |                                      |
|------------------------------------------------------------|--------------------------------------|
| Residential - Up to 3 Units                                | 2.5 Stories max. <b>D</b>            |
| Residential - 4+ Units                                     | 3 Stories max. <b>E</b>              |
| Non-Residential & Mixed-Use <b>General &amp; Shopfront</b> | 1.5 Stories min.<br>2.5 Stories max. |

...

**BUILDING FOOTPRINT**

|                                                            |                             |
|------------------------------------------------------------|-----------------------------|
| Non-Residential & Mixed-Use <b>General &amp; Shopfront</b> | 20,000 ft <sup>2</sup> max. |
| Schools, Places of Worship/Assembly                        | 25,000 ft <sup>2</sup> max. |

...

**BUILDING MASS**

|                                                    |                                                                                     |
|----------------------------------------------------|-------------------------------------------------------------------------------------|
| Residential -<br>4+ Units                          | Walls >40 ft in width require Variation in Massing and Facade Articulation <b>F</b> |
| Non-Residential & Mixed-Use<br>General & Shopfront | >10,000 sf requires Variation in Massing                                            |

...

**ROOF DESIGN**

|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Non-Residential & Mixed-Use<br>General & Shopfront | Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes<br><br>Variation in roof plane shall relate to overall massing and facade design                                                                                                                                                                                                                                                                            |
| Residential -<br>4+ Units<br><b>G</b>              | Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements:<br><ul style="list-style-type: none"> <li>• Change in roof shape or plane</li> <li>• Variation in height</li> <li>• Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof</li> <li>• Roof element that is directly related to the primary entrance and/or facade articulation</li> </ul> |

**ENTRANCES & ORIENTATION**

|                                                    |                                                                                        |
|----------------------------------------------------|----------------------------------------------------------------------------------------|
| Residential                                        | Varies by Building Type <b>X</b>                                                       |
|                                                    | Clearly identifiable and visible connection from the street and public areas. <b>H</b> |
|                                                    | Incorporate architectural elements and landscaping.                                    |
| Non-Residential & Mixed-Use<br>General & Shopfront | Entrance faces street, opens directly onto adjoining local street                      |

**PARKING**

|                                                                |                                                                                              |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Non-Residential &amp; Mixed-Use General &amp; Shopfront</b> | Rear or Side Yards; Parking shall not be between the primary facade and the street. <b>I</b> |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------|

Section 9. ARTICLE 2 ZONE DISTRICTS 2.2 MIXED-USE DISTRICTS Section 2.2.2 MMN Medium Density Mixed-Use Neighborhood District is hereby amended to read as follows:

...

**BUILDING TYPES**

The following building types are permitted in the MMN District:

| MMN BUILDING TYPES           | # OF UNITS        | MAX. DENSITY* | MINIMUM DENSITY*                      |                                       |
|------------------------------|-------------------|---------------|---------------------------------------|---------------------------------------|
|                              |                   |               | > 20 AC                               | < 20 AC                               |
| Non-Residential General      | N/A               | N/A           | N/A                                   | N/A                                   |
| Mixed-Use Shopfront          | 1 min.            | None          | 1 unit per 3,500 sq. ft. of site area | 1 unit per 5,000 sq. ft. of site area |
| Apartment                    | 3+ min.           |               |                                       |                                       |
| Rowhouse                     | 2+ min.           |               |                                       |                                       |
| Cottage Court                | 3+ min.           |               |                                       |                                       |
| Duplex                       | 2 max.            |               |                                       |                                       |
| Detached House - Urban       | 1 max.            |               |                                       |                                       |
| Detached House - Suburban    | 1 max.            |               |                                       |                                       |
| ADU                          | 1 max.            | N/A           | N/A                                   | N/A                                   |
| Detached Accessory Structure | See Section 3.1.8 | N/A           | N/A                                   | N/A                                   |

\*Minimum and Maximum Density applies to an entire site or subdivision.

...

**BUILDING MASS**

|                                                    |                                                                                     |
|----------------------------------------------------|-------------------------------------------------------------------------------------|
| Residential - 4+ Units                             | Walls >40 ft in width require Variation in Massing and Facade Articulation <b>F</b> |
| Non-Residential & Mixed-Use<br>General & Shopfront | >10,000 sf requires Variation in Massing                                            |

Variation in Massing includes:

- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two unit dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

Facade articulation can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials.

• • •

**ROOF DESIGN**

|                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Non-Residential & Mixed-Use<br>General & Shopfront | Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes<br><br>Variation in roof plan shall relate to overall massing and facade design                                                                                                                                                                                                                                                                             |
| Residential - 4+ Units<br><br><b>G</b>             | Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements:<br><ul style="list-style-type: none"> <li>• Change in roof shape or plane</li> <li>• Variation in height</li> <li>• Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof</li> <li>• Roof element that is directly related to the primary entrance and/or facade articulation</li> </ul> |

| ENTRANCES & ORIENTATION                            |                                                                               |
|----------------------------------------------------|-------------------------------------------------------------------------------|
| Residential                                        | Varies by Building Type <span style="float: right;">H</span>                  |
|                                                    | Clearly identifiable and visible connection from the street and public areas. |
|                                                    | Incorporate architectural elements and landscaping.                           |
| Non-Residential & Mixed-Use<br>General & Shopfront | Entrance faces street, opens directly onto adjoining local street             |

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

| PARKING                                            |                                                                                                                          |
|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Non-Residential & Mixed-Use<br>General & Shopfront | Rear or Side Yards; Parking shall not be between the primary facade and the street. <span style="float: right;">I</span> |

Section 10. ARTICLE 2 ZONE DISTRICTS 2.2 MIXED-USE DISTRICTS Section 2.2.3 HMN High Density Mixed-Use Neighborhood District is hereby amended to read as follows:

**PURPOSE**

The High Density Mixed-Use Neighborhood District is intended to be a setting for higher density multi-unit housing and group quarter residential uses (dormitories, fraternities, sororities, etc.) closely associated with, and in close proximity to, the Colorado State University Main Campus, ~~provided that such areas have been given this designation in accordance with an adopted subarea plan.~~ Multistory buildings **and structured parking** ~~(greater than one [1] story and up to five [5] stories)~~ are encouraged in order to promote efficient utilization of the land and the use of alternative modes of travel.

...

## BUILDING TYPES

The following building types are permitted in the HMN District:

| HMN BUILDING TYPES                                             | # OF UNITS | MAXIMUM DENSITY | MINIMUM DENSITY                       |
|----------------------------------------------------------------|------------|-----------------|---------------------------------------|
| Non-Residential <b>General</b>                                 | N/A        | N/A             | N/A                                   |
| Mixed-Use <b>Shopfront</b>                                     | 4+ min.    | None            | 1 unit per 2,000 sq. ft. of site area |
| Apartment                                                      | 4+ min.    |                 |                                       |
| Rowhouse                                                       | 3+ min.    |                 |                                       |
| ADU (with an existing Detached House)                          | 1 max.     |                 | N/A                                   |
| Detached Accessory Structure (with an existing Detached House) | 1 max.     |                 | N/A                                   |

*Minimum and Maximum Density applies to an entire site or subdivision.*

...

### BUILDING MASS

|                                                            |                                                                                     |
|------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Residential - 4+ Units                                     | Walls >40 ft in width require Variation in Massing and Facade Articulation <b>D</b> |
| Non-Residential & Mixed-Use <b>General &amp; Shopfront</b> | >10,000 sf requires Variation in Massing                                            |

**Variation in Massing** includes:

- Massing, wall plane, roof design proportions similar to detached house, so that larger buildings can be integrated into surrounding lower scale neighborhood
- Projections, recesses, covered doorways, balconies, covered box or bay windows and/or other similar features
- Dividing large facades and walls into human-scaled proportions similar to the adjacent single- or two unit dwellings
- Shall not have repetitive, monotonous undifferentiated wall planes.

**Facade articulation** can be accomplished by offsetting the floor plan, recessing or projection of design elements, or change in materials.

...

| ROOF DESIGN                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Non-Residential &amp; Mixed-Use General &amp; Shopfront</b> | Buildings with a footprint >4000 sf shall have a minimum of 3 Roof Planes<br><br>Variation in roof plan shall relate to overall massing and facade design                                                                                                                                                                                                                                                                                                   |
| <b>Residential - 4+ Units</b><br><br><b>E</b>                  | Roof Shape shall be sloped (min pitch 6:12), flat, or curved, and must include 2 Roof Design Elements:<br>Roof Design Elements: <ul style="list-style-type: none"> <li>• Change in roof shape or plane</li> <li>• Variation in height</li> <li>• Flat roof that is stepped or terraced to form usable space, such as a balcony or green roof</li> <li>• Roof element that is directly related to the primary entrance and/or facade articulation</li> </ul> |

| ENTRANCES & ORIENTATION                                        |                                                                                        |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <b>Residential</b>                                             | Varies by Building Type                                                                |
|                                                                | Clearly identifiable and visible connection from the street and public areas. <b>F</b> |
|                                                                | Incorporate architectural elements and landscaping.                                    |
| <b>Non-Residential &amp; Mixed-Use General &amp; Shopfront</b> | Entrance faces street, opens directly onto adjoining local street                      |

If a building has more than one (1) front facade, and if one (1) of the front facades faces and opens directly onto a street sidewalk, the primary entrances located on the other front facade(s) need not face a street sidewalk or connecting walkway.

| PARKING                                                        |                                                                                              |
|----------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Non-Residential &amp; Mixed-Use General &amp; Shopfront</b> | Rear or Side Yards; Parking shall not be between the primary facade and the street. <b>G</b> |

...

Section 11. ARTICLE 2 ZONE DISTRICTS 2.2 MIXED-USE DISTRICTS Section 2.2.4 NC Neighborhood Commercial District is hereby amended to read as follows:

**PURPOSE / INTENT**

~~The Neighborhood Commercial District is intended to be a mixed-use commercial core area anchored by a supermarket or grocery store and a transit stop. The main purpose~~

~~of this District is to meet consumer demands for frequently needed goods and services, with an emphasis on serving the surrounding residential neighborhoods typically including a Medium Density Mixed-Use Neighborhood. In addition to retail and service uses, the District may include neighborhood-oriented uses such as schools, employment, day care, parks, small civic facilities, as well as residential uses.~~

~~This District is intended to function together with a surrounding Medium Density Mixed-Use Neighborhood, which in turn serves as a transition and a link to larger surrounding low density neighborhoods. The intent is for the component zone districts to form an integral, town-like pattern of development with this District as a center and focal point; and not merely a series of individual development projects in separate zone districts.~~

The Neighborhood Commercial District is intended to be a mixed-use commercial area, serving as a focal point for a neighborhood, ideally anchored by a market or grocery store and a transit stop. The purpose of this District is to provide easy access to frequently needed goods and services with an emphasis on serving the surrounding neighborhoods. In addition to smaller-scale retail and service uses, the District may include other neighborhood-oriented uses such as schools, employment, day care, parks, small civic facilities, as well as residential uses.

...

### BUILDING TYPES

The following building types are permitted in the NC District:

- Mixed-Use **Shopfront**, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All Nonresidential **General** buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code

...

Section 12. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS  
Section 2.3.1 CC Community Commercial District is hereby amended to read as follows:

### PURPOSE

The Community Commercial District provides **for a mix of** a combination of retail, offices, services, cultural facilities, civic uses and higher density housing. Multi-story buildings **and mixed-use developments** are encouraged to provide **both** a mix of residential and nonresidential uses. Offices **and residential uses** dwellings are encouraged to locate above ground-floor retail and services.

...

## BUILDING TYPES

The following building types are permitted in the CC District:

- Mixed-Use **Shopfront**, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House.
- See Division 3.1 for more details
- All Nonresidential **General** buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code

...

Section 13. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS  
Section 2.3.2 CCN Community Commercial – North College District is hereby amended to read as follows:

## PURPOSE

The Community Commercial - North College District **provides a** ~~is for fringes of~~ retail/commercial core **extension from the Downtown area north of the Poudre River areas and corridors.** This District is intended for moderate intensity uses that are supportive of the commercial core ~~or corridor,~~ and that help to create a transition and a link ~~between the commercial areas and to~~ surrounding residential areas. ~~This designation is only for areas identified for its application in the North College Corridor Plan.~~

## BUILDING TYPES

The following building types are permitted in the CCN District:

- Mixed-Use **Shopfront**, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All Nonresidential **General** buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code

...

Section 14. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS  
Section 2.3.3 CCR Community Commercial – Poudre River District is hereby amended to read as follows:

...

**BUILDING TYPES**

The following building types are permitted in the CCR District:

- Mixed-Use **Shopfront**, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All Nonresidential **General** buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code

...

Section 15. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS  
Section 2.3.4 CG General Commercial District is hereby amended to read as follows:

...

**BUILDING TYPES**

The following building types are permitted in the CG District:

- Mixed-Use **Shopfront**, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All Nonresidential **General** buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code

| <b>DEVELOPMENT STANDARDS</b>         |                |
|--------------------------------------|----------------|
| <b>BUILDING STANDARDS</b>            |                |
| <b>BUILDING HEIGHT</b>               |                |
| All Buildings                        | 5 stories max. |
| Affordable Housing Development Bonus | 6 stories max. |

...

Section 16. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS  
Section 2.3.5 CS Community Commercial – Poudre River District is hereby amended to read as follows:

**PURPOSE**

The Service Commercial District is intended for high traffic commercial corridors where a range of uses is encouraged to create a transition from non-residential commercial operations on a highway, arterial street or rail spur, to less intensive use areas or residential neighborhoods. This designation is only for areas that have been designated under an adopted subarea plan as being appropriate for the C-S District.

...

**BUILDING TYPES**

The following building types are permitted in the CS District:

- Mixed-Use Shopfront, Apartment, Row House and Duplex.
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All Nonresidential General buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code

...

Section 17. ARTICLE 2 ZONE DISTRICTS 2.3 COMMERCIAL DISTRICTS  
Section 2.3.6 CL Limited Commercial District is hereby amended to read as follows:

**PURPOSE**

~~The Limited Commercial District is intended for areas primarily containing existing, small commercial uses that are adjacent to residential neighborhoods. Many of these areas have transitioned over time from residential to commercial uses. The District is divided into the Riverside Area and all other areas. The purpose of this District is to allow small scale nonresidential uses to continue to exist or to expand while still protecting surrounding residential areas, provided that such areas have been designated under an adopted subarea plan as being appropriate for the CL District.~~

The Limited Commercial District is intended for areas primarily containing existing, small commercial uses that are adjacent to residential neighborhoods. Many of these areas have transitioned over time from residential to commercial uses. The purpose of this District is to allow small scale non-residential uses to continue to exist or to expand while protecting surrounding residential areas.

...

**BUILDING TYPES**

The following building types are permitted in the CL District:

- Mixed-Use **Shopfront**, Apartment, Row House and Duplex
- Detached Accessory Structure
- ADU only with an existing Detached House
- See Division 3.1 for more details
- All Nonresidential **General** buildings permitted under this Section, including industrial buildings, shall meet the standards for mixed-use and commercial buildings contained in Section 5.15.2 of this Code

...

**BUILDING STANDARDS**

| <b>BUILDING HEIGHT</b>                                     |                                                                   |
|------------------------------------------------------------|-------------------------------------------------------------------|
| All Buildings                                              | 3 Stories max.                                                    |
| <b>BUILDING MASS</b>                                       |                                                                   |
| Residential - 4+ Units                                     | Walls >40 ft require Variation in Massing and Facade Articulation |
| Non-Residential & Mixed-Use <b>General &amp; Shopfront</b> | >10,000 sf requires Variation in Massing                          |

...

Section 18. ARTICLE 2 ZONE DISTRICTS 2.4 DOWNTOWN DISTRICT Section 2.4.1 DOWNTOWN DISTRICT (D) is hereby amended to read as follows:

...

2.4.1(E)5.b.III.

- i. **Industrial Buildings.** Except as otherwise provided in this subsection (3), all new non-residential buildings, including industrial buildings, shall comply with the standards for ~~Mixed-use and Commercial~~ **B** Buildings contained in Section 5.15.2.

...

Section 19. ARTICLE 2 ZONE DISTRICTS 2.5 EMPLOYMENT, INDUSTRIAL, OTHER DISTRICTS Section 2.5.1 HARMONY CORRIDOR DISTRICT (HC) is hereby amended to read as follows:

## SECTION 2.5.1 HARMONY CORRIDOR DISTRICT (HC)



...

## 2.5.1(B)

...

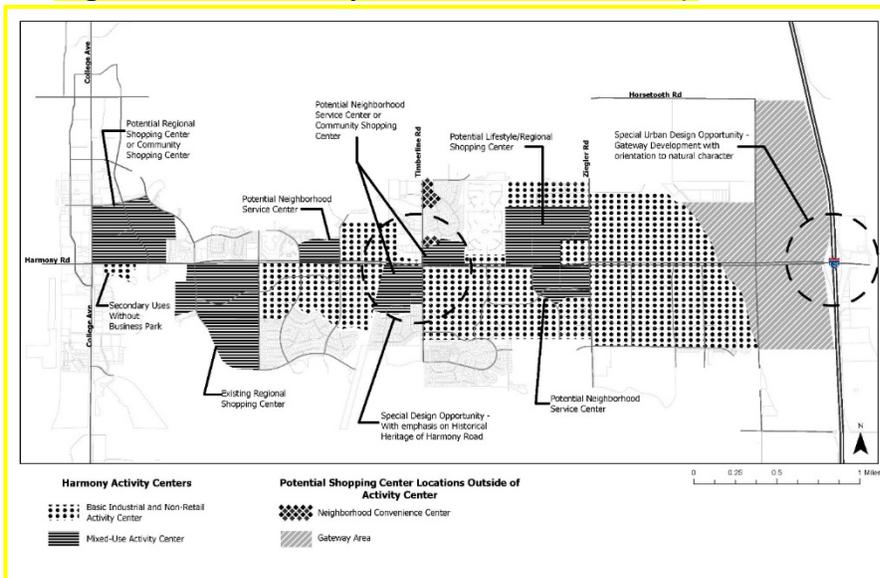
**16.** All development in the HC Harmony Corridor District shall comply with the Harmony Corridor land use and locational standards as adopted by the City and the following specific standards to the extent that such standards apply to the property proposed to be developed.

**27.** All secondary uses shall be integrated both in function and appearance into a larger employment-based development plan that emphasizes primary uses. A secondary use shall be subject to administrative review or Planning and Zoning Commission review as required for such use in Division 4.2. The following permitted uses shall be considered secondary uses in this zone district and together shall occupy **any portion less than** ~~no more than twenty five (25)~~ **fifty (50)** percent of the total gross area of the **an overall** development plan **as described in below Subsection (B)3.**

- a. Community facilities.
- b. Public facilities
- c. Child care centers.
- d. Print shops.
- e. Food catering.
- f. Workshops and custom small industry uses.
- g. Residential uses (except **the following:**

- i. Mixed-use dwellings when the residential units are stacked above a non-residential primary or secondary use which occupies at least 25% of the ground floor.
- ii. Residential units developed on a surface parking lot which lot was in existence as of January 1, 2026.
- iii. Residential units part of an affordable housing development.
- h. Lodging establishments.
- i. Convenience shopping centers.
- j. Standard restaurants.
- k. Bed and breakfast establishments.
- l. Clubs and lodges.
- m. Health and membership clubs.
- n. Convention and conference centers.
- o. Places of worship or assembly.
- p. Limited indoor recreation establishments.
- q. Unlimited indoor recreation use and facility.
- r. Food truck rally.
- s. Microbrewery/distillery/winery.
- t. Seasonal overflow shelter.

**Figure 2A – Harmony Corridor Plan Use Map**



- 3. **Calculating primary and secondary uses.** To determine the amount of primary and secondary uses in the Harmony Corridor District, apply the following rules:
  - a. The primary-to-secondary use ratio applies only to areas within an approved overall development plan that are zoned Harmony Corridor District, except where exempted per the Harmony Corridor Plan or City Plan.

- b. Lots within the Harmony Corridor District are exempt from the ratio if they:
- i. Are not part of an ODP; or
  - ii. Are part of an ODP and are designated as a Mixed Use Activity Center in the Harmony Corridor Plan's Land Use Map (Figure 2A below) or are in the Gateway Area (refer to Harmony Corridor Standards and Guidelines).

Where the ratio applies, calculate the percentage using only the portion of the ODP zoned Harmony Corridor District. Do not include portions of the ODP that are mapped to other zone districts in the calculation.

**To determine the amount of primary and secondary uses in the ODP area, the percentage of each use shall be calculated using the total area across the ODP area that is zoned Harmony Corridor District.**

**(C) Dimensional Standards.**

1. Maximum height for all ~~nonresidential buildings, including those containing mixed-use dwelling units,~~ shall be six (6) stories. ~~Maximum height for residential buildings shall be three (3) stories.~~
2. All new ~~structures~~ **buildings** greater than eighty thousand (80,000) square feet in gross leasable area shall be subject to Planning and Zoning Commission review.
3. Any building addition that exceeds eighty thousand (80,000) square feet in gross leasable area and exceeds twenty-five (25) percent of the gross leasable area of the existing building shall be subject to Planning and Zoning Commission review.

**(D) Density/Intensity.**

All residential development in the HC Harmony Corridor District shall have an overall minimum average density of ~~seven~~ **fifteen** (~~7~~**15**) dwelling units per net acre of residential land.

**(E) Site Design**

1. In the case of multiple parcel ownership, to the extent reasonably feasible, an applicant shall enter into cooperative agreements with adjacent property owners to create a comprehensive development plan that establishes an integrated pattern of streets, outdoor spaces, building styles and land uses.
2. Where an employment or industrial use abuts a residential area, there shall be no drastic and abrupt change in the scale and height of buildings.

3. ~~All commercial/retail and industrial uses, except for off-street parking and loading, shall be conducted or carried out entirely within completely enclosed buildings or structures.~~

...

Section 20. ARTICLE 2 ZONE DISTRICTS 2.5 EMPLOYMENT, INDUSTRIAL, OTHER DISTRICTS Section 2.5.2 EMPLOYMENT CORRIDOR DISTRICT (E) is hereby amended to read as follows:



...

**2.5.2(B)**

...

**2. Secondary Uses.**

~~All secondary uses shall be integrated both in function and appearance into a larger employment district development plan that emphasizes primary uses.~~ A secondary use shall be subject to administrative review or Planning and Zoning Commission review as required for such use in Division 4.2. The following permitted uses shall be considered secondary uses in this zone district and together shall occupy no

more than ~~twenty-five (25)~~ **fifty (50)** percent of the total gross area of the development plan.

- a. Veterinary facilities and small animal clinics.
- b. Clubs and lodges.
- c. Child care centers.
- d. Residential uses (except **the following are considered primary uses:** mixed-use dwellings when the residential units are stacked above a **non-residential primary or secondary** use which occupies the ground floor); **when residential units replace a surface parking lot which lot was in existence as of January 1, 2026; or when residential units are part of an affordable housing development.**

...

### ~~3. Locational Standards along I-25.~~

~~Along I-25, any secondary uses shall be located at least one thousand four hundred forty five (1,445) feet from the centerline of I-25. Such secondary uses shall be located so that they have direct access from a collector or local street.~~

### **3. Calculating primary and secondary uses.**

- a. **To determine the amount of primary and secondary uses in the Employment (E) District, the percentage of each use shall be calculated using the total lot area across all contiguous lots zoned Employment district exclusive of public rights-of-way. To determine the amount of primary and secondary uses in the Employment (E) zone district, the percentage of each use shall be calculated using the total lot area across all contiguous lots zoned Employment District. The percentage of total lot area dedicated to primary and secondary uses shall be calculated using the total area within the zoning district boundary across all contiguous lots, regardless of ownership and exclusive of all public rights-of-way.**

### **4. Dimensional Standards.**

- aa. Maximum height shall be four (4) stories.
- bb. All new structures **buildings** greater than fifty thousand (50,000) square feet in gross leasable area shall be subject to Planning and Zoning Commission review.

- ce. Any building addition that exceeds fifty thousand (50,000) square feet in gross leasable area and exceeds twenty-five (25) percent of the gross leasable area of the existing building shall be subject to Planning and Zoning Commission review.

(C) Density/Intensity.

All residential development in the E Employment District shall have an overall minimum average density of ~~seven~~ **fifteen** (~~7~~**15**) dwelling units per net acre ~~of residential land~~.

...

- (E) **Development Standards for the I-25 Corridor.** Development located within one thousand three hundred twenty (1,320) feet (one-quarter [<sup>1</sup>/<sub>4</sub>] mile) of the centerline of I-25 shall be subject to the requirements of Section 2.6.3.4.

...

Section 21. ARTICLE 2 ZONE DISTRICTS 2.6 OVERLAY DISTRICTS Section 2.6.1 TRANSIT-ORIENTED DEVELOPMENT OVERLAY (TOD) is hereby amended to read as follows:

**(A) Applicability.**

~~These standards apply to applications for development within the boundary of the TOD Overlay Zone, south of Prospect Road and provided further that the provisions contained in subsection 2.6.1(D) regarding parking structure design shall also apply to the HMN, High Density Mixed Use Neighborhood and the CC, Community Commercial zone districts throughout the City.~~

1. Subsections 2.6.1(C), Use, and 2.6.1(D), Parking Requirements, apply to all development within the boundary of the TOD Overlay and modify the corresponding requirements in the underlying zoning districts.
2. Subsections 2.6.1(E), Building Placement and Site Design, 2.6.1(F), Streetscape and Pedestrian Connections, and 2.6.1(G), Building Standards, apply only to development within the boundary of the TOD Overlay south of Prospect Road.
3. The TOD Overlay is comprised of the area shown in Figure 2A on the following page.

**Figure 2A TOD Overlay Map**



**(B) Purpose.**

The purpose of this Section is to guide land use, site, and building design outcomes that implement City Plan, the Transit Master Plan (TMP) and other adopted policies. The development standards promote a diverse mix of commercial and residential opportunities within convenient walking distance of transit stations to enhance and support the Mason Corridor.

~~The purpose of this Section is to modify the underlying zone districts south of Prospect Road to encourage land uses, densities and design that enhance and support transit stations along the Mason Corridor. These provisions allow for a mix of goods and services within convenient walking distance of transit stations; encourage the creation of stable and attractive residential and commercial environments within the TOD Overlay Zone south of Prospect Road; and provide for a desirable transition to the surrounding existing neighborhoods. Accordingly, in the event of a conflict between the provisions contained in this Section and the provisions contained in Article 2, this Section shall control. The purpose of this Section is also to apply the standards contained in subsection 2.6.1(D) regarding parking structure design to all land within the City that is located in the HMN, High Density Mixed Use Neighborhood and the CC, Community Commercial zone districts.~~

**(C) Use.****1. Gasoline Station.**

- a. Type 2 review where allowed in base zoning district.
- b. Spacing Requirement:

Prohibited within 1000' of a transit facility, other gasoline stations, and convenience stores with fuel sales.

**2. Convenience Store with Fuel Sales.**

- a. Type 2 review where allowed in base zoning district.
- b. Spacing Requirement:

(1) Prohibited within 1000' of transit facilities, other gasoline stations, and convenience stores with fuel sales.

**3. Enclosed mini-storage facility. Prohibited.****4. Boat sales with storage. Prohibited.****(D) Parking Requirements.**

- a. **Minimum Parking.** No minimum parking required

**b. Maximum Parking.** See Section 5.9.1(K)(2) for parking maximums by use.

**(E)(C) Site Planning. Building Placement and Site Design.**

**1. Building Orientation.**

- a. Primary commercial and residential building entrances shall face streets, connecting walkways, plazas, parks or similar outdoor spaces, but not parking lots.
- b. Buildings shall face all street frontages to the maximum extent feasible, with highest priority given to east-west streets that lead from transit stations to destinations.

...

**(D)(F) Streetscape and Pedestrian Connections.**

**1. Streetscape.** ~~Developments shall provide formal streetscape improvements which shall include sidewalks having street trees in sidewalk cutouts with tree grates, planters or other appropriate treatment for the protection of pedestrians, and shall provide seating and pedestrian light fixtures. Specific design details~~ **Public and private streets** shall be subject to approval by the City Engineer in accordance with the design criteria for streets.

**2. On-Street Parking.** On-street parking shall be defined by landscaped curb extensions or bulb-outs. Conventional or enhanced crosswalks shall be provided at all intersections.

**3. Off-Street Parking.** Off-street parking shall be located behind, above, within or below street-facing buildings to the maximum extent feasible. No parking will be allowed between the street and the front or side of a building.

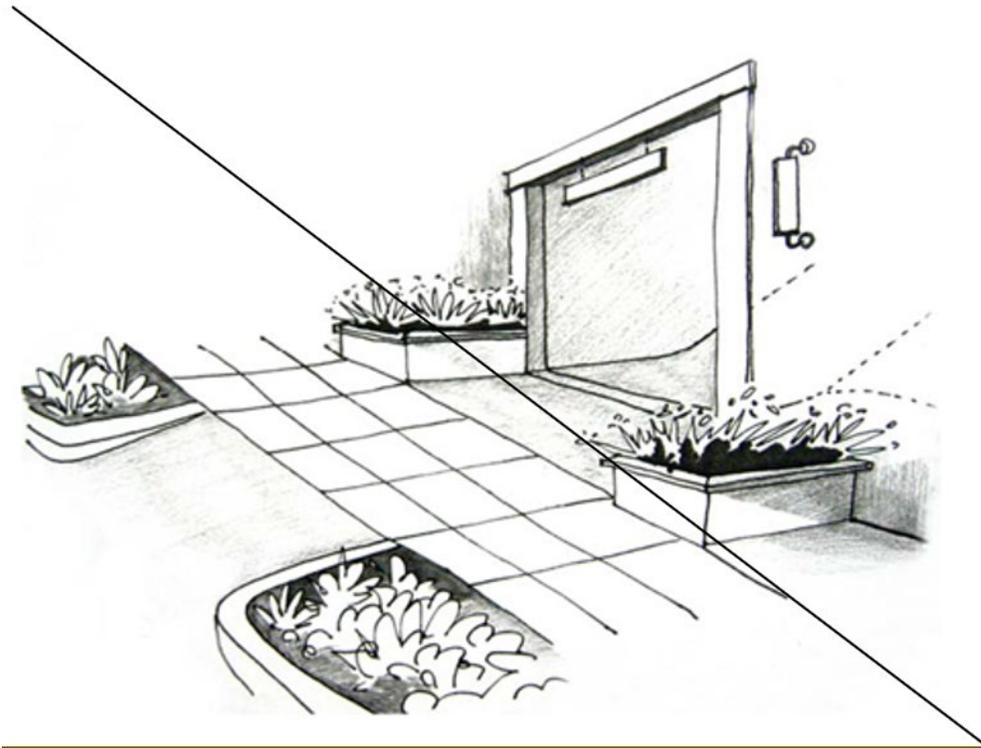
**4. Parking Structure Design.**

~~To the extent reasonably feasible, all parking structures shall meet the following design criteria:~~

- a. ~~Where parking structures face streets, retail or other nonresidential uses shall be required along at least fifty (50) percent of the ground level frontage to minimize interruptions in pedestrian interest and activity. The decision maker may grant an exception to this standard for all or part of the ground level frontage on streets with low pedestrian interest or activity.~~
- b. ~~Awnings, signage and architectural elements shall be incorporated to encourage pedestrian activity at the street-facing level.~~
- c. ~~Auto entrances shall be located and designed to minimize pedestrian/auto conflicts. Where service entries or parking structure entries are needed, the following standards shall be met (See Figure 16.5):~~
  - i. ~~The crown of the underground parking access ramp shall be at least four (4) feet behind the back edge of the sidewalk;~~

- II. ~~The beginning of the ramp for an above-ground parking garage shall be at least four (4) feet behind the back edge of the sidewalk;~~
- III. ~~The entry to the parking structure shall be separated from the sidewalk by low planters or a low wall;~~
- IV. ~~No blank walls shall be allowed on either side of the entry;~~
- V. ~~The sidewalk pavement shall be continuous across the drive aisle. Any break in the paving surface or scoring shall be in the drive surface and not in the pedestrian surface;~~
- VI. ~~Appropriate cautionary signage shall be used to alert pedestrians to the presence of entering and existing vehicles and to inform drivers that \_\_\_\_\_ pedestrians \_\_\_\_\_ have \_\_\_\_\_ priority.~~

~~(See Figure 16.5)~~



#### 4. Maximum Surface Parking Area.

- a. Maximum area for contiguous surface parking lot: 2.0 acres inclusive of all circulation and landscaping.
- b. Parking lots larger than 1.5 acres must be bounded on at least two sides by streets (public and/or private) that include sidewalks having street trees in

sidewalk cutouts with tree grates, planters or other appropriate treatment for the protection of pedestrians. Specific design details shall be subject to approval by the City Engineer in accordance with the design criteria for streets.

**(G)(E) Character and Image. Building Standards.**

**1. Articulation.**

Exterior building walls shall be subdivided and proportioned to human scale, using projections, overhangs and recesses in order to add architectural interest and variety and avoid the effect of a single, massive wall with no relation to human size.

**2. Rooflines.**

Flat-roofed buildings shall feature three-dimensional cornice treatment on all walls facing streets or connecting walkways, or a rail at the top of the wall of a usable rooftop deck, unless the top floor is stepped back to form a usable roof terrace area. A single continuous horizontal roofline shall not be used on one-story buildings. Accent roof elements or towers may be used to provide articulation of the building mass. To the maximum extent feasible, a minimum pitch of 6:12 shall be used for gable and hipped roofs. Where hipped roofs are used alone, the minimum pitch shall be 4:12.

**3. Materials & Color.**

- a. Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone, tinted/textured concrete masonry units, stucco systems or treated tilt-up concrete systems.
- b. All building facades shall incorporate stone, stone veneer, brick, brick veneer, stucco, corrugated metal, wood and/or equivalent accent material in a manner that highlights the articulation of the massing or the base and top of the building. An all-brick building does not need to incorporate an accent material, though soldier courses and banding or other brick, stone or metal detailing are encouraged in order to subdivide masses and establish human scale.
- c. Predominant or field colors for facades shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, black or fluorescent colors shall be prohibited.

~~d. Building trim and accent areas may feature brighter colors, including primary colors, and black, but neon tubing shall not be an acceptable feature for building trim or accent areas.~~

~~e. Exterior building materials shall not include smooth-faced concrete block, untreated or unpainted tilt-up concrete panels or prefabricated steel panels.~~

#### ~~4. Multiple Store Fronts.~~

~~Buildings with multiple storefronts shall be unified through the use of architecturally compatible features, such as colors, details, awnings, signage and lighting fixtures.~~

#### ~~5. Walls, Fences, & Planters.~~

~~Walls, fences and planters shall be designed to match or be consistent with the quality of materials, style and colors of the development.~~

### 61. Building Height

**a. Minimum.** All buildings shall have a minimum height of twenty (20) feet, measured to the dominant roof line of a flat-roofed building, or the mean height between the eave and ridge on a sloped-roof building. In the case of a complex roof with different, co-dominant portions, the measurement shall apply to the highest portion.

**ab. Maximum and Height Incentives.** All buildings shall be limited to the maximum height allowed in the underlying zone district unless:

- I. the development is mixed-use and contains at least one-seventh (1/7) of its total building square footage as either residential or office use, in which case the maximum allowable height shall be the base height plus one (1) story; or
- II. the development is mixed-use and contains at least one-seventh (1/7) of its total building square footage as residential use and at least ten (10) percent of the residential units are either affordable housing units for rent or affordable housing units for sale as defined in Article 5 or structured parking (underground, interior to the site or above ground), in which case the maximum allowable height shall be the base height plus two (2) stories; or
- III. the project is mixed-use and contains at least one-seventh (1/7) of its total building square footage as residential use, and at least ten (10) percent of the residential units are either affordable housing units for rent or affordable housing units for sale as defined in Article 5, and the project contains structured parking (underground, interior to the site or above

ground), in which case the maximum height shall be the base height plus three (3) stories.

~~b. Buildings shall have a base portion consisting of one (1) or two (2) stories. The base portion shall be clearly defined by a prominent, projecting cornice or roof, fenestration, different material and different color from the remainder of the building. If the base portion is two (2) stories, the ground floor shall be further differentiated by fenestration and other detailing.~~

~~c. Buildings greater than two (2) stories in height shall also be designed so that upper portions of the building are stepped back from the base. The adequacy of upper floor step-backs shall be determined by the extent to which they advance the following objectives:~~

- ~~I. providing pedestrian scale along sidewalks and outdoor spaces;~~
- ~~II. enhancing compatibility with the scale and massing of nearby buildings;~~
- ~~III. preserving key sunshine patterns in adjacent spaces; and preserving views.~~

## 72. Windows.

~~Standard storefront window and door systems may be used as the predominant style of fenestration for nonresidential or mixed-use buildings as long as the building facade visually establishes and defines the building stories and establishes human scale and proportion.~~

~~a. Minimum glazing on pedestrian-oriented facades of buildings shall be sixty (60) percent on the ground floor and forty (40) percent on upper floors.~~

~~b. Subject to approval by the decision maker, projects functionally unable to comply with this requirement shall mitigate such noncompliance with ample, enhanced architectural features such as a change in massing or materials, enhanced landscaping, trellises, arcades or shallow display window cases.~~

### ~~(F) Display Windows.~~

~~Ground floor retail, service and restaurant uses shall have large-pane display windows. Such windows shall be framed by the surrounding wall and shall not exceed ninety (90) percent of the total ground level facade area.~~

Section 22. ARTICLE 2 ZONE DISTRICTS 2.6 OVERLAY DISTRICTS Section 2.6.2 SOUTH COLLEGE GATEWAY OVERLAY (SCG) is hereby amended to read as follows:

...

(B) **Purpose** The purpose of this Section is to provide standards to modify the underlying zone districts north of the intersection of South College Avenue and Carpenter Road to encourage land uses and designs that implement the **vision of the** South College Corridor Plan regarding the enhancement of the South College Gateway Area (see Figure 16.7).

...

Section 23. ARTICLE 2 ZONE DISTRICTS 2.6 OVERLAY DISTRICTS Section 2.6.3 PLANNED UNIT DEVELOPMENT (PUD) OVERLAY is hereby amended to read as follows:

...

2.6.3(B)2.f. Development patterns consistent **in general alignment** with the principles and policies of the City's Comprehensive Plan and **its** adopted ~~plans and policies~~ **elements**.

...

2.6.3(D) Step 8 (Standards):

...

2. The PUD Comprehensive Plan provides high quality urban design within the subject property or properties; **and**

3. The PUD Comprehensive Plan will result in development **generally in compliance** **general alignment** with the principles and policies of the City's Comprehensive Plan and adopted plans and policies;

...

Section 24. ARTICLE 2 ZONE DISTRICTS 2.6 OVERLAY DISTRICTS Section 2.6.4 I-25 DEVELOPMENT STANDARDS is hereby amended to read as follows:

...

2.6.4(B) **Purpose.**

The purpose of this Section is to provide **additional, more specific development** standards to implement the ~~model standards outlined in the "Development Standards for the I-25 Corridor" and~~ **vision presented in** the "Fort Collins I-25 Corridor Subarea Plan," ~~in addition to the standards contained elsewhere in this Land Use Code to develop the corridor with~~ **a mix of uses, serve as a transition from the interstate to the more urban and suburban**

neighborhoods and activity centers, and preserve the considerable natural features and resources of the area.

...

Section 25. ARTICLE 3 BUILDING TYPES 3.1 RESIDENTIAL BUILDING TYPES  
Section 3.1.1 Mixed-Use building type is hereby deleted in its entirety and the remaining residential building types are renumbered.

~~3.1.1 Mixed-Use~~

~~DESCRIPTION~~

~~In “mixed-use” buildings, there shall be a combination of retail, office, and/or residential spaces within one or several buildings. Mixed-use buildings are usually in more urban areas and can vary in their size and number of stories. A mixed-use building type can be identified by its approachable and pedestrian friendly look. The buildings may be farther away from the street with wider sidewalk areas, street plantings, or outdoor seating.~~

~~ZONE DISTRICTS~~

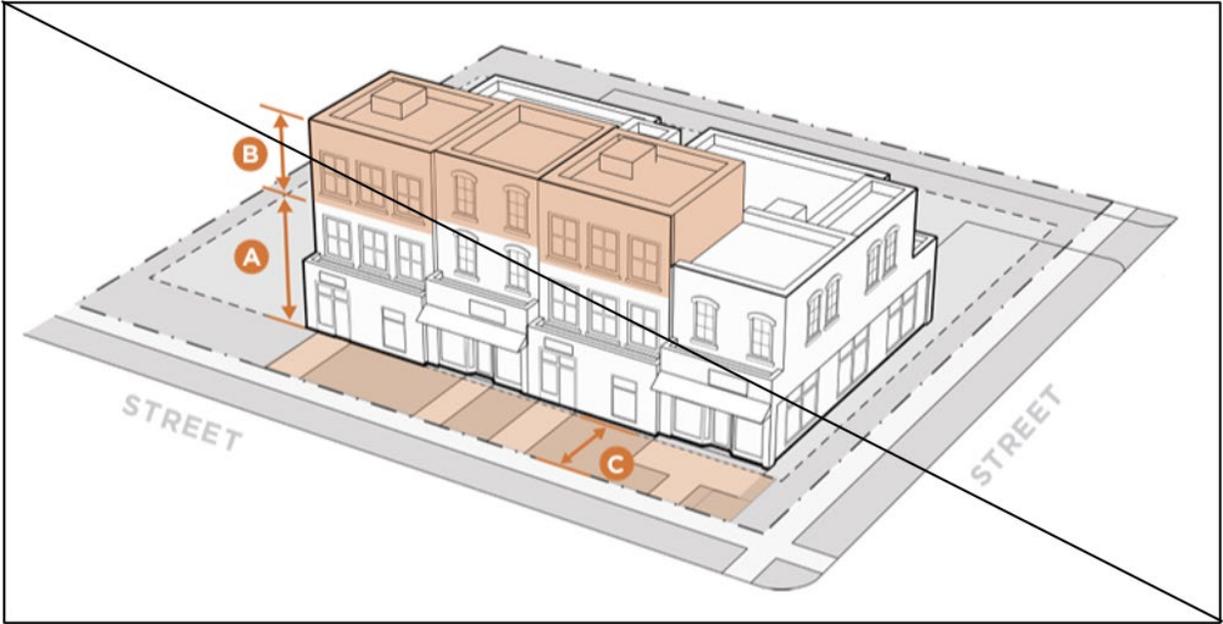
~~The following Zone Districts allow Mixed-Use building types:~~

- ~~• LMN • MMN • HMN • OT-C • NC • CC • CCN • CCR • D • CG • CS • CL • HC • E • Overlay Districts~~

~~BUILDING TYPE EXAMPLES~~



**BUILDING STANDARDS**



| <b>BUILDING HEIGHT</b>                                    |                                 |
|-----------------------------------------------------------|---------------------------------|
| Maximum                                                   | 4-12 stories max.* <b>A</b>     |
| Affordable Housing Bonus                                  | 1-2 additional stories <b>B</b> |
| *See Zone District standards for specific maximum height. |                                 |
| <b>BUILD-TO LINES</b> <b>C</b>                            |                                 |
| Smaller than Arterial                                     | 0'min. - 15' max.               |
| On-Street Parking                                         | 0'min. - 15' max.               |
| Arterial or larger                                        | 10'min. - 25'max.               |

| <b>BUILD-TO LINE EXCEPTIONS</b>   |                                                                                                                                                                                                    |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plaza, courtyard, patio or garden | Landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements are required.                                                                                    |
| Easement                          | As required by the City to continue an established drainage channel or access drive, or other easement.                                                                                            |
| Contextual Build-To               | A contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot. |

**MASSING & ARTICULATION**



**FACADE BASE**

**A**

All facades shall have a recognizable “base” consisting of (but not limited to):

- thicker walls, ledges or sills;
- textured materials such as stone or masonry;
- integrally colored and patterned materials such as smooth-finished stone or tile;
- lighter or darker colored materials;
- mullions or panels; and
- planters.

**FACADE TOP**

**B**

All facades shall have a recognizable “top” consisting of (but not limited to):

- cornice treatments, other than just colored “stripes” or “bands,” with integrally textured materials such as stone or other masonry or differently colored materials;
- sloping roof with overhangs and brackets; and
- stepped parapets.

**MASSING**

**Building Bays\* - Maximum Width**

30'

**C**

Footprints over ten-thousand (10,000) sf shall incorporate recesses/projections with bays no wider than thirty (30) ft.

\*Building bay is defined as at least two (2) of the following:

- change in plane;
- change in height;
- change in texture or masonry pattern, windows, treillage with vines; and/or
- an equivalent element that subdivides the wall into human scale proportions.

**FOUR-SIDED DESIGN**

**Building Materials**

Consistent with Front of Building

**D**

\*Standard also applies to rear facade..

Section 26. In ARTICLE 3 BUILDING TYPES, a new Division, Division 3.2 NON-RESIDENTIAL BUILDING TYPES, is added and a new Section and new building type, Shopfront building type, is added as Section 3.2.1 as follows:

SECTION 3.2.1

# Shopfront

## DESCRIPTION

The shopfront building type is centered on creating a pedestrian-focused streetscape, with active ground-floor uses and direct sidewalk access. It is ideal for commercial, retail, and office uses at the street level, with residential or live-work units typically located on upper floors. The form supports vibrant, walkable environments through minimal or no front setbacks and street-facing entrances. Most shopfront building standards vary by zone district to ensure compatibility with the surrounding context. Parking is generally located at the side or rear to maintain an uninterrupted pedestrian experience.

## ZONE DISTRICTS

The following Zone Districts allow Shopfront building:

- LMN
- MMN
- HMN
- OT-C
- NC
- CC
- CCN
- CCR
- D
- CG
- CS
- CL
- HC
- E
- **Overlay Districts**

## BUILDING TYPE EXAMPLES



Caspari - Charlottesville, VA



JHP Mid Rise / High Rise by JHP Architecture

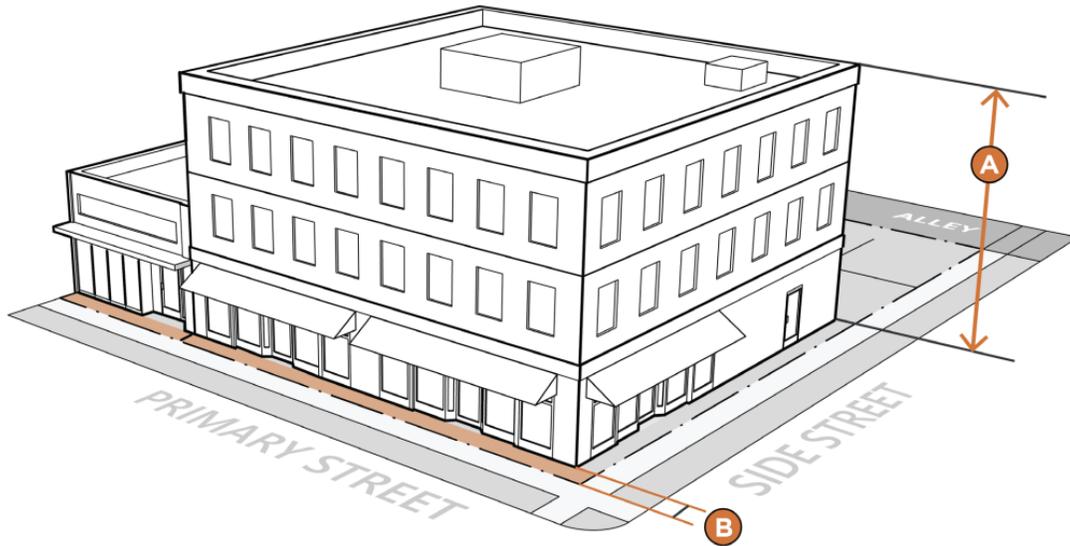


LoopNet.com



ColorProperty.com, IRES MLS

**BUILDING STANDARDS**



--- Property Line

**BUILDING HEIGHT**

|                                 |                             |
|---------------------------------|-----------------------------|
| <b>Maximum</b>                  | 4-12 stories max.* <b>A</b> |
| <b>Affordable Housing Bonus</b> | 1-2 additional stories      |

\*See Zone District standards for specific maximum height.

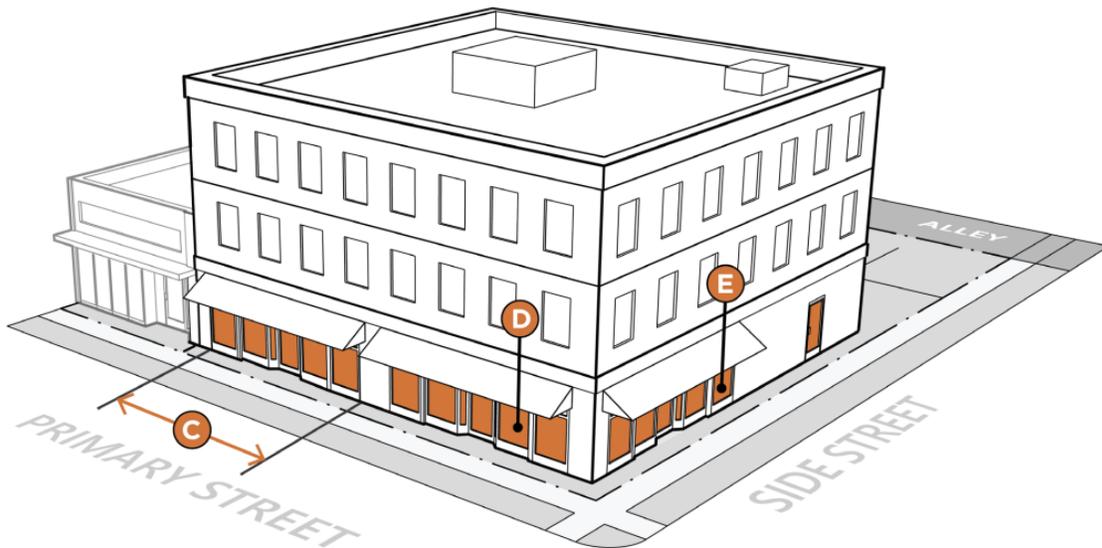
**BUILD-TO LINES** **B**

|                              |                   |
|------------------------------|-------------------|
| <b>Smaller than Arterial</b> | 0'min. - 15' max. |
| <b>On-Street Parking</b>     | 0'min. - 15' max. |
| <b>Arterial or larger</b>    | 10'min. - 25'max. |

**BUILD-TO LINE EXCEPTIONS**

|                                          |                                                                                                                                                                                                    |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Plaza, courtyard, patio or garden</b> | Landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements are required.                                                                                    |
| <b>Easement</b>                          | As required by the City to continue an established drainage channel or access drive, or other easement.                                                                                            |
| <b>Contextual Build-To</b>               | A contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot. |

**MASSING & ARTICULATION**



--- Property Line

**MASSING**

|                                       |     |          |
|---------------------------------------|-----|----------|
| <b>Building Bays* - Maximum Width</b> | 30' | <b>C</b> |
|---------------------------------------|-----|----------|

- Footprints over ten-thousand (10,000) sf shall incorporate recesses/projections with bays no wider than thirty (30) ft.

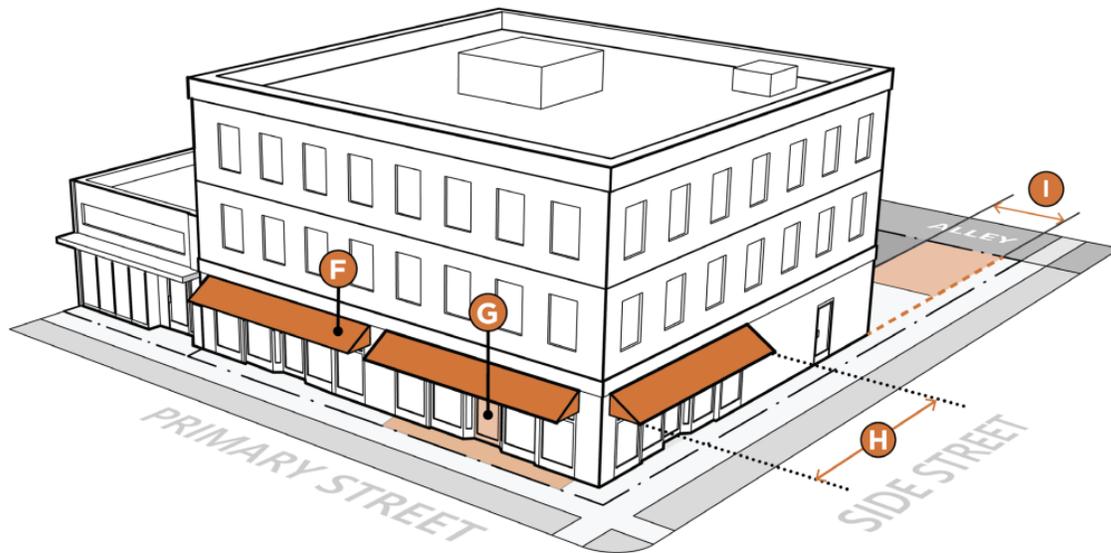
\*Building bay is defined as at least two (2) of the following:

- change in plane;
- change in height;
- change in texture or masonry pattern, windows, treillage with vines; and/or
- an equivalent element that subdivides the wall into human scale proportions.

**TRANSPARENCY (GROUND FLOOR)**

|                       |             |          |
|-----------------------|-------------|----------|
| <b>Primary Street</b> | 60% minimum | <b>D</b> |
| <b>Side Street</b>    | 30% minimum | <b>E</b> |

**SITE ACCESS**



--- Property Line

**ENTRYWAYS**

|                                     |                                                          |          |
|-------------------------------------|----------------------------------------------------------|----------|
| <b>Primary Entrance Features</b>    | Sheltering Element Required*                             | <b>F</b> |
| <b>Primary Entrance Orientation</b> | Opens to a Connecting Walkway With Pedestrian Frontage** | <b>G</b> |
| <b>Awning Width</b>                 | No shorter than Single Storefront                        | <b>H</b> |

\*Includes clearly defined and recessed or framed element such as an awning, arcade, or portico to provide shelter.

\*\*Buildings with vehicle bays and/or service doors for intermittent/infrequent nonpublic access to equipment, storage or similar rooms (e.g., self-serve car washes and self-serve mini-storage warehouses) are exempt from this standard.

**VEHICULAR ACCESS & PARKING**

|                           |                                                                                                                          |          |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------|----------|
| <b>Alley Access***</b>    | Setback an additional 15' min. from the building wall                                                                    | <b>I</b> |
| <b>Off-Street Parking</b> | Shall not be located any closer to a public street right-of-way than the principal building is set back from the street. |          |

\*\*\*Any new access must obtain access from an alley when present, unless proposed alley access is deemed hazardous by the City Engineer.

Section 27. In ARTICLE 3 BUILDING TYPES, Division 3.2 NON-RESIDENTIAL BUILDING TYPES, a new Section and new building type, General building type, is added as Section 3.2.2 General as follows:

SECTION 3.2.2

# General

## DESCRIPTION

The general building type is a flexible, non-residential form intended to support a wide range of uses including: office, commercial, institutional, or light industrial, and others. Most design and building standards for this building type are determined by the zone district in which it is located. This adaptability allows the general building type to respond to varied contexts throughout Fort Collins while maintaining compatibility with surrounding development and supporting pedestrian access.

## ZONE DISTRICTS

The general building type is allowed in all zone districts and it varies widely based on use and zone district.

## BUILDING TYPE EXAMPLES



Glacier Creek Dental



BryanConstruction.com. Harmony Corporate Center



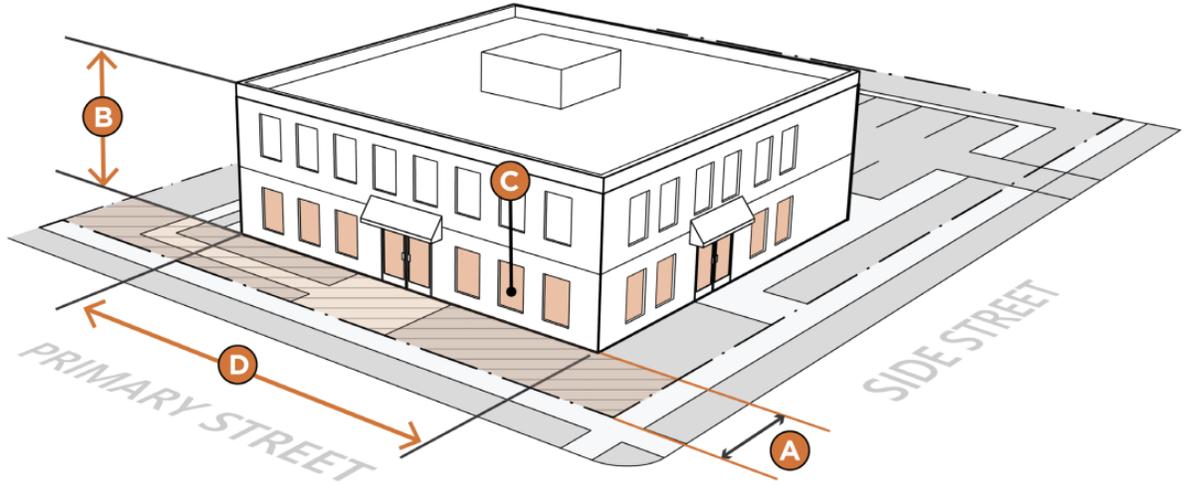
ColoProperty.com, IRES MLS



CBRE.com, Technology Parkway



**BUILDING STANDARDS**



--- Property Line

**BUILDING PLACEMENT**

|                            |                                          |          |
|----------------------------|------------------------------------------|----------|
| <b>Setbacks / Build-to</b> | Varies by Zone Districts or Street Type* | <b>A</b> |
|----------------------------|------------------------------------------|----------|

\*See Article 2 and Section 5.15 Building Standards for additional information.

**BUILDING HEIGHT**

|                |                     |          |
|----------------|---------------------|----------|
| <b>Maximum</b> | 3-12 stories max.** | <b>B</b> |
|----------------|---------------------|----------|

\*\*See Zone District standards for specific maximum height.

**TRANSPARENCY (GROUND FLOOR)**

|                       |           |          |
|-----------------------|-----------|----------|
| <b>Primary Street</b> | 30-50%*** | <b>C</b> |
|-----------------------|-----------|----------|

\*\*\*See Zone District standards for specific percentage.

**MASSING & ARTICULATION**

|                                              |     |          |
|----------------------------------------------|-----|----------|
| <b>Maximum length of unbroken façade****</b> | 50' | <b>D</b> |
|----------------------------------------------|-----|----------|

\*\*\*\*Articulation must relate to interior organization.





project contains less than ten (10) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area, but shall not be required to provide a mix of land uses within the development.

- (2) In the NC zone district all permitted residential uses, except mixed-use dwellings in multistory **shopfront buildings** ~~mixed-use buildings~~, shall be considered secondary uses and, for projects containing five (5) or more acres, together shall occupy no more than thirty (30) percent of the total gross area of any development plan. If the project contains less than five (5) acres, the development plan must demonstrate how it contributes to the overall mix of land uses within the surrounding area but shall not be required to provide a mix of land uses within the development.

...

Section 31. ARTICLE 4 USE STANDARDS 4.3 ADDITIONAL USE STANDARDS  
Section 4.3.2 INSTITUTIONAL/CIVIC/PUBLIC USES is hereby amended to read as follows:

**4.3.2(C) Seasonal Overflow Shelter**

~~(1)The following standards shall apply to all seasonal overflow shelters.~~

(21)The purpose of this Section is to allow for the siting and approval of seasonal overflow shelters while helping to ensure that such shelters are compatible with the adjacent neighborhoods.

(32)General Standards. Seasonal overflow shelters shall be allowed as a permitted use, provided that all of the following conditions are met:

...

**4.3.2(D) Wildlife Rescue and Education Centers**

(1) ~~Limited in the~~ **In the** LMN zone district, **wildlife rescue and education centers are limited** to within five hundred five hundred (500) feet of East Vine Drive or railroad property abutting and parallel to East Vine Drive.

...

Section 32. ARTICLE 4 USE STANDARDS 4.3 ADDITIONAL USE STANDARDS  
Section 4.3.3 COMMERCIAL/RETAIL USES is hereby amended to read as follows:

### 4.3.3 COMMERCIAL/RETAIL USES

...

(E)(2) In the LMN, MMN, HMN, OT-B zone districts such use shall be limited to six (6) beds not including on site owner or staff.

#### (F) Boat Sales with Storage

(1) Not permitted in the Transit-Oriented Development (TOD) Overlay.

#### (FG) Child Care Center

(1) Outdoor Play Area Table is required to be the greater of either 1,200 sq. ft. or 75 sq. ft. per child of 33% of the child capacity of the center.:

| <i>Minimum Outdoor Play Area for a Child Care Center</i> |                                                                      |
|----------------------------------------------------------|----------------------------------------------------------------------|
| 15 Children or less                                      | 1,200 square feet                                                    |
| More than 15 Children                                    | 75 square feet per child for 33% of the child capacity of the center |

(2) An outdoor play area as stated above shall not be required for drop-in child care centers.

(3) For the purposes of this Ssubsection, the capacity of the center is calculated based upon indoor floor space reserved for school purposes of forty (40) square feet per child. Any such play area on the site of the child care center within or abutting any residential district shall be enclosed by a decorative solid wood fence, masonry wall or chain link fence with vegetation screening, densely planted. The height of such fence shall be a minimum of six (6) feet and shall comply with other fences regulations within this Ccode. Where access to child care centers is provided by other than local streets, an off-street vehicular bay or driveway shall be provided for the purpose of loading and unloading children.

#### (GH) Convenience retail stores with fuel sales

...

**(H) Convenience Shopping Center**

- (1) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.
- (2) In the I zoned district such use may include Drive-in restaurants.
- (3) In the NC zone district such use shall be three thousand nine hundred sixty (3,960) feet from any other any other such existing or permitted fueling station.

**(I) Day Shelter**

...

**(J) Dog Day-Care Facility Regulations**

- (1) All services provided by a dog day-care facility shall be conducted within a completely enclosed, soundproof building.
- (2) All dog day-care facilities shall be designed and constructed in a manner that reasonably mitigates emission of odor and noise to persons owning, occupying or patronizing properties adjacent to such facilities.

...

**(K) Drive in Restaurant**

- (1) In the E, I zone districts such use is only permitted in a convenience shopping center.
- (2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.
- ~~(3) In the N-C zone district such use shall exclude drive thru restaurant.~~

...

**(L) Enclosed Mini-storage Facility**

- (1) In the CS zoned districts such use shall be at least 150 feet from South College Avenue.
- (2) Not permitted in the South College Gateway Area or the Transit Oriented Development (TOD) Overlay.

(3) In the LMN zone district such use shall be located within five hundred (500) feet of East Vine Drive or of the railroad property abutting and parallel to East Vine Drive.

...

**(M) ~~Fast Food Restaurant~~ Reserved.**

~~(1) In the CC, CCN, CCR, CS, NC, CL, E, and I zone districts, such use is prohibited as a drive-in or drive-through facilities.~~

~~(2) In the I zone district such use shall not exceed 25,000 sq. ft. of floor area.~~

...

**(N) Funeral Homes**

(1) In the OT-C **zone district** such use shall be located in the street-fronting principal building.

...

**(O) Grocery Stores**

(1) In the D, CC, CCN, CCR, CS, NC zone districts shall occupy between five thousand **{(5,000)}** and forty-five thousand **{(45,000)}** square feet).

...

**(V) Outdoor Storage Facility**

(1) In the CL/RA zone district such use may include a towing yard, provided such use is setback at least **thirty five (35)** from an arterial street.

...

**(Y) Small Scale Reception center**

(1) In the UE zone district such use shall comply with the following performance standards:

...

(e) **Non-Residential Abutment.** At least one-sixth (1/6) of the reception center's property boundary must be contiguous to property that is zoned in one (1) or more of the following non-residential zone districts within the City:

- (I) D;
- (II) CC;
- (III) CCN;
- (IV) CCR;
- (V) CG;
- (VI) CS;
- (VII) NC;
- (VIII) CL;
- (IX) HC;
- (X) E;
- (XI) I.

...

**4.3.3.(BB) Retail Establishment**

(1) In the CG zone district such use shall **not exceed** be 25,000 sq. ft. ~~or under in size.~~

...

**4.3.3.(GG) Vehicle Sales and Leasing Establishments for Cars and light trucks**

(1) In the CS District, **such use** shall be limited to ten (10) percent of the total linear frontage of both sides of North College Avenue between Vine Drive and the northern City limits or the intersection of North College Avenue and State Highway 1, whichever results in the shortest linear distance. ~~These uses~~ **Additionally in the CS District, such use shall also** be located at least one hundred fifty (150) feet from South College Avenue.

...

Section 33. ARTICLE 4 USE STANDARDS 4.3 ADDITIONAL USE STANDARDS  
Section 4.3.4 INDUSTRIAL USES is hereby amended to read as follows:

**4.3.4 INDUSTRIAL USES**

**(A) Light Industrial**

(1) In the LMN zone district such use **shall be** ~~is located~~ within five hundred ~~{(500)}~~ feet of East Vine Drive.

(2) In the CG zone district such use shall not have outdoor storage.

(3) In the South College Gateway Overlay such use is prohibited not permitted.

...

**(E) Workshops and Custom Small Industry**

(1) In the LMN zone district such use shall be is located within five hundred {(500)} feet of East Vine Drive.

Section 34. ARTICLE 4 USE STANDARDS 4.3 ADDITIONAL USE STANDARDS Section 4.3.5 ACCESSORY/MISCELLANEOUS USES is hereby amended to read as follows:

**(A) Accessory Buildings, Structures and Uses**

(1) Accessory buildings, structures and uses (when the facts, circumstances and context of such uses reasonably so indicate) may include, but are not limited to, the following:

...

(l) Solar energy systems;

...

(p) Community based shelters services;

(q) Drive-through facilities.

...

**(C) Fences and Walls**

(1) Fences and walls are allowed in all zone districts as provided in this Ssection.

(2) If used along collector or arterial streets, such features shall be made visually interesting and shall avoid creating a "tunnel" effect. Compliance with this standard may be accomplished by integrating architectural elements such as brick or stone columns, incorporating articulation or openings into the design, varying the alignment or setback of the fence, softening the appearance of fence lines with plantings, or similar techniques. In addition to the foregoing, and to the extent reasonably feasible, fences and sections of fences that exceed one hundred (100) feet in length shall vary the alignment or setback of at least one-third (1/3) of the length of the fence or fence section (as applicable) by a minimum of five (5) feet.

(3) **Materials:** Chain-link fencing with or without slats shall not be used as a fencing material for screening purposes. Except as permitted below, no barbed wire or other sharp-pointed fence and no electrically charged fence shall be installed or used in any zone districts.

(a) In the Urban Estate (UE), Rural Land (RUL) and Foothills Residential (RF) Districts, barbed wire and portable electrically charged fencing may be used for the purpose of livestock and pasture management. Electrically charged fencing must **only** be used within permanent fencing. Electrically charged fencing that is located along any public right-of-way shall contain signage that identifies it as being electrically charged. Such signage shall occur every three hundred (300) feet and be a minimum of thirty-six (36) square inches in area. All electrically charged fencing shall be limited to low impedance commercially available electric fence energizers using an interrupted flow of current at intervals of about one (1) second on and two (2) seconds off and shall be limited to two thousand six hundred (2,600) volts at a five-hundred-ohm load at seventeen (17) milliamperes current. All electric fences and appliances, equipment and materials used shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturers' specifications and in compliance with the National Electrical Code, 1981 Edition NFPA 701981.

(b) In the Employment (E) District and the Industrial (I) District, the Director may grant a revocable use permit that must be renewed every three (3) years for installation of security arms and barbed wire strands atop protective fences or walls, provided that the following conditions are met: the lowest strand of barbed wire must be maintained at least ten (10) feet above the adjoining ground level outside the fence; exterior area security lighting controlled by an automatic light level switch must be installed and maintained in good operating condition; and such lighting must be directed into the site and not outward toward the perimeter.

**(4) Fences and walls must be:**

(4a) No more than four (4) feet high between the front building line and front property line;

(5b) No more than four (4) feet high if located in the front yard, or within any required side yard setback area in the front yard, except if required for demonstrated unique security purposes;

(6c) No more than six (6) feet high if located within any required rear yard setback area or within any side yard setback area in a rear yard;

(7d) No more than forty-two (42) inches in height when located within the visual clearance triangle described in Section 5.16.1(K), and, if over thirty-two (32) inches in height within such triangle, fences shall be constructed of split rail with a minimum dimension of twelve (12) inches between horizontal members;

(8e) No closer than two (2) feet to a public sidewalk;

(9f) No closer than three (3) feet to a lot line along an alley where an alley-accessed garage door is set back at least twenty (20) feet from the lot line, and no closer than eight (8) feet to a lot line along an alley where an alley-accessed garage door is set back less than twenty (20) feet from the lot line, except that alley fences on lots in the RL and OT districts may be located closer to the lot line along an alley when the City Engineer approves such a location **is safe**.

...

#### (D) Urban Agriculture

(1) The following standards apply to all urban agriculture land uses, except those urban agriculture land uses that are approved as a part of a site-specific development plan.

(2) The intent of these urban agriculture regulations is to allow for a range of urban agricultural activities at a level and intensity that is compatible with the City's neighborhoods.

#### (3) Standards

(a) *License required.* Urban agriculture land uses shall be permitted only after the owner or applicant for the proposed use has obtained an urban agriculture license from the City **that finds the use complies with the conditions of below Subsection (3)(b)**. The fee for such a license shall be the fee established in the Development Review Fee Schedule. If active operations have not been carried on for a period of twenty-four (24) consecutive months, the license shall be deemed to have been abandoned regardless of intent to resume active operations. The Director may revoke any urban agriculture license issued by the City if the holder of such license is in violation of any of the provisions contained in subsection(b) below, provided that the holder of the license shall be entitled to the administrative review of any such revocation under the provisions contained in Article 6.

...

**(G) Solar Energy Systems**

(2)(e) Building-mounted solar energy systems are exempt from the height requirements of this Code, except that they must comply with the height limitations of this Section 4.3.5(G), including the following:

Solar Energy Table

|                                                                                                                                                                                                                                                                                                                 |                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| <b><i>Non-residential and residential buildings (excluding single-dwelling unit or duplex dwellings)</i></b>                                                                                                                                                                                                    |                                                                                                                 |
| < 2:12 pitch                                                                                                                                                                                                                                                                                                    | 8 feet high, as measured on a vertical axis to the roof below, to which it is installed (see Figure 16.3 below) |
| 2:12 to 6:12 pitch                                                                                                                                                                                                                                                                                              | 4 feet high, as measured on a vertical axis to the roofline below, to which it is installed.                    |
| > 6:12 pitch                                                                                                                                                                                                                                                                                                    | 2 feet high, as measured on a vertical axis to the roofline below, to which it is installed.                    |
| <b><i>Single dwelling unit and duplex dwellings (principal and accessory buildings)</i></b>                                                                                                                                                                                                                     |                                                                                                                 |
| No higher taller than 1 foot, as measured on a vertical axis to the roof below, to which it is installed, unless roof pitch is 2:12 or less, in such case 2 feet is permitted. No portion of a solar energy system shall project above the maximum projection line depicted within Figures 16.3 and 16.4 below. |                                                                                                                 |
| <b><i>All buildings</i></b>                                                                                                                                                                                                                                                                                     |                                                                                                                 |
| Building-mounted solar energy systems shall not extend horizontally beyond any roof overhang.                                                                                                                                                                                                                   |                                                                                                                 |
| <b><i>Building-mounted solar energy systems</i></b>                                                                                                                                                                                                                                                             |                                                                                                                 |
| Solar panels installed on the sides of buildings as awnings or attached to buildings as shade elements are permitted so long as the provisions of this and other applicable requirements are met.                                                                                                               |                                                                                                                 |

...

(4) Maintenance. Any solar energy system that has not been in working condition for a period of one (1) year shall be subject to Section 115 (Unsafe Structures and Equipment) of the International Building Code, **as determined by the City**, which may require the panels and associated equipment to be removed, or the unsafe condition otherwise mitigated if it is determined to be unsafe. If so determined by the Building Official, the panels and associated equipment shall be promptly removed from the property to a place of safe and legal disposal, after which the site and/or building, as applicable, must be returned to its preexisting condition.

...

**(H) Wire Communication**

(7)(a) Application types. All WCFs shall be reviewed according to the following timeframes (the review of Eligible Facility Requests is addressed in **(7)(c)** below):

...

(7)(c) Specific Review Procedures for Eligible Facility Requests **(EFR)**.

(I) EFR standards. The City shall prepare, and from time to time revise **as deemed necessary by the Director** and make available, an application form requiring the information necessary for the City to consider whether the project covered by an application would:

...

(III) Tolling the timeframe for EFR review.

...

(ii) If the City fails to approve or deny an **EFR** ~~eligible facility request~~ within the time frame for review (accounting for any tolling), the request shall be deemed granted; provided that this approval shall become effective only upon the City's receipt of written notification from the applicant after the review period has expired (accounting for any tolling) indicating that the application has been deemed granted.

(IV) Interaction with Telecommunications Act 47 U.S.C. Section 332(c)(7). If the City determines that the applicant's request is not an **EFR** ~~eligible facilities request~~ as

delineated in this subsection, the applicant shall be advised as to the relevant provisions of the City Code that govern the process to consider the request, and whether the Code requires any additional information to be submitted in order for the request to be considered complete. If the applicant subsequently indicates an intent for the proposal to be considered under the relevant section of the City Code and submits all required information, the presumptively reasonable timeframe under Section 332(c)(7), as set forth in applicable federal and state law will begin to run from submittal of the required information under the applicable provision of this Code.

...

Section 35. ARTICLE 5 USE STANDARDS 5.2 AFFORDABLE HOUSING  
Section 5.2.1 AFFORDABLE HOUSING is hereby amended to read as follows:

**5.2.1 AFFORDABLE HOUSING**

(C) **Affordability Standards.** Rental and For-sale projects shall provide one of the following minimum unit options:

...

(2) For-Sale **Units:**

...

(D) **Compliance.** To achieve compliance, all Affordable Housing built under the standards of this Code shall provide the following:

- (1) Certification Letter. The applicant shall submit a notarized affidavit to the Director that provides how the development meets the affordability standards above and administrative requirements. Upon review and acceptance of the affidavit in consultation with the Director of the **Social Sustainability Housing and Community Vitality** Department, the Director will provide a letter certifying that the development meets the standards stated above and any administrative requirements (Certification Letter). This letter is required to be submitted as part of the building permit application before a building permit can be issued for the development but is not required to as a part of a land use review.
- (2) Qualified Preservation Partner (QPP). If applicable, the Certification Letter shall identify the Qualified Preservation Partner.
- (3) Covenant/Deed Restriction. The units will be required by binding legal instrument acceptable to the City, providing rights of enforcement to the City,

and duly recorded with the Larimer County Clerk and Recorder, to be occupied by and affordable to low-income households for at least sixty (60) years (~~the Affordable Housing Covenant~~). This ~~Affordable Housing e~~Covenant shall be recorded prior to issuance of a building permit for the development. There will be language placed in real estate sales documents, acceptable to the City, clearly noticing the ~~deed restriction~~ Affordable Housing Covenant as part of the sale, and containing a continued requirement of notice in all future sales.

- ...
- (F) **Annual Reporting.** The applicant or Qualified Preservation Partner shall provide annual documentation to the Director, who shall provide a copy to the Director of the ~~Social Sustainability~~ Housing and Community Vitality Department, relating to the affordable dwelling units in the development. This documentation must commence no later than thirty (30) days following issuance of a Certificate of Occupancy (CO) for the affordable dwelling units and will include, at minimum, the following:

...

(G) **Monitoring and Enforcement.**

- (1) ~~Monitoring.~~ The Director in consultation with the Director of ~~Social Sustainability~~ the Housing and Community Vitality Department shall periodically monitor and verify the commitments made by the applicant or Qualified Preservation Partner in the ~~Affordable Housing Declaration of Covenants, Conditions and Restrictions~~. Upon reasonable notice to the applicant or Qualified Preservation Partner, the applicant or Qualified Preservation Partner shall provide information to the City sufficient to verify the following:
- (a) Compliance with all Affordable Housing Requirements as set forth in this Division.
  - (b) The affordable dwelling units are occupied by households earning income as required in the ~~Declaration of Covenants, Conditions and Restrictions~~ Affordable Housing Covenant.
  - (c) The eligibility of each prospective household is verified by the ~~owner~~ Applicant or Qualified Preservation Partner prior to occupancy of any affordable unit and proof provided to the City upon request. ~~Upon request of the City,~~ Applicants or Qualified Preservation Partners shall submit documentation for certification to the City for a determination of tenant eligibility, ~~prior to tenant occupancy. No affordable unit is rented, sold, or occupied by any person unless and until the City determines that the prospective tenant or occupant satisfies the eligibility requirements.~~

- (2) City Staff shall be entitled to arrange periodic site visits to ensure habitability of affordable units; ~~owner~~ Applicant or Qualified Preservation Partner will secure any necessary authority to enter the unit and will cooperate with City Staff.
  - (3) Monitoring required for compliance as part of a City funding award for affordable units shall satisfy the requirements of this subsection (G).
- (H) **Enforcement.** Upon a finding by the City that an Affordable Housing project built under the standards of this Code does not comply with the requirements of Section 5.2, the City make take one or more enforcement actions;

...

Section 36. ARTICLE 5 USE STANDARDS 5.3 RESIDENTIAL DEVELOPMENT Section 5.3.3 NEIGHBORHOOD CENTERS is hereby amended to read as follows:

5.3.3 NEIGHBORHOOD CENTERS

(C) Use Requirements.

...

- (2) No ~~drive-in~~ accessory drive-through facilities shall be permitted.

...

Section 37. ARTICLE 5 USE STANDARDS 5.9 BUILDING PLACEMENT AND SITE DESIGN Section 5.9.1 Access, Circulation and Parking is hereby amended to read as follows:

5.9.1 ACCESS, CIRCULATION AND PARKING

- (A) **Purpose.** This Section is intended to ensure that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians, mobility assistance devices, and transit, both within the development and to and from surrounding areas. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development. This Section sets forth parking requirements in terms of numbers and dimensions of parking stalls, landscaping and shared parking. It also addresses the placement of drive-through facilities and loading zones.

...

(C) **Development Standards.** All developments shall meet the following standards:

...

(5) **Walkways.**

- (a) Directness and Continuity. Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. At least one walkways shall be unobstructed by vertical curbs, stairs, raised landscape islands, utility appurtenances or other elements that restrict access and shall link street sidewalks with building entries through parking lots. Such walkways shall be raised or enhanced with a paved surface not less than six (6) feet in width. The private drive connecting to the public right-of-way shall have walkways on both sides. Drive aisles leading to main entrances shall have walkways on both sides of the drive aisle.

...

- (8) **Transportation Impact Study (TIS).** In identifying those facilities that may be required in order to comply with these standards, all development plans must submit a TIS approved by the Traffic Engineer, which study shall be prepared in accordance with the TIS guidelines maintained by the City. For applications related to drive-through facilities, a stacking analysis shall be included in the TIS.

...

- (H) **Drive-through Facilities.** Any drive-through facilities, if permitted by the zone district regulations set forth in Article 2, shall be secondary in emphasis and priority to any other access and circulation functions. Such facilities shall be located in side or rear locations that do not interrupt direct pedestrian access along connecting pedestrian frontage. The design and layout of drive-through facilities for restaurants, banks, or other uses shall:

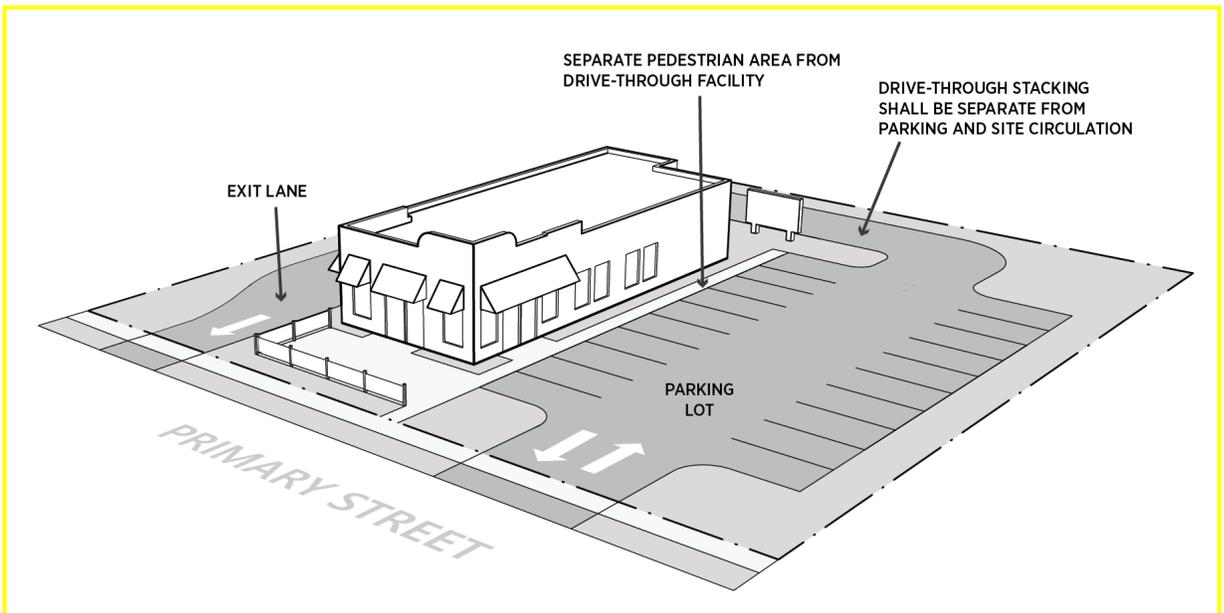
- (1) avoid potential individual/vehicle conflicts;
- (2) provide adequate a minimum of four (4) stacking spaces for automobiles before restaurant drive-through lane signs and a minimum of four (4) stacking spaces

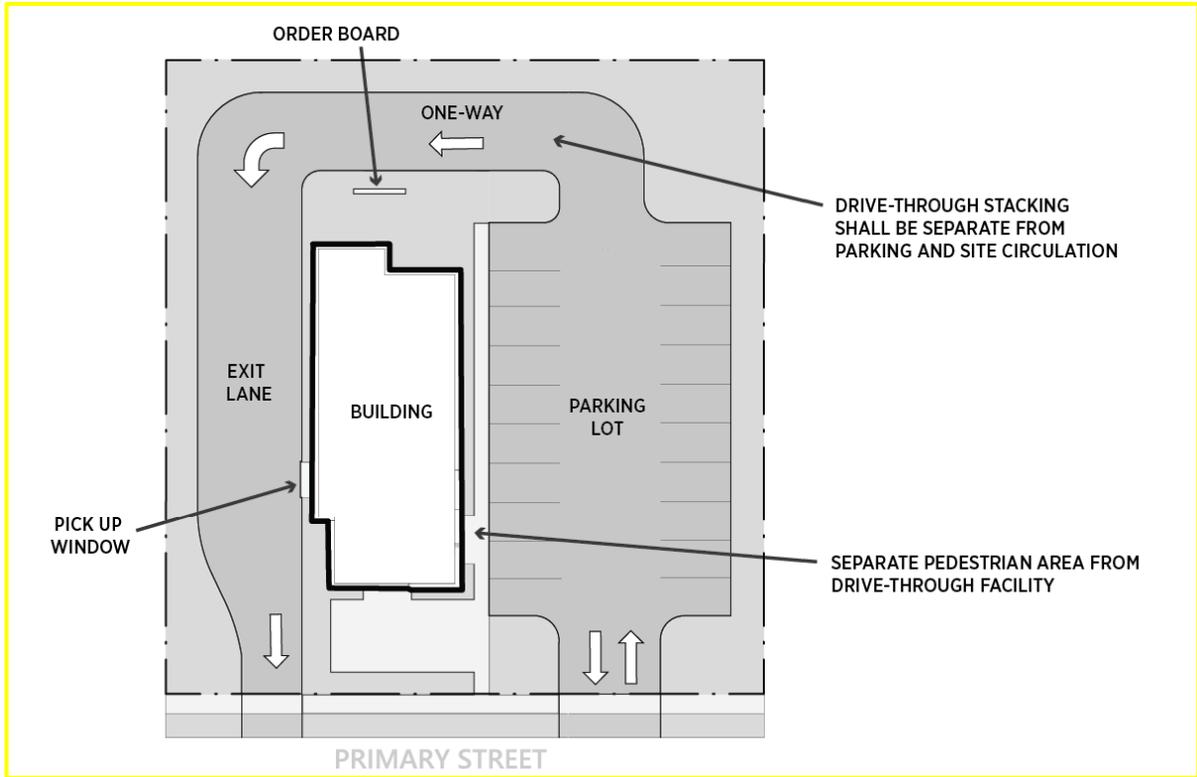
before pick up windows for drive-through restaurants, which minimums may be increased by the decision maker based upon the TIS after use of the facility;

(3) design stacking for minimum required spaces to not interfere with parking or site circulation;

(34) provide adequate directional signage to ensure a free-flow through the facility; and

(45) provide a walk-up service option as well as drive-through.





...

Section 38. ARTICLE 5 USE STANDARDS 5.12 EXTERIOR SITE LIGHTING  
 Section 5.12.1 EXTERIOR SITE LIGHTING is hereby amended to read as follows:

...

**(D) Existing Lighting.** Existing lighting shall mean lighting installed or approved prior to March 26, 2021.

~~(1) The addition of three (3) or more new fixtures in excess of the existing number of fixtures, updating or replacement of three (3) or more existing fixtures, or the updating or replacement of between ten (10) and fifty (50) percent of the existing fixtures requires an approved minor amendment pursuant to Section 6.3.10. Such minor amendment review is limited to meeting Section 5.12(A), Purpose, Section 5.12.1(C), Design Standards, and Section 5.12.1(I), Limits of Offsite Impacts.~~

~~(2)~~ **(1)** The addition of less than three (3) new fixtures in excess of the existing number of fixtures, updating or replacement of less than three (3) existing fixtures, or the update or the replacement of less than ten (10) percent of the existing fixtures requires Director review and approval. Pursuant to Section 6.3.10 changes to exterior light shall comply with the level of review required.

The All review levels outlined in 6.3.10 shall be limited to meeting Section 5.12.1(A), Purpose, Section 5.12.1(C), Design Standards, and Section 5.12.1(I), Limits to Offsite Impacts. For micro and minor amendments, the Director may impose conditions of approval to ensure lighting meets the purpose and intent of code requirements. The applicant may appeal the Director's decision in the same manner as a basic development review or minor subdivision decision as set forth in Land Use Code Section 6.3.12(C).

~~(3) Should the addition of fixtures in excess of the existing number of fixtures or update or replacement of existing fixtures occur incrementally, and the cumulative changes exceed three (3) new fixtures or replacement of between ten (10) and fifty (50) percent of the existing fixtures, whichever is greater, within a ten (10) year period, the addition or update that exceeds such threshold must be approved through a minor amendment pursuant to Section 6.3.10. Such minor amendment will review the cumulative changes or updates and be limited to meeting Section 5.12.1(A), Purpose, Section 5.12.1(C), Design Standards, and Section 5.12.1(I), Limits to Offsite Impacts.~~

~~(4) Applicants for minor amendments and changes of use pursuant to Land Use Code Section 6.3.10(A) that result in the replacement or upgrade of fifty (50) percent or more of the existing outdoor lighting fixtures at one time or incrementally within a ten (10) year period shall submit a lighting plan for the entire development site that meets the requirements of this Section and, if necessary to meet such requirements, complete a site lighting retrofit of the entire development site.~~

(52) Applicants for major amendments and changes of use pursuant to 6.3.10(AB)(4) shall submit a lighting plan for the entire development site that meets the requirements of this Section and, if necessary to meet such requirements, complete a site lighting retrofit for the entire development site.

...

Section 39. ARTICLE 5 USE STANDARDS 5.15 BUILDING STANDARDS Section 5.15.1 BUILDING AND PROJECT COMPATIBILITY is hereby amended to read as follows:

**5.15.1 BUILDING AND PROJECT COMPATIBILITY**

...

**(E) Building Materials.**

(1) **Reserved. General.** ~~Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.~~

(21) **Glare.** Building materials shall not create excessive glare. If highly reflective building materials are proposed, such as aluminum, unpainted metal and reflective glass, the potential for glare from such materials will be evaluated to determine whether the glare would create a significant adverse impact on the adjacent property owners, neighborhood or community in terms of vehicular safety, outdoor activities and enjoyment of views. If so, such materials shall not be permitted.

**(32) Windows.**

(a) Mirror glass with a reflectivity or opacity of greater than sixty (60) percent is prohibited.

(b) Clear glass shall be used for **street level** commercial storefront display windows and doors.

(c) Windows shall be individually defined with detail elements such as frames, sills and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

(F) **Reserved. Building Color.** ~~Color shades shall be used to facilitate blending into the neighborhood and unifying the development. The color shades of building materials shall draw from the range of color shades that already exist on the block or in the adjacent neighborhood.~~

**(G) Building Height Review.**

(1) **Special Height Review/Modifications.** ~~Purpose. The purpose of this Section is to establish a special process to review buildings or structures that exceed forty (40) feet in height. This section is not intended to supersede the requirements of Chapter 14 of City Code. Its intent is to encourage creativity and diversity of architecture and site design within a context of harmonious neighborhood planning and coherent environmental design, to protect~~

~~access to sunlight, to preserve desirable views and to define and reinforce downtown and designated activity centers. All buildings or structures in excess of forty (40) feet in height shall be subject to special review pursuant to this subsection (G).~~

~~(a) **Review Standards.** If any building or structure is proposed to be greater than forty (40) feet in height above grade, the building or structure must meet the following special review criteria:~~

~~(I) **Light and Shadow.** Buildings or structures greater than forty (40) feet in height shall be designed so as not to have a substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Adverse impacts include, but are not limited to, casting shadows on adjacent property sufficient to preclude the functional use of solar energy technology, creating glare such as reflecting sunlight or artificial lighting at night, contributing to the accumulation of snow and ice during the winter on adjacent property and shading of windows or gardens for more than three (3) months of the year. Techniques to reduce the shadow impacts of a building may include, but are not limited to, repositioning of a structure on the lot, increasing the setbacks, reducing building mass or redesigning a building shape.~~

~~(II) **Privacy.** Development plans with buildings or structures greater than forty (40) feet in height shall be designed to address privacy impacts on adjacent property by providing landscaping, fencing, open space, window size, window height and window placement, orientation of balconies, and orientation of buildings away from adjacent residential development, or other effective techniques.~~

~~(III) **Neighborhood Scale.** Buildings or structures greater than forty (40) feet in height shall be compatible with the scale of the neighborhoods in which they are situated in terms of relative height, height to mass, length to mass and building or structure scale to human scale.~~

~~(b) **Submittal Requirements.** All development plans proposing building or structure heights in excess of forty (40) feet shall, at a minimum, include the following information:~~

- ~~(i) a shadow analysis that indicates, on the project development site plan, the location of all shadows cast by the building or structure (with associated dates of the year); and~~
- ~~(ii) a summary of the key conclusions of the shadow analysis, and steps to be taken to comply with the review standards set forth above.~~

**(eG) Modification of Height Limits.** To provide flexibility in meeting the height limits contained in Article 4 of this Code, such height limits can be either increased or decreased by the decision maker in the development review process for the following purposes:

- ~~(I) preserving the character of existing residential neighborhoods;~~
- (II) allowing architectural embellishments consistent with architectural style, such as peaked roof sections, corner turrets, belvederes or cupolas;
- (III) defining and reinforcing the downtown areas the major focal point in the community;
- ~~(IV)~~ (III) allowing for maximum utilization of activity centers;
- ~~(V) protecting access to sunlight;~~
- ~~(VI)~~ (IV) providing conscious direction to the urban form of the City through careful placement of tall buildings or structures within activity centers;
- (VII) allowing rooftop building extensions to incorporate HVAC equipment.

...

Section 40. ARTICLE 5 USE STANDARDS 5.15 BUILDING STANDARDS Section 5.15.2 MIXED-USE, INSTITUTIONAL AND COMMERCIAL is hereby amended to read as follows:

**5.15.2 MIXED-USE, INSTITUTIONAL AND COMMERCIAL**

...

~~(B) **General Standard.** Mixed-use and nonresidential buildings shall provide significant architectural interest and shall not have a single, large, dominant building mass. The street level shall be designed to comport with a pedestrian scale in order to establish attractive street fronts and walkways. Walkways shall be designed principally for the purpose of accommodating pedestrians and pedestrian connections, while secondarily accommodating vehicular movement. Buildings shall be designed with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context.~~

...

**(C) Relationship of Buildings to Streets, Walkways and Parking.**

...

~~(2) **Orientation to Building Placement and Build-to Lines.**—for Street front Buildings. See Article 7 Rules of Measurement Build-to lines.~~

(a) At least thirty (30) percent of the total length of the building along the street shall be extended to the build-to line area.

(I) If a parcel, lot or tract has multiple streets, then the building shall be built to at least two (2) of the built to lines, i.e. to a street corner.

(II) If there is a choice of two (2) or more corners, then the building shall be built to the corner that is projected to have the most pedestrian activity associated with the building.

(b) Buildings shall be located no more than fifteen (15) feet from the right-of-way of an adjoining street if the street is smaller than a full arterial or has on-street parking.

(c) Buildings shall be located at least ten (10) and no more than twenty-five (25) feet behind the street right-of-way of an adjoining street that is larger than a two-lane arterial that does not have on-street parking.

(d) Exceptions to the build-to-line standards shall be permitted:

(I) In order to form an outdoor space such as a plaza, courtyard, patio or garden between a building and the sidewalk. Such a larger front yard area shall have landscaping, low walls, fencing or railings, a tree

canopy and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort and visual continuity.

(II) If the building abuts a four-lane or six-lane arterial street, and the Director has determined that an alternative to the street sidewalk better serves the purpose of connecting commercial destinations due to one or more of the following constraints:

a. High volume and/or speed of traffic on the abutting street(s).

b. Landform.

(III) An established pattern of existing buildings that makes a pedestrian-oriented streetfront infeasible. Such an alternative to the street sidewalk must include a connecting walkway(s) and may include internal walkways or other directly connecting outdoor spaces such as plazas, courtyards, squares, or gardens.

(IV) If a larger or otherwise noncompliant front yard area is required by the City to continue an established drainage channel or access drive, or other easement.

(V) In order to conform to an established pattern of building and street relationships, a contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot. If the subject lot is a corner lot, the contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on the lot that is abutting and oriented to the same street as the subject lot. A contextual build-to line shall not be construed as allowing a vehicular use area between the building and the street.

(D) **Variation in Massing.** ~~A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.~~

~~(1) Horizontal masses shall not exceed a height:width ratio of 1:3 without substantial variation in massing that includes a change in height and a projecting or recessed elements.~~

(21) Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for aesthetic effect. False fronts or parapets create an insubstantial appearance and are prohibited.

(E) **Character and Image Building Standards.** In new buildings and, to the extent reasonably feasible, in development projects involving changes to existing building walls, facades or awnings, the following standards shall apply:

~~(1) **Site Specific Design.** Building design shall contribute to the uniqueness of a zone district, and/or the Fort Collins community with predominant materials, elements, features, color range and activity areas tailored specifically to the site and its context. In the case of a multiple building development, each individual building shall include predominant characteristics shared by all buildings in the development so that the development forms a cohesive place within the zone district or community. A standardized prototype design shall be modified as necessary to comply with the requirements of this subsection.~~

(21) **Facade Treatment.** Minimum Wall Articulation. Building bays shall be a maximum of thirty (30) feet in width. ~~Bays shall be visually established by architectural features such as columns, ribs or pilasters, piers and fenestration pattern.~~ In order to add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size, the following additional standards shall apply:

...

(32) **Facades.** Facades that face streets or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, treillage with vines, along no less than fifty (50) percent of the facade.

(43) **Entrances.** Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

**(4) Parking Structure Design.** To the extent reasonably feasible, all parking structures shall meet the following design criteria:

(a) Where parking structures face streets, retail or other uses shall be required along at least fifty (50) percent of the ground level frontage to minimize interruptions in pedestrian interest and activity. The

decision maker may grant an exception to this standard for all or part of the ground level frontage on streets with low pedestrian interest or activity.

(b) Auto entrances shall be located and designed to minimize pedestrian/auto conflicts. Where service entries or parking structure entries are needed, the following standards shall be met:

(I) The crown of the underground parking access ramp shall be at least four (4) feet behind the back edge of the sidewalk;

(II) The beginning of the ramp for an above-ground parking garage shall be at least four (4) feet behind the back edge of the sidewalk;

(III) The sidewalk pavement shall be continuous across the drive aisle. Any break in the paving surface or scoring shall be in the drive surface and not in the pedestrian surface; and

(IV) Appropriate cautionary signage shall be used to alert pedestrians to the presence of entering and exiting vehicles and to inform drivers that pedestrians have priority.

~~(5) **Awnings.** Awnings shall be no longer than a single storefront.~~

~~(6) **Base and Top Treatments.** All facades shall have:~~

~~(a) a recognizable "base" consisting of (but not limited to):~~

~~(I) thicker walls, ledges or sills;~~

~~(II) integrally textured materials such as stone or other masonry;~~

~~(III) integrally colored and patterned materials such as smooth-finished stone or tile;~~

~~(IV) lighter or darker colored materials, mullions or panels; and/or~~

~~(V) planters.~~

~~(b) a recognizable "top" consisting of (but not limited to):~~

- ~~(I) cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials;~~
- ~~(II) sloping roof with overhangs and brackets; and/or~~
- ~~(III) stepped parapets.~~

**(75) Encroachments.** Special architectural features, such as bay windows, decorative roofs and entry features may project up to three (3) feet into street rights-of-way, provided that they are not less than nine (9) feet above the sidewalk. Trellises, canopies and fabric awnings may project up to five (5) feet into front setbacks and public rights-of-way, provided that they are not less than eight (8) feet above the sidewalk. No such improvements shall encroach into alley rights-of-way.

~~(8) Drive-through lane width limitation. No drive-through facility associated with a retail establishment or large retail establishment shall exceed ten (10) feet in width.~~

**(96) Illumination prohibition.** Exterior-mounted exposed neon/fiber optic/rope L.E.D. lighting, illuminated translucent materials (except signs), illuminated striping or banding, and illuminated product displays on appurtenant structures (e.g., fuel dispensers) shall be prohibited.

...

Section 41. ARTICLE 5 USE STANDARDS 5.15 BUILDING STANDARDS  
 Section 5.15.3 LARGE RETAIL ESTABLISHMENTS is hereby amended to read as follows:

**5.15.3 LARGE RETAIL ESTABLISHMENTS**

...

(B) **Reserved. General Standard.** ~~Large retail buildings shall provide a high level of architectural interest by utilizing high quality materials and design and shall be compatible with the character of the surrounding area. Large retail buildings shall have pedestrian and bicycle access and connectivity and shall mitigate negative impacts. Buildings shall be designed with predominant materials,~~

~~elements, features, color range and activity areas tailored specifically to the site and its context.~~

...

**(D) Development Standards.**

**(1) Aesthetic Character Building Design**

**(a) Building Placement and Build-to Lines.**

(I) At least thirty (30) percent of the total length of the building along the street shall be extended to the build-to line area.

a. If a parcel, lot or tract has multiple streets, then the building shall be built to at least two (2) of the build-to lines, i.e. to a street corner.

b. If there is a choice of two (2) or more corners, then the building shall be built to the corner that is projected to have the most pedestrian activity associated with the building.

(II) Buildings shall be located no more than fifteen (15) feet from the right-of-way of an adjoining street if the street is smaller than a full arterial or has on-street parking.

(III) Buildings shall be located at least ten (10) and no more than twenty-five (25) feet behind the street right-of-way of an adjoining street that is larger than a two-lane arterial that does not have on-street parking.

(IV) Exceptions to the build-to line standards shall be permitted:

1. In order to form an outdoor space such as a plaza, courtyard, patio or garden between a building and the sidewalk. Such a larger front yard area shall have landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort and visual continuity.

2. If the building abuts a four-lane or six-lane arterial street, and the Director has determined that an alternative to the street sidewalk better serves the purpose of connecting commercial destinations due to one or more of the following constraints:

a. High volume and/or speed of traffic on the abutting street(s).

b. Landform.

An established pattern of existing buildings that makes a pedestrian-oriented streetfront infeasible. Such an alternative to the street sidewalk must include a connecting walkway(s) and may include internal walkways or other directly connecting outdoor spaces such as plazas, courtyards, squares, or gardens.

(3) In the case of large retail establishments, supermarkets or other anchor-tenant buildings that face internal connecting walkways with pedestrian frontage in a development that includes additional outlying buildings abutting the street(s).

(4) If a larger or otherwise noncompliant front yard area is required by the City to continue an established drainage channel or access drive, or other easement.

(5) In order to conform to an established pattern of building and street relationships, a contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot. If the subject lot is a corner lot, the contextual build-to line may fall at any point between the required build-to line and the build-to line that exists on the lot that is abutting and oriented to the same street as the subject lot. A contextual build-to line shall not be construed as allowing a vehicular use area between the building and the street.

(ab) Facades and Exterior Walls:

...

(bc) Small Retail Stores. Where large retail establishments contain additional, separately owned stores that occupy less than twenty-five thousand (25,000) square feet of gross floor area, with separate, exterior customer entrances, the street level facade of such stores shall be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty (60) percent of the horizontal length of the building facade of such additional stores.

...

(cd) Detail Features. Building facades must include:

...

(de) Roofs. Roofs shall have no less than two (2) of the following features:

...

(ef) Materials and colors.

~~(I) Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, sandstone, other native stone and tinted/textured concrete masonry units.~~

(H) Facade colors shall be low reflectance, ~~subtle, neutral or earth tone colors~~. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

(HII) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.

~~(IV) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.~~

...

(5) **Central Features and Community Space.** Each **large** retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a focal feature or amenity

that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape. (See Figure 15.)

...

Section 42. ARTICLE 5 USE STANDARDS 5.15 BUILDING STANDARDS Section 5.15.4 CONVENIENCE SHOPPING CENTER is hereby amended to read as follows:

#### 5.15.4 CONVENIENCE SHOPPING CENTER

...

(B) **Reserved.** ~~General Standard.~~ Neighborhood convenience shopping centers shall be compatible with the character of the surrounding neighborhood utilizing high quality materials and finishes and shall be internally compatible and harmonious with respect to quality design, aesthetics and materials, tailored specifically to the site and its context.

#### (C) Land Use.

(1) **Size of Development.** A convenience shopping center shall be situated on seven (7) or fewer acres with four (4) or more business establishments located in an area that is planned and developed as a whole.

(2) **Permitted Uses.** Permitted uses include retail stores, personal and business services, convenience retail stores (with accessory gas pumps), restaurants without drive-up **through** windows, equipment rental (not including outdoor storage), professional offices, limited banking services such as automated teller machines, multi-unit dwellings, medical offices and clinics, small animal veterinary clinics, and day care services.

(3) **Phasing of Improvements.** If a center is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely

upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements.

**(D) Buildings.**

(1) **Architectural Style.** Standardized architecture, recognized as a prototype of a larger chain of establishments, shall be customized to enhance the as necessary to express a level of quality that enhances the distinctive character of the immediate neighborhood and the City as a whole, as described below. Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures shall be compatible with the architectural character of the adjacent area through compliance with all of the following standards:

...

Section 43. ARTICLE 5 USE STANDARDS 5.16 SIGNS Section 5.16.2 PERMANENT SIGNS is hereby amended to read as follows:

...

|                                                      |
|------------------------------------------------------|
| <b>TABLE (G)(1)<br/>Freestanding Permanent Signs</b> |
| ...                                                  |
| <b>Restaurant Drive-Through Lane Signs</b>           |
| ...                                                  |

Section 44. ARTICLE 5 USE STANDARDS 5.17 WATER ADEQUACY DETERMINATIONS Section 5.17.5 PROCEDURES AND STANDARDS FOR WATER ADEQUACY DETERMINATIONS: OTHER POTABLE WATER SUPPLY ENTITIES is hereby amended to read as follows:

**5.17.5 PROCEDURES AND STANDARDS FOR WATER ADEQUACY DETERMINATIONS: OTHER POTABLE WATER SUPPLY ENTITIES**

(A) **Application Requirements for Other Potable Water Supply Entities.** Applications for a water adequacy determination for all or portions of a development to be served with potable water by other potable water supply entities shall be a form as required by the Director. Such applications shall include all of the following:

....

(8) An other potable water supply entity with an approved ODP or PUD Overlay as outlined in ~~Division 2.36.5~~ and ~~Section 2.6.3~~ ~~Division 2.15~~ that includes the entire proposed service area, may at either the other potable water supply entity's, or Director's discretion, submit an application that describes their entire proposed service area once with the initial phase of development and then update the initial determination with a letter from a professional engineer for each subsequent phase with the information required in Subsection ~~5.17.4~~ ~~3.13.4(A)(2)~~; or as required based on any material changes to:

- (a) Any of the requirements set forth in this Section;
- (b) The reported water supply as set forth in ~~Section 3.13.3(C)~~ or ~~Subsection 5.17.3~~ ~~Section 3.13.3(C)~~; or
- (c) The proposed development, as determined by the Director.

....

**(B) *Review of Application.***

....

**(2) *Review.***

- (a) The Director shall review the materials provided by the applicant following the completion of the agreement identified in Subsection ~~3.13.5~~ ~~3.13.5(B)(1)~~ ~~5.17.5~~. The time needed for the Director's review shall be based on the complexity of the application, the proposed water supply, and proposed water supply system.
- (b) Following the submission of the application, the Director shall be entitled to require any such additional or supplemental information from the applicant as may be required to review and ensure compliance with all review criteria.
- (c) The review will be completed concurrently with the required Final Plan, Basic Development Review, Development Construction Permit, or any plan amendments as specified in ~~Section 3~~ ~~5.17.3~~ ~~Section 3~~.

....

Section 45. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.2 GENERAL PROCEDURAL REQUIREMENTS Section 6.2.2 OVERVIEW OF DEVELOPMENT REVIEW PROCEDURES is hereby amended to read as follows:

## 6.2.2 OVERVIEW OF DEVELOPMENT REVIEW PROCEDURES

...

(B) **What uses are proposed?** Next, an applicant must identify which uses will be included in the proposed project. If *all* of the applicant's proposed uses are listed as permitted uses in the applicable zone district for the project, then the applicant is ready to proceed with a development application for a permitted use. If *any* of the applicant's proposed uses are *not* listed as permitted uses in the applicable zone district for the project, then the applicant must either:

- eliminate the nonpermitted uses from their proposal;
- seek the addition of a new permitted use pursuant to Division 6.9;
- seek a text amendment to this Land Use Code pursuant to Division 6.25;

...

Section 46. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.3 COMMON DEVELOPMENT REVIEW PROCEDURES FOR DEVELOPMENT APPLICATIONS REQUIREMENTS Section 6.3.10 Step 10 Amendments and Change of Use is hereby amended to read as follows:

### 6.3.10 STEP 10: AMENDMENTS AND CHANGES OF USE NOT REQUIRING AMENDMENT

#### ~~(A) Minor Amendments and Changes of Use.~~

~~(1) Minor amendments to any approved development plan, including any Overall Development Plan, Project Development Plan, or PUD Comprehensive Plan, any site specific development plan, or the existing condition of a platted property; and (2) Changes of use, either of which meet the applicable criteria of below subsections 6.3.10(A)(2) or 6.3.10(A)(3), may be approved, approved with conditions, or denied administratively by the Director and may be authorized without additional public hearings. Except for PUD Comprehensive Plans, such minor amendments and changes of use may be authorized by the Director as long as the development plan, as so amended, continues to comply with the standards of this Code to the extent reasonably feasible. PUD Comprehensive Plan Minor amendments may be authorized by the Director as long as the PUD Comprehensive Plan, as so amended, continues to comply with the standards of this Code, as such standards may have~~

~~been modified in the existing PUD Comprehensive Plan, and so long as the amendments are consistent with the existing PUD Comprehensive Plan. Minor amendments and changes of use shall only consist of any or all of the following:~~

~~(2) Any change to any approved development plan or any site specific development plan which was originally subject only to administrative review and was approved by the Director, or any change of use of any property that was developed pursuant to a basic development review or a use by right review under prior law; provided that such change would not have disqualified the original plan from administrative review had it been requested at that time; and provided that the change or change of use complies with all of the following criteria applicable to the particular request for change or change of use:-~~

- ~~(a) results in an increase by five (5) percent or less in the approved number of dwelling units, except that in the case of a change of use of any property that was developed pursuant use by right review under prior law, the number of dwelling units proposed to be added may be four (4) units or less;-~~
- ~~(b) results in an increase or decrease in the amount of square footage of a nonresidential land use or structure that does not change the character of the project;-~~
- ~~(c) results in a change in the housing mix or use mix ratio that complies with the requirements of the zone district and does not change the character of the project;-~~
- ~~(d) does not result in a change in the character of the development;-~~
- ~~(e) does not result in new buildings, building additions or site improvements, such as parking lots and landscaping, that are proposed to be located outside the boundaries of the approved Project Development Plan or approved site specific development plan;-~~
- ~~(f) results in a decrease in the number of approved dwelling units and does not change the character of the project, and that the plan as amended continues to comply with the requirements of this Code; and-~~
- ~~(g) in the case of a change of use, the change of use results in the site being brought into compliance, to the extent reasonably feasible as such extent may be modified pursuant to below subsection 6.3.10(A)3., with the applicable development standards contained in Articles 3 and 5 and the applicable zone~~

~~district standards contained in Articles 2 and 4 of this Code.~~

~~(3) Any change to any approved development plan or any site specific development plan which was originally subject to review by the Planning and Zoning Commission (either as a Type 2 project or as a project reviewed by the Planning and Zoning Commission under prior law) or City Council review of a PUD Overlay, or any change of use of any property that was approved by the Planning and Zoning Commission; provided that the change or change of use complies with all of the following criteria applicable to the particular request for change or change of use:—~~

- ~~(a) results in an increase or decrease by five (5) percent or less in the approved number of dwelling units;—~~
- ~~(b) results in an increase or decrease in the amount of square footage of a nonresidential land use or structure that does not change the character of the project;—~~
- ~~(c) results in a change in the housing mix or use mix ratio that complies with the requirements of the zone district and does not change the character of the project;—~~
- ~~(d) does not result in a change in the character of the development; and—~~
- ~~(e) does not result in new buildings, building additions or site improvements, such as parking lots and landscaping, that are proposed to be located outside the boundaries of the approved Project Development Plan or approved site specific development plan.—~~

~~(4) **Waiver of Development Standards for Changes of Use.**~~

- ~~(a) **Applicability.** The procedure and standards contained in this Section shall apply only to changes of use reviewed pursuant to Section 6.3.10(A) of this Code.~~
- ~~(b) **Purpose.** In order for a change of use to be granted pursuant to Section 6.3.10(A), the change of use must result in the site being brought into compliance with all applicable development and zone district standards to the extent reasonably feasible. The purpose of this Section is to allow certain changes of use that do not comply with all applicable development standards to the extent reasonably feasible to be granted pursuant to Section 6.3.10(A) in order to:—~~

~~(I) Foster the economic feasibility for the use, maintenance and improvement of certain legally constructed buildings and sites which do not comply with certain Land Use Code development standards provided that:—~~

~~(II) existing blight conditions have been ameliorated; and~~

~~(III) public and private improvements are made that address essential health and life safety issues that are present on site.—~~

~~(IV) Encourage the eventual upgrading of nonconforming buildings, uses and sites.—~~

~~(c) **Review by Director.** As part of the review conducted pursuant to Section 6.3.10(A) for a proposed change of use, the Director may waive, or waive with conditions, any of the development standards set forth in subsection (d) below. In order for the Director to waive, or waive with conditions, any such development standard, the Director must find that such waiver or waiver with conditions would not be detrimental to the public good and that each of the following is satisfied:—~~

~~(I) The site for which the waiver or waiver with conditions is granted satisfies the policies of the applicable Council adopted subarea, corridor or neighborhood plan within which the site is located;—~~

~~(II) The proposed use will function without significant adverse impact upon adjacent properties and the district within which it is located in consideration of the waiver or waiver with conditions;~~

~~(III) Existing blight conditions on the site are addressed through site clean-up, maintenance, screening, landscaping or some combination thereof; and—~~

~~(IV) The site design addresses essential health and public safety concerns found on the site.—~~

~~(d) **Eligible Development Standards.** The Director may grant a waiver or waiver with conditions for the following development standards:—~~

~~(I) Division 5.9 related to Parking Lot Perimeter and Interior Landscaping, and Landscape Coverage;~~

~~(II) Division 5.12 Site Lighting,~~

~~(III) Division 5.11 Trash and Recycling Enclosure design.~~

~~(IV) Division 5.4.3 Engineering Design standards related to water quality standard, including Low Impact Development.~~

~~(5) **Referral.** In either subsection (1) or (2) above, the Director may refer the amendment or change of use to the decision maker who approved the development plan proposed to be amended. The referral of minor amendments to development plans or changes of use allowed or approved under the laws of the City for the development of land prior to the adoption of this Code shall be processed as required for the land use or uses proposed for the amendment or change of use as set forth in Article 4 (i.e., Type 1 review or Type 2 review) for the zone district in which the land is located. The referral of minor amendments or changes of use to project development plans or final plans approved under this Code shall be reviewed and processed in the same manner as required for the original development plan for which the amendment or change of use is sought, and, if so referred, the decision maker's decision shall constitute a final decision, subject only to appeal as provided for development plans under Divisions 6.2.3 (B);(C);(D);(E); and (G) as applicable, for the minor amendment or change of use. City Council approval of a minor amendment to a PUD Comprehensive Plan shall be by resolution.~~

~~(6) **Notification.** Written notice must be mailed to the owners of record of all real property abutting the property that is the subject of the minor amendment application at least fourteen (14) calendar days prior to the Director's decision.~~

~~(7) **Appeals.** Applicable pursuant to Section 6.3.12(C).~~

~~**(B) Major Amendments and Changes of Use Not Meeting the Criteria of 6.3.10(A).**~~

~~(1) **Procedure/Criteria.** Amendments to any approved development plan, including any Overall Development Plan, Project Development Plan, or PUD Comprehensive Plan, or any site specific development plan, and changes of use that are not determined by the Director to be minor amendments or qualifying changes of use under the criteria set forth in subsection (A) above, shall be deemed major amendments.~~

~~(2) Major amendments to approved development plans or site specific development plans approved under the laws of the City for the development of land prior to the adoption of this Code shall be processed as required for the land use or uses proposed for the amendment as set forth in Article 4 (i.e., BDR, Type 1 review, or Type 2 review) for the zone district in which the land is located, and, to the maximum extent feasible, shall comply with all applicable Land Use Code standards. Major amendments to development plans or site specific development plans approved under this Code shall be reviewed and processed in the same manner as required for the original development plan for which amendment is sought. Any major amendments to an approved project development plan or site specific development plan shall be recorded as amendments in accordance with the procedures established for the filing and recording of such initially approved plan. City Council approval of a major amendment to a PUD Comprehensive Plan shall be by resolution.~~

~~(3) Any partial or total abandonment of a development plan or site specific development plan approved under this Code, or of any plan approved under the laws of the City for the development of land prior to the adoption of this Code, shall be deemed to be a major amendment, and shall be processed as a Type 2 review; provided, however, that if a new land use is proposed for the property subject to the abandonment, then the abandonment and new use shall be processed as required for the land use or uses proposed as set forth in Article 4 (i.e., BDR, Type 1 review or Type 2 review) for the zone district in which the land is located.~~

~~(4) Appeals. Appeals of decisions for approval, approval with conditions or denial of major amendments, or abandonment, of any approved development plan or site specific development plan shall be filed and processed in accordance with Section 6.3.12 (Step 12).~~

~~(C) **Additional Criteria.** In addition to the criteria established in (A) and (B) above, the criteria established in subsection 6.2.4(C) shall guide the decision maker in determining whether to approve, approve with conditions, or deny the application for partial or total abandonment.~~

~~(D) **Parkway Landscaping Amendments.** Amendments to parkway landscaping in any approved development plan may be approved, approved with conditions or denied administratively by the Director. No public hearing need be held on an application for a parkway landscaping amendment. Such amendments may be authorized by the Director as long as the development plan, as so amended, continues to comply with the Fort Collins Streetscape Standards, Appendix C, Section 6.1 in the Larimer County Urban Area Street Standards. Appeals of the decision of the Director regarding the approval, approval with conditions or denial of parkway landscaping amendments of~~

~~any approved development plan shall be made in accordance with paragraph (A)(4) of this Section.~~

**(A) Applicability.** This Section applies to proposed amendments and changes not requiring an amendment to (1) approved development plan or site specific development plans, whether approved under this Code or prior law; and (2) any developed lot with a legally established use that is currently allowed in the respective zone district where it is located and for which an approved plan does not exist. This Section does not apply to (1) nonconforming uses addressed in Division 6.16 or existing limited permitted uses addressed in Division 6.17 except for a change of use to an allowed use, or (2) lots without a legally established use. In instances where no approved plan exists but an amendment is required, the City may require submittal of a site plan or other documentation sufficient to memorialize existing and proposed development.

Subsequent to the approval of a development plan or site specific development plan approved under this Code or a prior plan, or in instances where no approved plan exists but a legally established use that continues to be allowed, amendments or changes to such plans may be made per the requirements of this Section. Outlined below are levels of change that are characterized by different review procedures, degree of change, and required site improvements to bring the site into further or total compliance with current standards. Percentages listed in below Subsection (D) through (G) are maximum percentages in the aggregate. These levels include:

(1) No Amendment. If no amendment is required as described in below Subsection (D), changes are reviewed through an applicable building permit, and if no building permit is required, changes compliant with this Code may proceed without further review.

(2) Micro Amendment and Parkway Landscape Amendment. If a micro amendment or parkway landscape amendment is required per below Subsection (E), changes are reviewed through an amendment application prior to applicable permits and additional site improvements to enhance multi-modal transportation as identified in below Subsection (H). The decision maker is the Director.

(3) Minor Amendment. If a minor amendment is required per below Subsection (F), changes are reviewed through a minor amendment application prior to other applicable permits and require site improvements limited to those as identified in below Subsection (H). The decision maker is the Director unless referred to the Planning and Zoning Commission or the City Council pursuant to below Subsection (I).

The Director may decide minor amendments to an approved PUD Comprehensive Plan as long as the PUD Comprehensive Plan as amended continues to comply

with the standards of this Code, as such standards may have been modified in the existing PUD Comprehensive Plan, and so long as the amendment is consistent with the existing PUD Comprehensive Plan. Otherwise, the minor amendment must be referred to the original decision maker for decision.

(4) Major Amendment. If a major amendment is required per below Subsection (G), changes are reviewed through a major amendment application prior to other applicable permits and require site improvements to bring the site into full compliance with the standards of this Code as identified in below Subsection (H).

**(B) Decision Maker Review and Decision; Determination of Appropriate Review for Changes Not Listed in Subsections (D) Through (G).**

(1) Review and Decision. The decision maker may approve an amendment if the amendment complies with the criteria described in the applicable table, and the site as amended will not reduce the existing level of compliance with this Code. The decision maker may also approve an amendment if conditions can be imposed that, when satisfied, allow the amendment to comply with the criteria described in the applicable table and allow the site, as amended, to comply with this Code. If the amendment does not meet the criteria described in the applicable table or the site, as amended, will not comply with this Code, or both, and reasonable conditions of approval to ensure compliance are not available, the decision maker shall deny the proposed amendment.

(2) Changes Not Listed in Subsections (D) Through (G). The Director shall determine the appropriate review per this Section for changes not listed in Subsection (D) through (G) based on the similarity of the proposed unlisted change to other listed changes and the impacts of the change in the context of the neighborhood where the property to which the change would apply is located. The Director's decision is not subject to appeal.

**(C) Additional Requirements.** In addition to satisfying applicable Code requirements and unless specifically noted in 6.3.10(H), amendments and changes not requiring an amendment per (D)-(G) must satisfy all other applicable code and permit requirements including, but not limited to, building, fire, engineering, utility, and historic preservation. All demolition is subject to applicable historic review, construction waste and recycling requirements, demolition noticing, permitting, and proper disconnection of utilities.

**(D) No Amendment.** No amendment is required per this Subsection for the following changes:

| <b>NO AMENDMENT</b>                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Exterior Changes</b>                                                                                                                           |
| Any change to existing facade.                                                                                                                    |
| Any increase or decrease to windows or doors.                                                                                                     |
| Replacement of mechanical equipment similar in size and location.                                                                                 |
| Upgrade existing light fixtures to compliant fixtures.                                                                                            |
| Required changes to meet Building Code accessibility requirements.                                                                                |
| Reduction of 50% or less of building footprint and replacing with landscaping.                                                                    |
| Up to 100% demolition of existing building with no changes to landscaping.                                                                        |
| Up to 25% change of landscaping materials, square footage, or changes to compliant species, none of which are located in the public right of way. |
| Adding EV chargers, EV capable, or EV ready equipment in existing parking spaces meeting utility separation requirements.                         |
| <b>Interior Changes</b>                                                                                                                           |
| Any change to floor plan.                                                                                                                         |
| Change to a use in full or portion of the structure(s) on the site within the same Use Table permitted in the zone district.                      |
| Reestablish the last approved use if it has been abandoned for less than two years and is still permitted in the zone district.                   |

(E) Micro Amendment or Parkway Landscape Amendment is required for the following changes:

| <b>Micro and Parkway Landscape Amendment</b> |
|----------------------------------------------|
| <b>Exterior Changes:</b>                     |

|                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Reduction greater than 50% of building footprint with landscaping changes.                                                                                                      |
| Decrease in vehicle parking spaces and/or paved area.                                                                                                                           |
| Greater than 25% change of landscaping materials, square footage, or changes to compliant species, none of which are located in the public right of way.                        |
| Any change of landscaping materials, square footage, or changes to compliant species in the public right of way only that does not meet the threshold for “no amendment” above. |
| Increase or decrease in height of building or structure 10 feet or less.                                                                                                        |
| 25% or less increase of vehicle parking spaces.                                                                                                                                 |
| Additional mechanical equipment.                                                                                                                                                |
| Any increase in exterior lighting.                                                                                                                                              |
| Interior Changes:                                                                                                                                                               |
| Increase of 5% or less in residential dwelling units.                                                                                                                           |
| Revisions to utility plans with no changes to site or landscape plans.                                                                                                          |

**(F) Minor Amendment is required for the following changes:**

| Minor Amendment                                                            |
|----------------------------------------------------------------------------|
| Exterior Changes:                                                          |
| Addition of up to 50% increase of the total building footprint(s) on site. |
| Increase in height by greater than 10 feet and less than 30 feet.          |
| Tree removal of 6” caliper or greater.                                     |
| Increase lot size up to 50%.                                               |

|                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Increase greater than 25% and less than 50% of the number of vehicle parking spaces.                                                               |
| <b>Interior Changes:</b>                                                                                                                           |
| Change from 0 to 4 existing dwelling units up to maximum of 5 total dwelling units on the site.                                                    |
| Increase greater than 5% and less than 15% of dwelling units.                                                                                      |
| Change of use to a different Use Table permitted in the applicable Zone District. (e.g., Residential Use Table to the Commercial/Retail Use Table) |
| Reestablish the last approved use if it has been vacated for more than two and less than five years and is still permitted in the zone district.   |

**(G) Major Amendment is required for the following changes:**

| Major Amendment                                                       |
|-----------------------------------------------------------------------|
| <b>Exterior Changes:</b>                                              |
| Addition greater than 50% of the total building footprint(s) on site. |
| Increase greater than 50% of the current lot size.                    |
| Increase in height by 30 feet or greater.                             |
| Increase of greater than 50% of vehicle parking spaces.               |
| <b>Interior Changes:</b>                                              |
| Addition of Permitted Use                                             |

(1) Major Amendments shall be processed as required for the land use or uses proposed for the amendment as set forth in Article 4 (i.e., BDR, Type 1 review, or Type 2 review) for the zone district in which the land is located for both plans approved under this Code or prior law. Any major amendments to an approved project development plan or site specific development plan shall be recorded as an amendment in

accordance with the procedures established for the filing and recording of such initially approved plan. City Council approval of a major amendment to a PUD Comprehensive Plan shall be by ordinance.

(2) Any partial or total abandonment of a development plan or site specific development plan approved under this Code, or of any plan approved under the laws of the City for the development prior to the adoption of this Code, is a major amendment, and shall be processed as a Type 2 review. However, if a new land use is proposed for the property subject to the abandonment, then the abandonment and new use shall be processed as required for the land use or uses proposed as set forth in Article 4 (i.e., BDR, Type 1 review or Type 2 review) for the zone district in which the land is located. The criteria established in Subsection 6.2.4(C) shall additionally apply.

(3) If a new land use is proposed for land, it shall be processed as required for the land use or uses proposed as set forth in Article 4 (i.e., BDR, Type 1 review or Type 2 review) for the zone district in which the land is located.

**(H) Site Improvements.** Site improvements include physical changes to land or buildings, dedication of land or easements, and updates to legal descriptions, all as required per applicable provisions of the Land Use Code.

All amendments and changes not requiring an amendment are required to remain at the current level of compliance with the Code or increase the level of compliance with the Code. In connection with above Subsections (D) through (F), the following site improvements are required:

| Site Improvements                                                                                                                               |              |                           |                 |                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------|-----------------|-----------------|
|                                                                                                                                                 | No Amendment | Micro & Parkway Amendment | Minor Amendment | Major Amendment |
| Plat or replat when no plat exists, current legal description is metes and bounds, or expanding beyond the original boundary of the development |              |                           | Applicable      | Applicable      |
| Right of way or easement dedication                                                                                                             |              |                           | Applicable      | Applicable      |

|                                                                       |  |            |            |            |
|-----------------------------------------------------------------------|--|------------|------------|------------|
| Stormwater infrastructure and treatment                               |  |            | Applicable | Applicable |
| Landscaping                                                           |  |            | Applicable | Applicable |
| Street trees                                                          |  | Applicable | Applicable | Applicable |
| Lighting                                                              |  |            | Applicable | Applicable |
| Trash enclosure                                                       |  |            | Applicable | Applicable |
| Bicycle spaces                                                        |  | Applicable | Applicable | Applicable |
| Vehicle parking spaces                                                |  |            | Applicable | Applicable |
| Connecting walkway                                                    |  | Applicable | Applicable | Applicable |
| All other site improvements unless the Director determines otherwise* |  |            |            | Applicable |

\*For site improvements not included in this list, the Director may determine if such additional unlisted site improvements have a reasonable nexus to the proposed change to require such additional improvements. Notwithstanding the foregoing per the Building Code and Fire Code, certain changes may require a building permit, right of way permit, and historic preservation.

(I) **Referral.** For minor amendments, the Director may refer the minor amendment to the Planning and Zoning Commission for a decision, or to City Council in the case of a minor amendment of a City Council approved PUD Comprehensive Plan. If so referred, the decision maker's decision shall constitute a final decision, subject only to appeal as provided for development plans under Divisions 6.2.3 (B), (C), (D), (E), and (G) as applicable, for the minor amendment. City Council approval of a minor amendment to a PUD Comprehensive Plan shall be by ordinance.

(J) **Appeals.** Appeals of decisions of approval, approval with conditions, or denial shall only apply to minor amendments and major amendments and shall be filed and processed in accordance with Section 6.3.12 (Step 12). Micro amendments and parkway landscape amendments are not subject to appeal.

(K) **Notification.** Written notice must be mailed to the owners of record of all real property abutting the property that is the subject of the minor amendment application at least

fourteen (14) calendar days prior to the Director's decision. Major amendments shall follow notification requirements in Section 6.3.6 (Step 6).

...

Section 47. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.8 MODIFICATION OF STANDARDS Section 6.8.2 MODIFICATION REVIEW PROCEDURES is hereby amended to read as follows:

**6.8.2 MODIFICATION REVIEW PROCEDURES**

...

**(H) Step 8**

...

(4) the plan as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be modified except in a nominal, inconsequential way when considered from the perspective of the entire development plan, and will continue to advance the applicable purposes of the Land Use Code as contained in Section 1.2.2 to the extent the purposes are reasonably applicable to the standard for which the modification is requested.

Any finding made under subparagraph (1), (2), (3) or (4) above shall be supported by specific findings showing how the plan, as submitted, meets the requirements and criteria of said subparagraph (1), (2), (3) or (4).

...

Section 48. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.14 VARIANCES Section 6.14.4 VARIANCE REVIEW PROCEDURES is hereby amended to read as follows:

**6.14.4 VARIANCE REVIEW PROCEDURES**

...

**(H) Step 8 (Standards):** Applicable and the Director or Land Use Review Commission may grant a variance from the standards of Articles 2-5 and only if it finds that the granting of the variance would neither be detrimental to the public good nor authorize any change in use other than to a use that is allowed subject to basic development review; and that:

...

(3) the proposal as submitted will not diverge from the standards of the Land Use Code that are authorized by this Division to be varied except in a nominal, inconsequential way when considered in the context of the neighborhood, and will continue to advance the applicable purposes of the Land Use Code as contained in Section 1.2.2 to the extent the purposes are reasonably applicable to the standard for which the modification is requested.

...

Section 49. ARTICLE 6 ADMINISTRATION AND PROCEDURES 6.25 AMENDMENT TO TEXT OF CODE AND/OR ZONING MAP Section 6.25.4 TEXT AND MAP AMENDMENT REVIEW PROCEDURES is hereby amended to read as follows:

**6.25.4 TEXT AND MAP AMENDMENT REVIEW PROCEDURES**

...

(H) **Step 8** (Standards): Applicable, as follows:

...

(2) *Mandatory Requirements for Quasi-judicial Zonings or Rezonings.* Any amendment to the Zoning Map involving the zoning or rezoning of six hundred forty (640) acres of land or less (a quasi-judicial rezoning) shall be recommended for approval by the Planning and Zoning Commission or approved by the City Council only if the proposed amendment is:

...

(a) consistent in general alignment with the principles and policies of the City's Comprehensive Plan; and/or

...

Section 50. ARTICLE 7 RULES OF MEASUREMENT AND DEFINITIONS 7.1 MEASUREMENT Section 7.1.2 RULES OF MEASUREMENT is hereby amended to read as follows:

## 7.1.2. RULES OF MEASUREMENT

...

*Build-to line* shall mean the line on which the front of a building or structure must be located or built and which is measured as a distance from a public right-of-way street. To establish "build-to" lines, buildings shall be located and designed to align or approximately align with any previously established building/sidewalk relationships that are consistent with this applicable standards. block patterns. Accordingly, at least thirty (30) percent of the total length of the building along the street shall be extended to the build-to line area. If a parcel, lot or tract has multiple streets, then the building shall be built to at least two (2) of the built to lines m according to (A) through (C) below, i.e. to a street corner. If there is a choice of two (2) or more corners, then the building shall be built to the corner that is projected to have the most pedestrian activity associated with the building.

(A) Buildings shall be located no more than fifteen (15) feet from the right-of-way of an adjoining street if the street is smaller than a full arterial or has on-street parking.

(B) Buildings shall be located at least ten (10) and no more than twenty-five (25) feet behind the street right-of-way of an adjoining street that is larger than a two-lane arterial that does not have on-street parking.

(C) Exceptions to the build-to line standards shall be permitted:

(1) in order to form an outdoor space such as a plaza, courtyard, patio or garden between a building and the sidewalk. Such a larger front yard area shall have landscaping, low walls, fencing or railings, a tree canopy and/or other similar site improvements along the sidewalk designed for pedestrian interest, comfort and visual continuity.

(2) if the building abuts a four-lane or six-lane arterial street, and the Director has determined that an alternative to the street sidewalk better serves the purpose of connecting commercial destinations due to one or more of the following constraints:

(a) high volume and/or speed of traffic on the abutting street(s),

(b) landform,

(c) an established pattern of existing buildings that makes a pedestrian-oriented streetfront infeasible.

~~Such an alternative to the street sidewalk must include a connecting walkway(s) and may include internal walkways or other directly connecting outdoor spaces such as plazas, courtyards, squares or gardens.~~

~~(3) in the case of Large Retail Establishments, Supermarkets or other anchor tenant buildings that face internal connecting walkways with pedestrian frontage in a development that includes additional outlying buildings abutting the street(s).~~

~~(4) if a larger or otherwise noncompliant front yard area is required by the City to continue an established drainage channel or access drive, or other easement.~~

~~(5) in order to conform to an established pattern of building and street relationships, a contextual build to line may fall at any point between the required build to line and the build to line that exists on a lot that abuts, and is oriented to, the same street as the subject lot. If the subject lot is a corner lot, the contextual build to line may fall at any point between the required build to line and the build to line that exists on the lot that is abutting and oriented to the same street as the subject lot. A contextual build to line shall not be construed as allowing a vehicular use area between the building and the street.~~

...

Section 51. ARTICLE 7 RULES OF MEASUREMENT AND DEFINITIONS 7.2 DEFINITION Section 7.2.2 DEFINITIONS is hereby amended to read as follows:

**7.2.2 DEFINITIONS**

...

*Accessory drive-through facilities* shall mean a facility that by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles and without parking the vehicle. Examples include but are not limited to banks and pharmacies. This definition does not include drive-through restaurants.

...

*Affordable housing development* shall mean a development project in which at least ten (10) percent a specified minimum percentage of said dwelling units (the "affordable housing units") are to be available for rent or purchase on the terms described in the

definitions of affordable housing unit for rent or affordable housing unit for sale (as applicable).

...

*Affordable housing unit for rent* shall mean a dwelling unit that is available for rent on terms that would be affordable to ~~a~~ households earning ~~eighty (80) percent or less of the~~ **a specified percentage or less of the** Area Median Income (AMI) as calculated for Fort Collins by the Department of Housing and Urban Development (HUD) and adjusted for household size, and at a cost that ~~results in a household paying thirty (30) percent or less of their gross income for housing, including rent and utilities~~ **does not exceed the rental rate published by the Colorado Housing and Finance Authority for that income level and size dwelling unit.**

...

*Affordable housing unit for sale* shall mean a dwelling unit that is available for purchase on terms that would be affordable to ~~a~~ households earning ~~one hundred (100) percent~~ **a specified percentage** or less of the Area Median Income (AMI) as calculated for Fort Collins by the Department of Housing and Urban Development (HUD) and adjusted for household size **based on 1.5 people per bedroom (rounded down)**, and at a cost that results in a household paying less than thirty-eight (38) percent of their gross income for housing, including principal, interest, taxes, insurance, utilities and homeowners' association fees.

...

*Connecting walkway* shall mean (1) any street sidewalk, or (2) any walkway that directly connects a main entrance of a building ~~to the street sidewalk~~ **along the shortest distance to the street sidewalk.** ~~without requiring pedestrians to walk across parking lots or driveways, around buildings or around parking lot outlines that are not aligned to a logical route.~~

...

*Convenience shopping center* shall mean a shopping and service center situated on seven (7) or fewer acres with four (4) or more business establishments with separate exterior entrances, located in a complex that is planned, developed and managed as a single unit, and located within and intended to primarily serve the consumer demands of adjacent employment areas. The principal uses permitted include retail stores; business services; convenience retail stores with fuel sales (possibly including an accessory one-bay automatic carwash); personal business and service shops; standard or fast food restaurants (without drive-**through** ~~up~~ windows); vehicle minor repair, servicing and maintenance uses; liquor sales (for on- or off-premise consumption); beauty or barber shops; dry-cleaning outlets; equipment rental (not including outdoor storage); limited

indoor recreational uses; pet shops; and uses of similar character. Secondary uses may include professional offices; limited banking services such as branch banks (with limited drive-up including accessory drive-through facilities) and automated teller machines; multi-unit dwellings; medical offices and clinics; small animal veterinary clinics; child care centers; and elderly day care facilities.

...

*Drive aisles* shall mean the lanes in a parking lot devoted to the passage of vehicles, as opposed to the parking stalls. The term drive aisle does not include lanes used only or primarily for drive-through in customer service.

...

*Private drive* shall mean a parcel of land not dedicated as a public street, over which a private easement for road purposes has been granted to the owners of property adjacent thereto, which intersects or connects with a public or private street, and where the instrument creating such easement has been recorded in the Office of the Clerk and Recorder of Larimer County. ~~A street-like private drive is a type of private drive that may be used instead of a street under the provisions of Section 5.4.6(M).~~

...

*Restaurant, drive-in* (also known as ~~Restaurant, drive-thru~~) shall mean any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer while parked in a motor vehicle without the need for the customer to exit the motor vehicle.

...

*Restaurant, drive-thru* through: See ~~Restaurant, drive-in~~. shall mean any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit or park the motor vehicle.

...

*Sign, awning* shall mean a sign that is painted on, integrated into, or attached to an awning. For the purposes of this definition, an awning is a projection from the building that is supported entirely from the exterior wall of the building, and that gives shelter from the sun or weather over doors, windows, or **street level** storefronts. An awning is different from a canopy in that an awning is covered with fabric or other flexible material.

...

*Sign, interactive window* shall mean one (1) or more illuminated screens that are displayed inside **street level** storefront windows that can be programed to allow customers to navigate content interactively from outside the window.

...

Section 52. The definitions of *Auto-related and roadside commercial*, *Drive-in use*, *Party-in-interest*, *Restaurant fast food*, and *Transit-oriented development (TOD) Overlay Zone* contained in ARTICLE 7 RULES OF MEASUREMENT AND DEFINITIONS 7.2 DEFINITION Section 7.2.2 DEFINITIONS are hereby deleted in their entirety:

**7.2.2. DEFINITIONS**

...

~~*Auto-related and roadside commercial* shall mean those retail and wholesale commercial activities that are typically found along highways and arterial streets. Uses include freestanding department stores; auction rooms; automobile service stations; repair facilities, car washes; boat, car, trailer, motorcycle showrooms, sales and repair; fuel and ice sales; greenhouses and nurseries; warehouses and storage; repair or rental of any article; exterminating shops; drive-in restaurants; adult-oriented uses; and other uses that are of the same general character. *This definition applies only for the purpose of clarifying the classification and measurement system as found in the Sign Regulations of this Code, and shall not be deemed to permit such uses under this Code.*~~

...

~~*Drive-in use* shall mean an establishment that by design, physical facilities, service or packaging procedures encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.~~

...

~~Party-in-interest shall mean a person who or organization that has standing to appeal the final decision of the decision maker. Such standing to appeal shall be limited to the following:~~

- ~~(A) The applicant;~~
- ~~(B) Any party holding a proprietary or possessory interest in the real or personal property which was the subject of the decision of the decision maker whose action is to be appealed;~~
- ~~(C) Any person to whom or organization to which the City mailed notice of the hearing of the decision maker;~~
- ~~(D) Any person who or organization which sent written comments to the decision maker prior to the action which is to be appealed;~~
- ~~(E) Any person who appeared before the board or commission at the hearing on the action that is to be appealed;~~
- ~~(F) The City Council as represented by the request of a single member of the City Council.~~

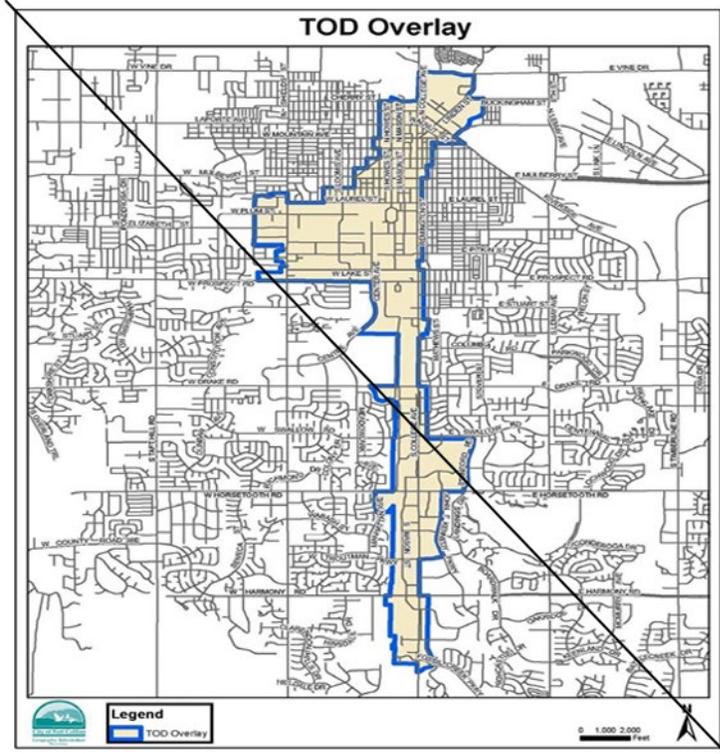
...

~~Restaurant, fast food shall mean any establishment in which the principal business is the sale of food and beverages to the customer in a ready to consume state, and in which the design or principal method of operation includes all of the following characteristics:~~

- ~~(A) food and beverages are usually served in edible containers or in paper, plastic or other disposable containers; and~~
- ~~(B) there is no drive-in facility as a part of the establishment.~~

...

~~Transit-oriented development (TOD) Overlay Zone shall mean that area shown on the figure below:~~



Section 53. Community Development and Neighborhood Services staff in their role as the codifier of the Land Use Code are directed to review the Land Use Code and make sure that the term mixed-use is consistently spelled with the hyphen joining the words.

Section 54. Community Development and Neighborhood Services staff in their role as the codifier of the Land Use Code are directed to review the Land Use Code and make sure that the term non-residential is consistently spelled with the hyphen joining the words.

Section 55. Community Development and Neighborhood Services staff in their role as the codifier of the Land Use Code are directed to make changes to the Land Use Code tables of contents corresponding to the changes set forth in this Ordinance.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on December 2, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: December 12, 2025

Approving Attorney: Brad Yatabe

Exhibit: None

ORDINANCE NO. 167, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
UPDATING THE HARMONY CORRIDOR PLAN AND THE HARMONY CORRIDOR  
STANDARDS AND GUIDELINES

A. City Council originally adopted the Harmony Corridor Plan (“Plan”) in 1991, by Resolution 91-42, as an element of the City’s comprehensive plan, now known as City Plan.

B. City Council also adopted in 1991, the Harmony Corridor Design Standards and Guidelines (“Standards and Guidelines”) by Ordinance 28, 1991, to further the policies set forth in the Plan by means of binding development standards and advisory guidelines.

C. Both the Plan and Standards and Guidelines have been periodically amended to adapt to changing needs and circumstances within the Harmony Corridor with the most recent update adopted in 2020 by Ordinance 044, 2020.

D. As a result of Land Use Code amendments adopted in Ordinance No. 166, 2025, to the City’s commercial corridors and centers, including the area subject to the Plan and the Standards and Guidelines, corresponding amendments are needed to the Plan and the Standards and Guidelines.

E. The amended Plan is attached to this Ordinance and incorporated herein as Exhibit A.

F. The amended Standards and Guidelines is attached to this Ordinance and incorporated herein as Exhibit B.

G. On October 16, 2025, the Planning and Zoning Commission recommended to Council on a 6-0 vote (Bruxvoort absent) vote that Council adopt the amended Plan and Standards and Guidelines attached to this Ordinance.

H. City Council finds that the Plan is in need of the proposed amendments to be consistent with the Land Use Code changes adopted in Ordinance No. 166, 2025, and that the proposed changes will promote the public welfare and will be consistent with the visions, goals, principles, and policies of City Plan and the elements thereof.

I. City Council finds that the Standards and Guidelines are necessary to carry out the amended Plan and the amendments are in the best interests of the city and will 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 as follows:

Section 1. City Council adopts the amended Plan attached as Exhibit A.

Section 2. City Council adopts the amended Standards and Guidelines which upon the effective date of this Ordinance, will be binding upon development as though set forth in the Land Use Code.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on December 2, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: December 12, 2025  
Approving Attorney: Brad Yatabe

Exhibits:     Exhibit A: Harmony Corridor Plan  
                  Exhibit B: Harmony Corridor Design Standards and Guidelines

# Harmony Corridor Plan

An Element of the City of Fort Collins Comprehensive Plan

December 2, 2025



# HARMONY CORRIDOR PLAN

An Element of the City of Fort Collins  
Comprehensive Plan

December 2, 2025







*The first step in adequate  
planning is to make a fresh  
canvass of human ideals  
and human purposes.*

LEWIS MUMFORD

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**CREDITS**

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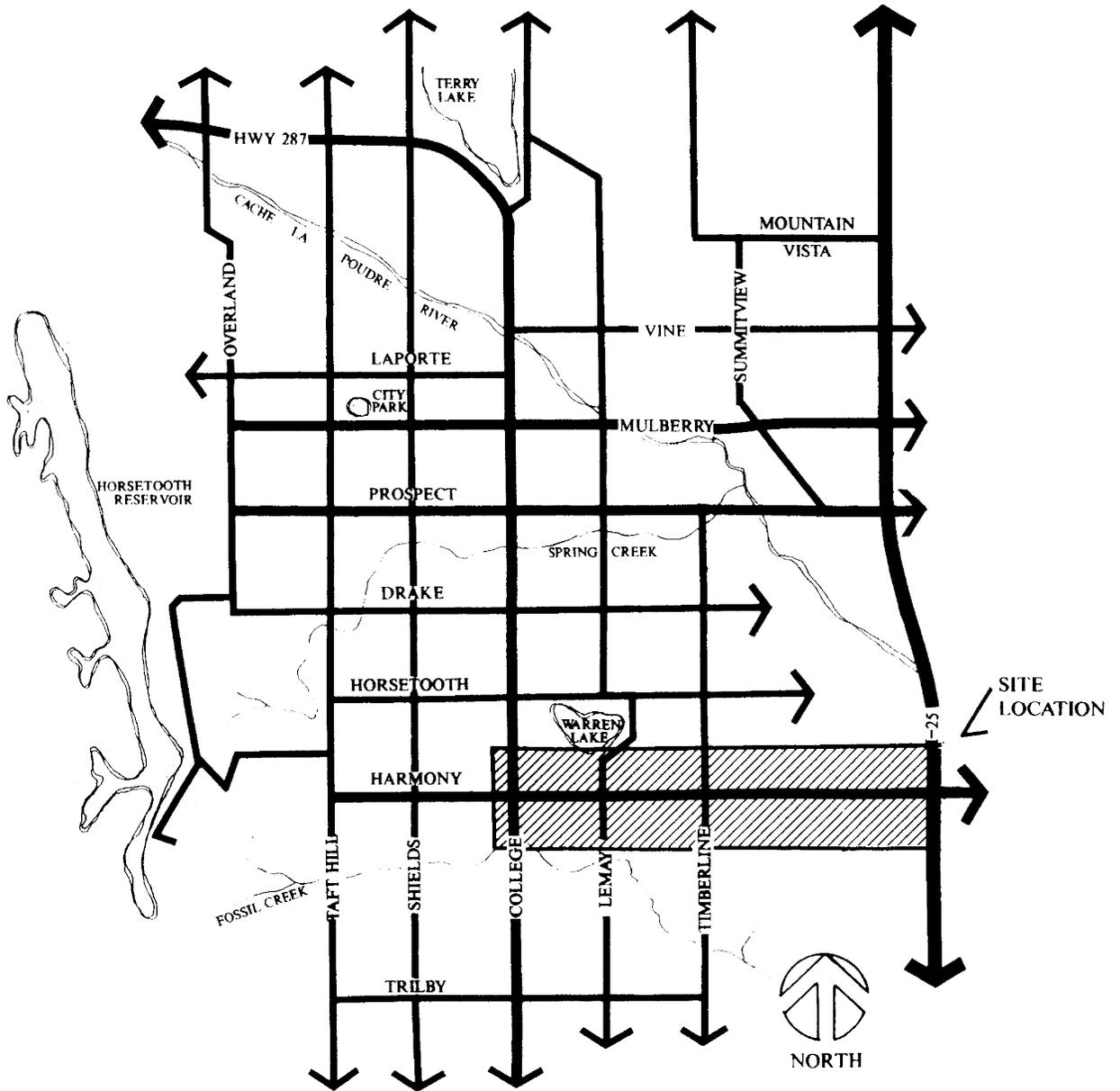
Diane Jones, Interim City Manager  
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Joe Frank, Director of Advance Planning  
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Paul Eckman, Deputy City Attorney

# 1 INTRODUCTION

*Genuine planning is an attempt,  
not arbitrarily to displace reality,  
but to clarify it and to grasp firmly  
all the elements necessary to bring  
the geographic and economic facts  
in harmony with human purpose.*

LEWIS MUMFORD

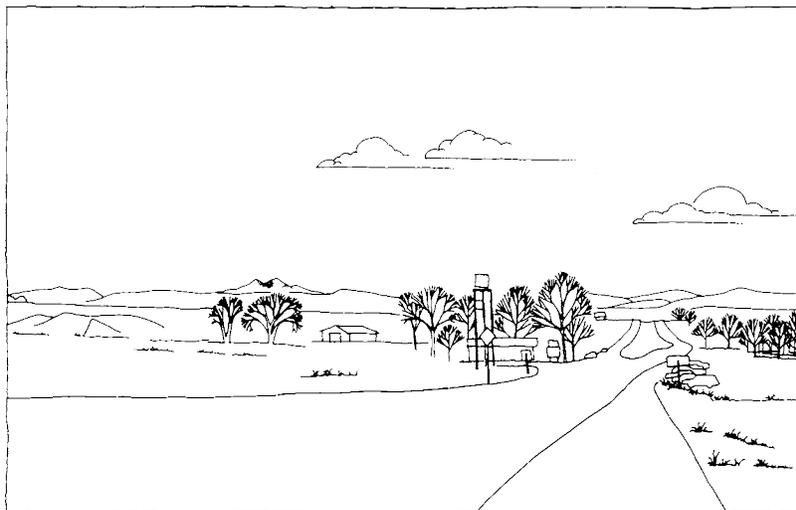
# City of Fort Collins Orientation Map



## THE HARMONY CORRIDOR

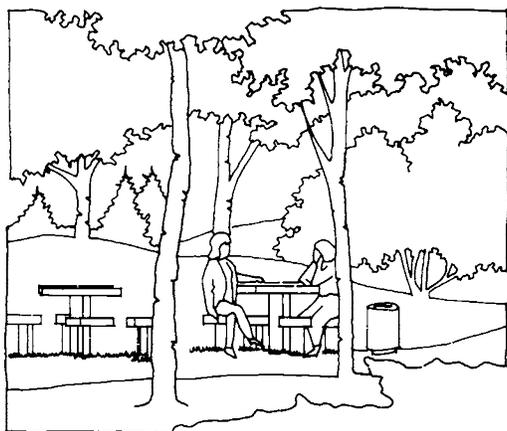
The Harmony Corridor planning area extends for five miles, from the I-25 interchange to the Burlington-Northern railroad tracks located west of College Avenue. The area extends approximately one-half mile north and south of Harmony Road. Over 7,000 people live and work in the corridor. Linking I-25 to U.S. Highway 287, Harmony Road carries approximately 28,000 vehicles to and from Fort Collins each day. It is anticipated that this figure will grow to 35,000 by the time the corridor is fully developed. The I-25/Harmony Road interchange is the most southerly entrance point to Fort Collins and a primary route for commuters and travelers going to and from the Denver metropolitan area. Most of the people visiting Fort Collins for the first time enter the city through this corridor.

Key physical features of the corridor include: close proximity to the Poudre River, lakes wetlands and associated wildlife habitat as well as spectacular views of Longs Peak and the Front Range. With approximately one-half of the corridor already developed, the visual quality of the area is exceptional. An unusually wide right-of-way and spacious median provide an excellent opportunity to develop a well landscaped parkway. Harmony Road has the potential to become one of the most attractive entryway corridors in northern Colorado.



*View from the I-25  
interchange looking west.*

*Hewlett-Packard employees  
relax in a shaded  
courtyard.*



In terms of development potential, the Harmony Corridor is unrivaled in the Fort Collins area. The corridor has nearly 2000 acres of land available for business, industrial, and residential development, with relatively few development constraints. Uniquely situated between I-25 and U.S. Highway 287, the corridor has excellent community and regional access. Close proximity to housing, schools, shopping and recreation facilities makes the corridor an obvious choice for business or industry seeking to locate in northern Colorado. The fact that most of the developable land has not been subdivided into small parcels is an additional advantage for attracting large scale business/industrial land uses. Highly respected companies like Hewlett-Packard, Comlinear, ESAB and Mountain Crest Hospital have chosen to locate and/or expand their facilities in the corridor.

Along with its attractive physical features and tremendous development potential, the corridor has another vital attribute — the dedication and creative energies of its residents and businesspeople. Property owners in the corridor have been instrumental in organizing this planning effort and have been closely involved throughout the planning process.

#### ***THE PURPOSE OF THE STUDY***

With one-half of the corridor already developed and another one fourth planned, Harmony Corridor faces a turning point. While continued business and industrial development looks promising, the corridor and the community are facing many challenges. How can we attract the kinds of business and industry that will provide a strong economic base and be compatible with community values? How do we ensure a continuation of wide setbacks, attractive landscaping and other amenities that enhance the quality of life for people who live and work in the corridor? The Cache la Poudre River floodplain, numerous lakes, wetlands and spectacular mountain views combine to create an impressive and scenic gateway at the I-25 interchange. The gateway area offers unique opportunities and challenges the community to discover creative ways to balance development potential with natural resource assets. The Harmony Corridor Plan is a response to these community wide issues. Since the corridor is currently a very healthy and vital segment of our community, the Plan emphasizes the need to take advantage of its assets for our future.

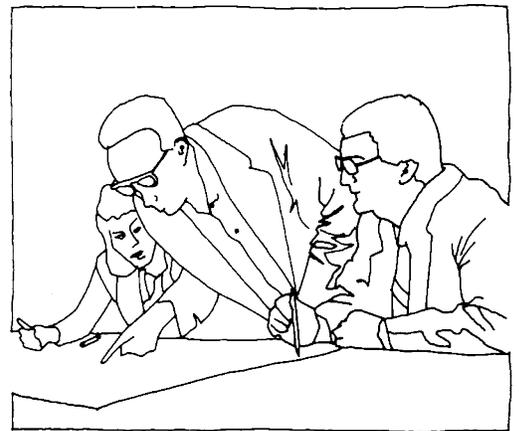
The Plan focuses on encouraging a land use pattern and urban design framework that protects community values and at the same time recognizes the need for flexibility in response to market demand. Taking advantage of the corridor's unique physical and cultural features, the Plan seeks to create a "vision" for Harmony Corridor that is dynamic, diverse, economically successful, environmentally sound and uniquely attractive.

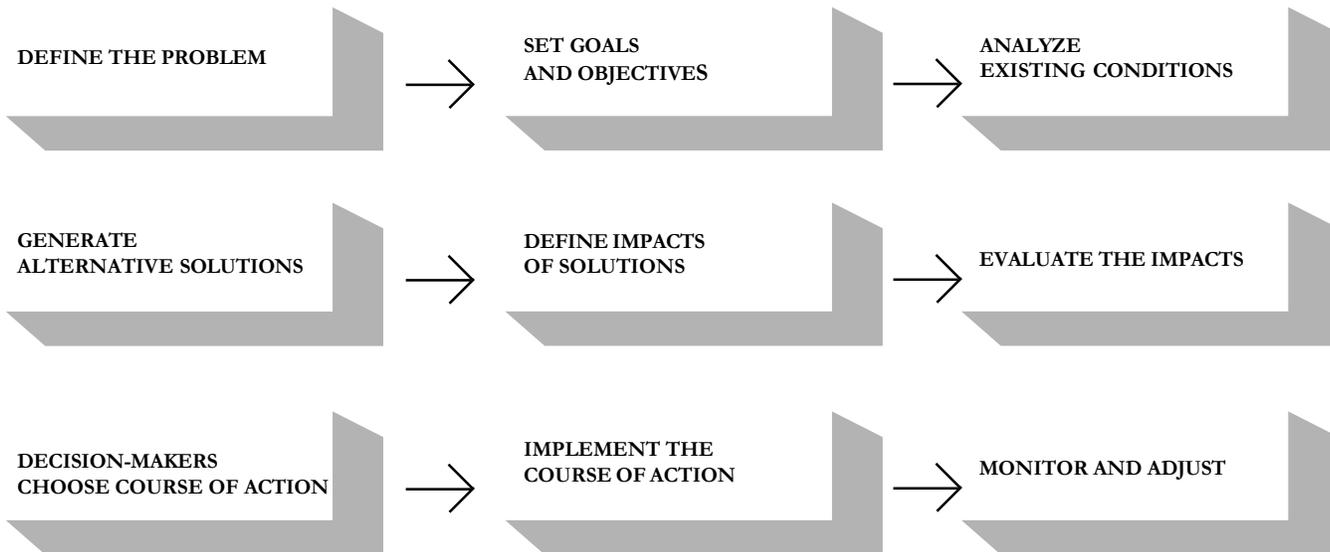
### ***THE PLANNING PROCESS***

The Harmony Corridor planning process involved two parallel work efforts – a technical planning effort and a public participation process. The technical planning effort analyzed existing conditions and opportunities, defined focus areas and generated alternative approaches which led to the planning and urban design recommendations of the Plan. At the same time, a public participation process attempted to identify all potentially affected interests and work with them using a number of different techniques designed to inform as well as solicit ideas. Advisory committees, public open houses, presentations to boards and commissions, as well as numerous meetings with special interest groups and individuals have all been used to get comments and ideas, many of which have helped shape the Plan.

A group deserving special recognition is the steering committee, a group of volunteers representing people owning property frontage along Harmony Road. Staff has welcomed the interest and enthusiasm demonstrated by this group throughout the process. The role of the steering committee was to help staff understand the values and concerns of the landowners that will be most directly affected by the Plan. The Plan is richer as a result of their dedication and responsiveness.

*Citizen values, ideas and concerns were recorded at public open houses.*





*Technical Planning Process Diagram*

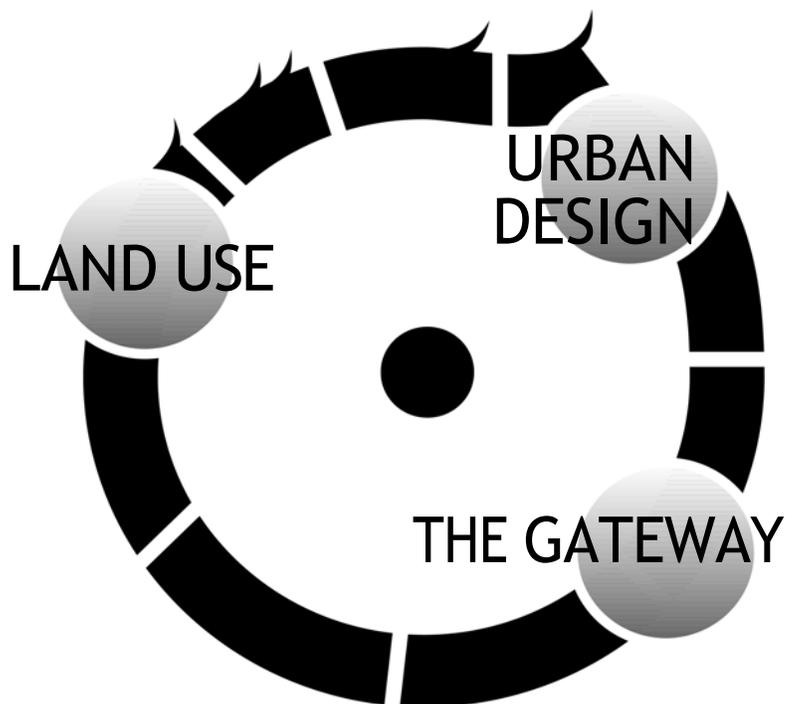
***PLAN REVISION PROCESS***

On July 5, 1994, City Council directed City Staff to review the Plan and identify and suggest needed amendments that would strengthen the “vision” of the Corridor that it become a major employment center in northern Colorado attracting a variety of businesses and industries serving local as well as regional markets. City staff and the Planning and Zoning Commission, aided by an ad hoc advisory committee, intensively reviewed the document and recommended changes to the *Harmony Corridor Plan*, together with implementation regulations. These changes were adopted by City Council on January 3, 1995 and the changes have been incorporated herein.

### ***THE PLAN***

The next chapter describes physical and cultural existing conditions in the corridor. Analysis of existing conditions helped define the three focus areas of the Plan – LAND USE, URBAN DESIGN and THE GATEWAY. Each focus area is elaborated on independently. Issues are described, problems and opportunities defined and alternative directions for the future are analyzed. The discussion of each focus area concludes with a plan in the form of a goal statement, policies and implementation actions. Maps and graphic illustrations are used to supplement the text and clarify its intent. Design guidelines for new development in the corridor, one of the primary implementation mechanisms proposed in the Plan, have been developed and are available under separate cover.

The three focus areas together create a comprehensive “vision” for the Harmony Corridor of the future. In order for the full potential of the corridor to be realized, both the City and the private sector need to make a commitment to implementation. It is envisioned that the implementation actions spelled out in this Plan will be underway within the next five years.



***IMPLEMENTATION***

A series of recommended implementation actions are contained at the conclusion of each focus area discussion. Actions include several public improvement projects that require additional planning and design work. Sources of funding for construction and maintenance need to be identified. Strategies for attracting targeted industries need to be developed.

Coordination efforts with other City departments, Larimer County, the Town of Timnath and the State Division of Highways should be continued. Phase two planning of the I-25 interchange area is critical if we want to maximize the potential of this scenic gateway before development pressures eliminate options for the future. Important opportunities may be missed if the City does not play an active role in intergovernmental coordination and master planning this scenic and environmentally sensitive area.

This Plan recommends that the City assign staff to work on implementation tasks, giving priority to opportunities that may be missed if action is delayed. The *Harmony Corridor Plan* is a starting point. Effective implementation actions can turn the “vision” created by this Plan into reality for residents in the community now and for future generations. The majesty of Longs Peak and the Front Range depicted on the cover is one of the few elements of the corridor that is not expected to change in the foreseeable future. With this spectacular view as an inspiration, how can we do less than strive for excellence?

## 2

# EXISTING CONDITIONS AND OPPORTUNITIES

*All good planning must begin with a survey of actual resources: the landscape, the people, the work-a-day activities in a community. Good planning does not begin with an abstract and arbitrary scheme that it seeks to impose on a community; it begins with a knowledge of existing conditions and opportunities.*

LEWIS MUMFORD

**INTRODUCTION**

The technical portion of the planning process began by documenting physical and cultural existing conditions. This chapter provides information about the corridor and highlights special opportunities. Maps located at the end of the chapter provide graphic illustration.

**LANDFORM AND NATURAL RESOURCES**

***LANDFORM***

The Harmony Corridor contains three dominant topographic features: the floodplain of the Cache la Poudre River, bluffs known as the Poudre River Valley Wall at the edge of the floodplain and rolling plains beyond. Long's Peak, the Front Range and the foothills are highly visible and constitute a dramatic backdrop for the corridor landscape.

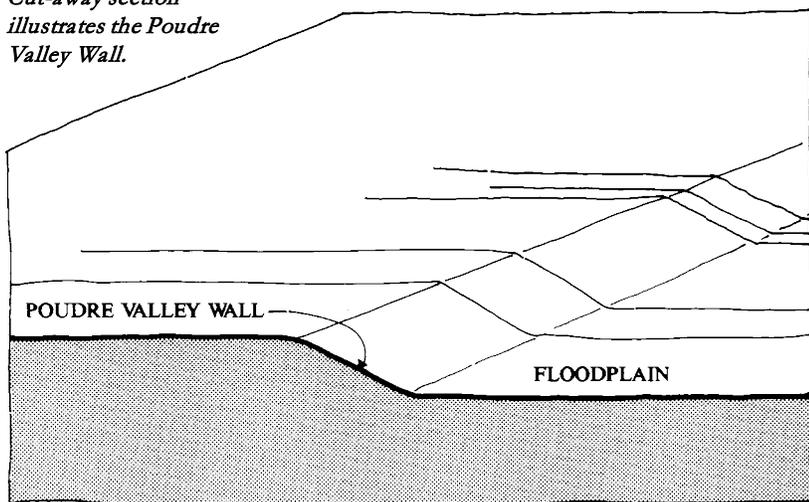
The elevation of the study area ranges from approximately 4,850 feet at the top of the bluffs located west of I-25 to approximately 5,025 feet near College Avenue. Formed by down-cutting action of the Poudre River as it meandered within its floodplain, the bluffs represent the only dramatic change in elevation within the study area. The elevation drops 50 feet in 550 feet resulting in an average 9% slope. At the bottom of the slope the topography levels out on to the Cache la Poudre River floodplain. See

Draining approximately 1,900 square miles, the Cache la Poudre River is the largest river on the northern Colorado Front Range. The river and its associate vegetation and wildlife habitat is a valuable natural resource that offers unique recreational and educational opportunities. Along with these assets the river poses some development constraints. Generally speaking, no development is allowed within the designated floodway. Land area between the floodway and the 100-year floodplain offers some development potential if flood proofing is addressed.

***DRAINAGE BASINS AND IRRIGATION CANALS***

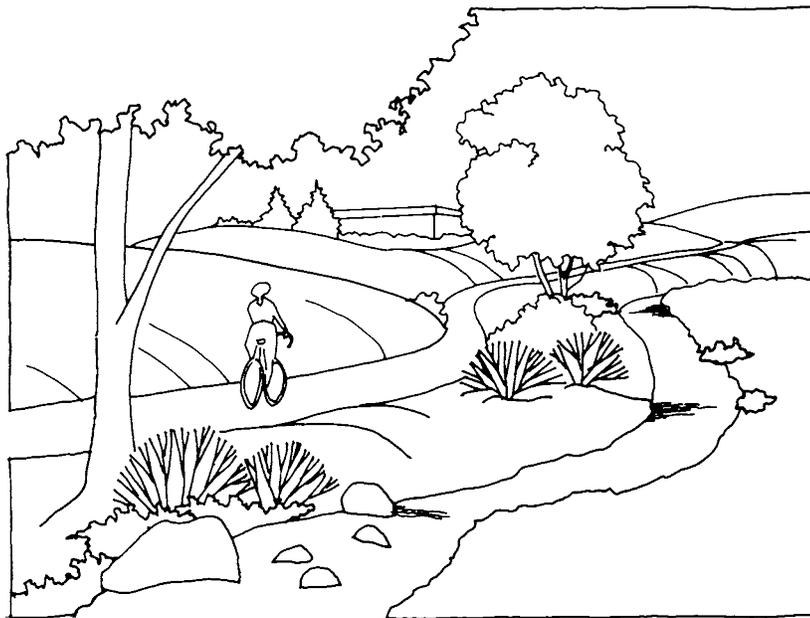
Three drainage basins occur within the study area. The Mail Creek and McClelland Drainage basins drain the western and southern portions of the study area to Mail Creek and McClelland Creek respectively. See Map 1. The Fox Meadows Basin is located in

*Cut-away section illustrates the Poudre Valley Wall.*



the northeast portion of the study area and drains to the Fossil Creek Reservoir Inlet Ditch and then to the Cache la Poudre River. As development occurs, surface run-off increases, resulting in stormwater being diverted into a series of swales, detention ponds, channels, irrigation ditches and/or streams until ultimately the flows reach the Cache la Poudre River. The study area is laced with this network of drainageways and irrigation canals. Stream bank erosion and water quality issues are concerns in all three basins, but are especially critical in the McClelland and Mail Creek Basins, since both Mail Creek and Fossil Creek have experienced flooding, bank erosion and stream degradation.

Four major irrigation canals intersect the study area. Water in these irrigation canals has been diverted from the Cache la Poudre River at some point upstream from the corridor. Historically the water has been used for agricultural purposes and is allotted to area farmers through a complex system of water rights. As Fort Collins becomes more urbanized the need for irrigation canals will diminish, however, the major irrigation canals in the study area are likely to remain viable for a number of years. While the canals and their associated laterals can represent development constraints, they also can become recreational and visual amenities.



*Irrigation canals and drainageways provide opportunities for recreational amenities.*

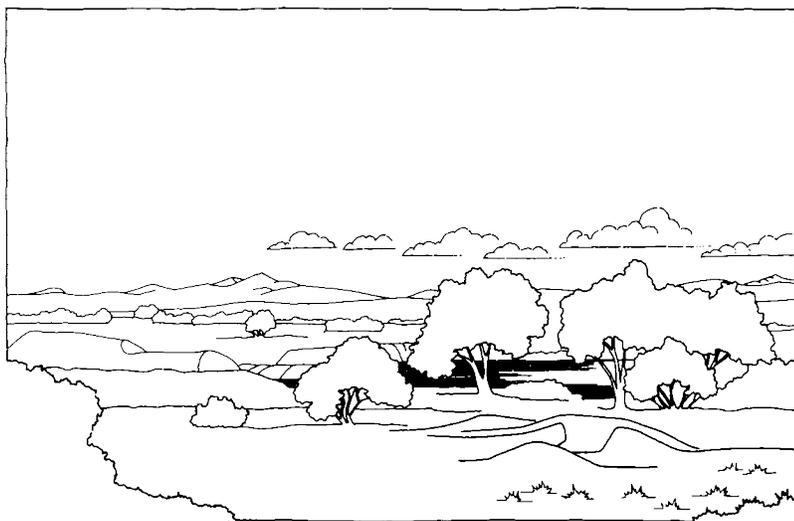
### ***NATURAL RESOURCES***

Fort Collins has always valued local natural environments as evidenced in the City's GOALS AND OBJECTIVES (1977), the LAND USE POLICIES PLAN (1979) and the LAND DEVELOPMENT GUIDANCE SYSTEM (1982). All of these documents contain directives pertaining to the conservation and protection of natural environments. In 1988, the City Council endorsed wetland and wildlife habitat maps that define the location and relative importance of natural areas within the city's urban growth area. See Maps 2 and 3. By increasing awareness of these areas, the maps reaffirmed the City's commitment to conserving important wetland and wildlife habitats for their economic, social, and aesthetic benefits.

### ***THE GATEWAY***

The most significant natural areas in the Harmony Corridor are associated with the Cache la Poudre River and located near I-25. This area has been termed the “gateway” because it is the first point of entry to Fort Collins from the south. Several lakes, wetlands and associated riparian vegetation are found on both sides of I-25 in the floodplain of the river. Most of the lakes and wetlands are a result of gravel mining operations that have and continue to alter the natural environment. With creative management and appropriate reclamation practices, these areas have the potential to become recreational, educational and scenic resources for the community. In addition, wetland areas like these may act as filtering systems for stormwater runoff, preventing pollutants from entering the river. The potential value of these natural areas should not be underestimated. The fact that the area is located at the gateway to Fort Collins intensifies its importance.

*Gateway view showing cottonwood trees and gravel mining operations.*



In 1989, Fort Collins completed a feasibility study regarding the possibility of designating a National Recreation Area along the Cache la Poudre River. Although City Council chose not to pursue NRA designation it did make a commitment to implementing an exemplary and comprehensive river management program. This river management program may affect the future of the gateway area.

### ***GRAVEL RESOURCES***

The land area between the Cache la Poudre River and the Poudre Valley Wall located just east of Hewlett-Packard is underlain with gravel deposits classified as F1 by the Department of Natural Resources, Colorado Geologic Survey. This classification means that the resource is a floodplain deposit and is composed of relatively clean and sound gravel. The overburden ranges from 2-9 feet and the depth of gravel ranges from 8-24 feet. Roughly one-third of the area has been or is in the process of being mined.

### ***MATURE TREES***

Mature trees, both evergreen and deciduous, are important natural resources throughout the study area. Besides their importance as wildlife habitat, tree masses provide scale, frame views and add visual interest to the landscape. The corridor is fortunate to have significant numbers of mature trees. Most of them are visible from Harmony Road.

### ***ENVIRONMENTAL ISSUES***

Air quality and water quality are two critical environmental questions which affect the Harmony Corridor. In 1989, the community took important steps toward addressing these issues comprehensively. The City's Natural Resource Division began working on a comprehensive environmental management plan that will focus on a variety of environmental concerns, including air quality. At the same time the City's Transportation Division started work on a comprehensive transportation plan that relates directly to air quality issues. These two divisions and the community are working together in a participatory process to establish the best way to balance the trade-offs and address the air quality problem in this community. At the same time the Stormwater Utility is studying the issue of stormwater runoff and water quality.



*Mature trees along Harmony Road frame views and add visual interest to the corridor.*

### **PUBLIC UTILITIES**

#### ***ELECTRICAL***

The City provides electrical service within the incorporated city limits. As areas are annexed the City assumes service. Portions of the corridor still in the county receive electrical service from either the Public Service Company of Colorado (PSCO) or the Poudre Valley Rural Electric Association (REA). Conversion from an existing electric utility to City electric utility service is done at no cost to the customer. The City is committed to providing electrical service underground rather than through overhead power lines.

Street lighting along Harmony Road will be installed as development and street improvements occur. Standard lighting for arterial streets uses 30 foot poles, with extended arm, cobra-head type fixtures. It is anticipated that in general, light poles along Harmony Road will be placed at the edge of the roadway in an alternating pattern, approximately 175 feet on center. The light source will be 400 watt high pressure sodium bulbs.

Funding for standard lighting comes from development fees and lighting district assessments. Lighting is installed along entire improvement areas, and costs are recaptured from undeveloped areas at the time of development.

### ***WATER AND WASTEWATER***

It is anticipated that most of the Harmony Corridor will be serviced by the City's Water and Wastewater Utility, although the Fort Collin/Loveland Water District will continue to provide service to developed areas near College Avenue. The City's system of existing and proposed water and sanitary sewer mains is shown on Maps 4 and 5. Currently water service is provided through a series of relatively small water lines. As growth in the corridor continues, a major transmission line will be needed to provide service. The City Water Utility has completed the conceptual design and route selection for the Harmony Transmission Main, which extends between Shields Street and County Road 9.

Currently, wastewater service at the extreme eastern edge of the corridor would require a force main and pump station. However, the Wastewater Treatment Master Plan completed in 1990 calls for construction of a new wastewater treatment plant downstream. This would allow the eastern part of the Harmony Corridor to be served by gravity flow. The new wastewater treatment facility would not be on line before 1999.

The extension of water mains and sanitary sewers which are in or near the existing water distribution and wastewater collection systems is dependent upon many factors. In most cases, new development and the associated increases in water demand and wastewater flows are the primary reasons for these improvements. The installation and the cost of water mains and sanitary sewers to serve new developments are the responsibility of the developer. When the City requires improvements to serve areas beyond the immediate development, the City pays for oversizing.

### ***STORMWATER UTILITY***

The City's Stormwater Utility is a special purpose division within the City that protects the public's health, safety and welfare through effective stormwater management. Its responsibilities include flood control, development plan review, construction, operation and maintenance of stormwater facilities and long range planning.

Regional drainage facilities identified in the master storm drainage plans for the Harmony Corridor include a major drainage channel to carry flows from the Fossil Creek Reservoir Inlet to the old quarry just east of County Road 7. The concept plan indicates that the channel would be visible from Harmony Road.

Although the Stormwater Utility currently does not regulate stormwater quality, it is moving in that direction. The Environmental Protection Agency (EPA), an agency of the Federal government, published regulations in 1990. These regulations emphasize best management practices to control the pollutant source and apply to all municipalities in the United States. Fort Collins has already initiated activities in regard to these regulations.

The Stormwater Utility has started to inform the public about stormwater quality, inventory the City's storm drainage system and monitor water quality in local streams and major outfalls. In addition, the utility is conducting research at two recently developed commercial projects in Fort Collins. The two pilot projects use state of the art technology to monitor and improve the quality of stormwater runoff before it leaves the site. The utility is in the process of developing erosion control criteria for construction activities in the Fort Collins area and is collecting information to initiate a water quality management plan for the Mail Creek and Fossil Creek drainage basins.

All of these advance planning measures combined will enable the utility to determine the magnitude of the problem and the best way to effectively manage stormwater quality in Fort Collins.

## **TRANSPORTATION**

### ***TRAFFIC AND ACCESS***

Harmony Road's importance as a transportation corridor for the City of Fort Collins cannot be overestimated. Carrying in excess of 28,000 vehicles to and from Fort Collins each day, Harmony Road is one of the community's major transportation links to Denver and other communities along the Front Range. In response to increasing development pressure and in recognition of the importance of Harmony Road as a gateway corridor and major arterial street, the Harmony Road Access Plan was adopted in 1989. In this intergovernmental agreement the City, the State Division Highways and Larimer County agreed to access points and future signal locations between Boardwalk Drive and I-25. Future access for development along Harmony Road must be in conformance with the Access Plan. See Map 6. Any change to access location or access type from those identified in the Access Plan requires an amendment.

Traffic counts for Harmony Road were taken in the fall of 1989. Currently all intersections operate at level of service “C” or better, meaning that the highway is operating below its maximum capacity and is providing acceptable levels of service. It is anticipated that when the corridor is built out, traffic volumes on Harmony Road will approach 30,000 vehicles a day. It is anticipated that Harmony Road will eventually be widened to three travel lanes in each direction to maintain acceptable levels of service.

At the present time the State Division of Highways controls the speed limit along Harmony Road. It varies from 55 MPH near I-25 to 40 MPH closer to College Avenue. It is expected that when the corridor is fully developed, the speed limit will be reduced to 40-45 MPH. How and when the speed limit will change is dependent on a variety of factors, including traffic volume and safety.

### ***STATE VERSUS LOCAL CONTROL***

Since Harmony Road is a state highway, decisions regarding roadway improvements, future widening, landscaping in the right-of-way and maintenance are decisions made by the State Division of Highways. The goals and objectives of the State may not always parallel those of the community. In recent years, City staff has maintained a good working relationship with the Division of Highways and has been able to negotiate acceptable solutions when State and local goals have varied.

A good example of this cooperative spirit is the Harmony Road Access Plan.

While the Access Plan will provide a basis for agreement on transportation issues for years to come, it is likely that as the corridor continues to urbanize, the State and City will differ on issues relating to the visual quality of the roadway. Although plans for future widening of Harmony Road are not finalized, indications are that the State plans to widen the roadway to the center rather than to the outside and greatly reduce or eliminate the median. In regard to landscaping, the Division of Highways has a policy that discourages planting trees in the right-of-way and/or the median.

In recent years Harmony Road has functioned more as a local arterial street and less as a state highway. Recognizing this trend, the State has indicated a desire to work toward placing Harmony Road under local control.

### ***LAND USE PLANNING***

For the past ten years, the City has promoted a mixed land use concept in Fort Collins because of the associated social, economic and environmental benefits. One of the most important reasons for mixing land uses relates to transportation. Locating employment centers, shopping centers, recreational opportunities and residential areas in close proximity to each other shortens the distance people need to drive to work, shop, and play.

It also encourages alternative modes to transportation such as walking and bicycling. Besides the convenience and associated lifestyle benefits, mixed land use, by shortening trip length and eliminating some trips altogether, can have a positive effect on air quality.

The present trend of large employers to develop in “campus-like” settings is evident along Harmony Road. While these settings are visually attractive and offer recreational benefits for employees, this kind of low density development makes efficient transit service difficult.

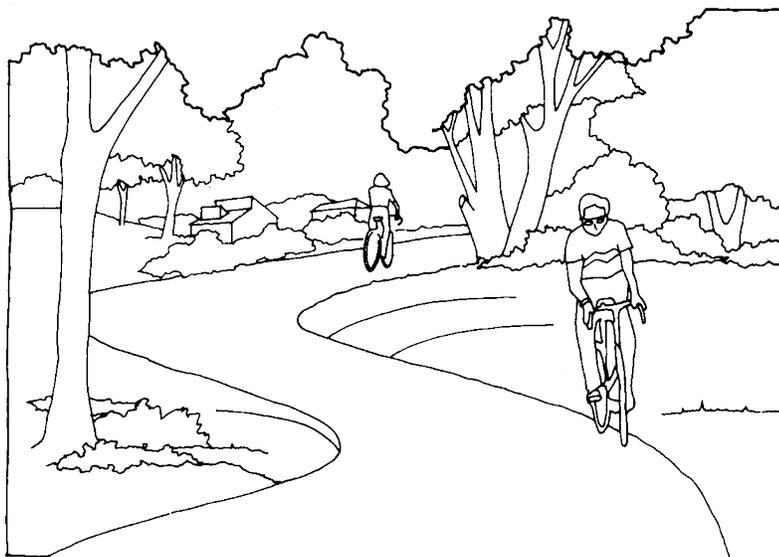
**ALTERNATIVE MODES**

While land use planning attempts to provide opportunities to work, shop and play close to home, the lack of pedestrian linkages, bikeways and safe crossings along Harmony Road make it difficult to walk or use a bicycle as an alternative mode of transportation. Sidewalks are built as development occurs. Signalized intersections and crosswalks are added as traffic volumes increase. As the corridor gets closer to complete build out, pedestrian linkages will be more complete and useful.

At the present time, Harmony Road does not have a designated bike lane. Some bicycle commuters use the road shoulder; however, the shoulder does not exist in all locations. The speed and proximity of passing vehicles can be dangerous for bicyclists.

Public transit does not serve the corridor now but may be available in the future, as employment opportunities increase. Low density development makes it difficult to provide transit service cost effectively. The Transit Development Program, a 5-year strategic plan adopted by City Council in 1990, focuses on serving transit dependent populations, including the elderly, people with low incomes, the disabled and students. Demographics show that the highest concentrations of transit dependent people live in the northwest portion of the city. Focusing of limited resources has resulted in the elimination of transit service along Harmony Road east of College Avenue for the short term future.

*Mixed land uses encourage alternative modes of transportation such as walking and bicycling.*



Some commuters that use I-25 to travel to other cities to work have started car pooling. Currently, people park their cars on the north side of Harmony Road just west of the I-25 interchange and travel with other people commuting to the same location. Commuter Pool is a ride share/ car pool program operated by the City which currently serves this area and could provide service to local employees as well as those who drive to Denver.

### ***LONG RANGE PLANNING***

Another factor affecting the future of transportation in the Harmony Corridor will be the Fort Collins Area Transportation Plan expected to be complete in 1991. The Plan will identify all transportation systems needs and evaluate the social, economic and environmental impacts of alternative land use and transportation models. The goal of the Plan is to establish transportation policies, facilities and implementation schedules that will guide the future development of this community through the year 2010. The Plan will identify future street needs, identify new street locations, create opportunities for bicycle and pedestrian travel and determine the role of transit in our community.

## **LAND USE/ZONING**

### ***EXISTING LAND USE***

Harmony Corridor contains approximately 3,090 acres and is 37% developed. It already contains a wide variety of land uses. See Maps 7A and 7B. The Chart on the next page summarizes some land use statistics that help describe the corridor.

Residential land uses occupy the largest amount of developed property. There are approximately 2,322 dwelling units in the planning area for a total population of approximately 6,150 residents. Although the residential areas are single family oriented, there is significant multi-family development. The corridor also contains two large mobile home parks. Single family lots range from approximately 6,300 square feet to nearly an acre in size and home prices vary considerably from \$55,000, to over \$350,000 in current dollars. Almost all of the residential areas were constructed within the last decade, with the exception of Fairway Estates located south of Harmony Road near College Avenue, which has existed for more than twenty-five years.

Industrial uses occur at dispersed locations in the corridor area. The uses are predominantly research, manufacturing and office/warehouse. With the exception of Hewlett-Packard, the major users are located in Golden Meadows and Oakridge industrial parks. Collectively these industrial developments represent a significant portion of the community's employment base.

Only a small portion of the corridor is currently developed as retail and is found clustered near College Avenue, in the vicinity of Boardwalk Drive and near the I-25 interchange. A community/regional shopping center at Boardwalk Drive includes a PACE Membership Club Warehouse. A grocery store and a builders supply store are planned to be part of the same center. There is a scattering of office space occurring mainly between Boardwalk Drive and Timberline Road in two major centers: Boardwalk Office Park and Oakridge Business Park.

Other notable land uses include: Mountain Crest Hospital, a private psychiatric hospital; several churches; Harmony Cemetery; Werner Elementary School; as well as Landings and Golden Meadows Parks.

The variety of land uses and amenities already existing in the corridor, combined with the fact that the corridor has large, vacant, fully-serviced tracts of land for development, makes it unique in Fort Collins.

***ANNEXATION***

Only 60% of the study area is currently within the city limits. See Map 8. Properties adjacent to city limits and eligible for annexation are required to annex prior to development, while properties located within the Urban Growth Area (UGA) and not eligible for annexation are required to go through a City-County joint review process.

**HARMONY CORRIDOR LAND USE STATISTICS**

| <b>Land Use</b>      | <b>Acres</b> | <b>Percent of Total</b> |
|----------------------|--------------|-------------------------|
| Residential          | 481          |                         |
| Industrial           | 190          | 16%                     |
| Institutional        | 53           | 6%                      |
| Retail/Office        | 69           | 2%                      |
| Right-of-Undeveloped | 341          | 2%                      |
|                      | 1,956        | 63%                     |
| <hr/>                |              |                         |
| Total Land Area      | 3,090        | 100%                    |

Both the City and the County encourage developers to annex prior to development to ensure that urban level development standards are maintained. Properties located east of I-25 are outside of the UGA and would develop under County regulations.

***ZONING***

Of the property located within city limits; 43% is zoned residential; 25% is zoned industrial; 16% is zoned for retail/office; 5% is zoned for mobile homes; and 11% is zoned transitional. See Map 8. Properties located in unincorporated Larimer County have a combination of farming, commercial and industrial zoning designations.

It is important to note that most of the properties within the city limits and currently undeveloped have a PUD condition attached to the zoning designation. This does two things: 1) Properties will be developed as planned unit developments (PUD) and reviewed under the criteria of the LAND DEVELOPMENT GUIDANCE SYSTEM (LDGS). 2) Developers will be allowed to propose a wider range of land uses than otherwise permitted under the zoning classification. When properties are annexed into the city, the City Council has typically attached a PUD condition to the zoning. In effect, most of the currently undeveloped property within the corridor will eventually be planned and developed under the criteria of the LDGS. The guidance system gives landowners considerable flexibility in developing their property as long as the project conforms to certain criteria designed to protect and improve the health, safety, convenience and general welfare of the people of Fort Collins.

The City's GOALS AND OBJECTIVES and the LAND USE POLICIES PLAN encourage mixed land use for the social, economic and environmental benefits associated with it. Locating employment centers, shopping centers, recreational opportunities and residential areas in close proximity to each other encourages people to drive less and walk or use bicycles more. The LAND DEVELOPMENT GUIDANCE SYSTEM is a development review system designed to implement the City's land use goals, objectives and policies.

Under this system, the development potential of any particular site is evaluated on its own merits – size, shape, location, natural features, site development concept and its effect on surrounding land uses – rather than according to a predetermined zoning district classification. This performance zoning system, developed and used extensively in Fort Collins for the past decade, has achieved national recognition as a creative and effective land use management tool.

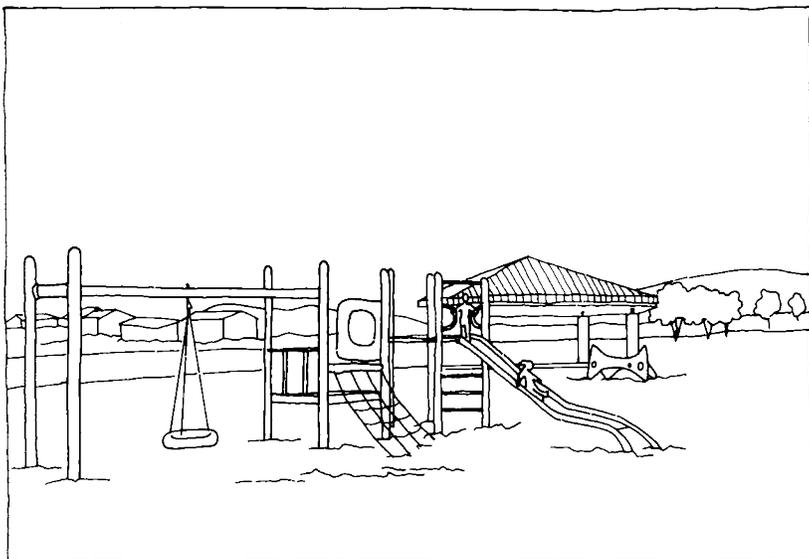
### ***LARIMER COUNTY***

Larimer County adopted a comprehensive land use plan in 1988. Land areas in the Harmony Corridor, but outside of the Fort Collins city limits are categorized in the plan. Properties west of I-25 are designated “Municipal Expansion Area/Urban Development Area” meaning that future municipal boundaries are expected to expand to include these areas. Properties east of I-25 are designated “Rural” meaning that “these areas are protected for agricultural uses and other low intensity uses requiring large land areas and low service needs.” The Larimer County Zoning Ordinance, however, indicates that these areas (east of I-25), are zoned C-Commercial and I-Industrial. These zoning district designations allow a much wider array of land uses.

***PLANNED RECREATION FACILITIES***

The City has already purchased 100 acres of land including Portner Reservoir, to develop Fossil Creek Community Park. In addition, the City's 1989 PARKS AND RECREATION MASTER PLAN recommends that a community park be developed to serve the southeast portion of the community. A tentative location for this park is near the Cache la Poudre River northeast of the study area. The historic Strauss Cabin, combined with the natural setting of the Cache la Poudre River, make this area an ideal location. The master plan also projects that an additional 18-hole golf course will be needed by the community by the year 2000. The natural features of this site would provide an attractive setting for a golf course.

*Landing's Park provides recreational opportunities for neighborhood residents.*



The City's proposed recreational trail system intersects and surrounds the study area. At this time only a general location for the trail has been defined. As development occurs, more specific trail locations will be selected and easements for the trail will be acquired through dedication and/or purchase. Acquisition of open space in the foothills, along the Cache la Poudre River and in the Fossil Creek floodplain is emphasized in the City's PARKS AND RECREATION MASTER PLAN. Since part of the study area lies within the floodplain of the Cache la Poudre River, there may be potential for open space acquisition as well as park and trail development in this scenic corridor.

Neighborhood parks are acquired and developed when funds become available through parkland fees paid by residential development. Community parks are usually funded through bond issues or special sales taxes, after population in the vicinity grows and demand for the facility increases. The City uses Colorado lottery funds for acquiring and developing trails and open space. The City is committed to completing as much open space and trail development as lottery funds will finance.

### ***CULTURAL SERVICES***

Currently all cultural services offered by the City – Lincoln Center, the museum and the public library, are located near downtown. It is likely that additional facilities, such as a branch library to serve the south part of Fort Collins, will be needed at some point in the future.

Some of the historic buildings and sites in the corridor are potentially eligible for the National Register by virtue of their architecture, the people who lived in them, or because of their association with events that have made a significant contribution to the broad patterns of our history. See Map 9. Some of the more significant buildings and sites are depicted on the following pages.

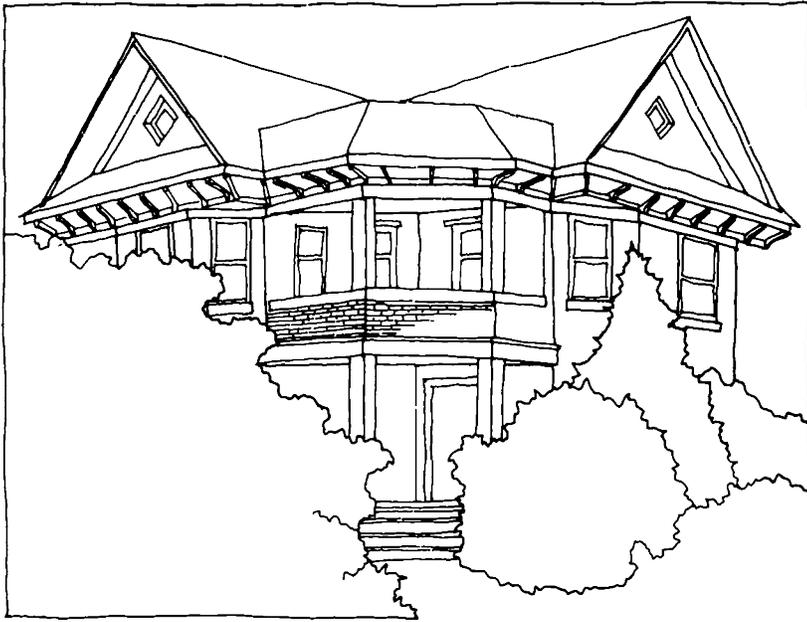
### ***HISTORICAL RESOURCES***

Before there was a Harmony Road there was a small agricultural community named “Harmony”. The Settlement was established as early as 1870. Farming was the mainstay of the community with over 4000 acres being cultivated in 1881. Crops included fruit trees, small fruits, grasses, wheat, corn, barley, oats, and timothy. Names of local farmers such as McNally, Brown, Preston, Baxter, Brockway and Webster suggest predominantly English and Scottish heritage.

The “Harmony Store”, a grocery store, post office and eventually a gas station, was the center of town. Located at the northwest corner where Timberline Road and Harmony Road intersect, the building still exists today. The original school, located west of Harmony Cemetery, was eventually replaced by a newer school which still exists at the northeast corner of the same intersection. There was a stockyard north of Harmony Road along the Union Pacific railroad tracks and a grain elevator on the south side. Several historic residences still exist.

*Harmony Store-Located at the northwest corner of Timberline Road and Harmony Road, the old Harmony Store served as a grocery store, post office and town center for early residents of Harmony.*



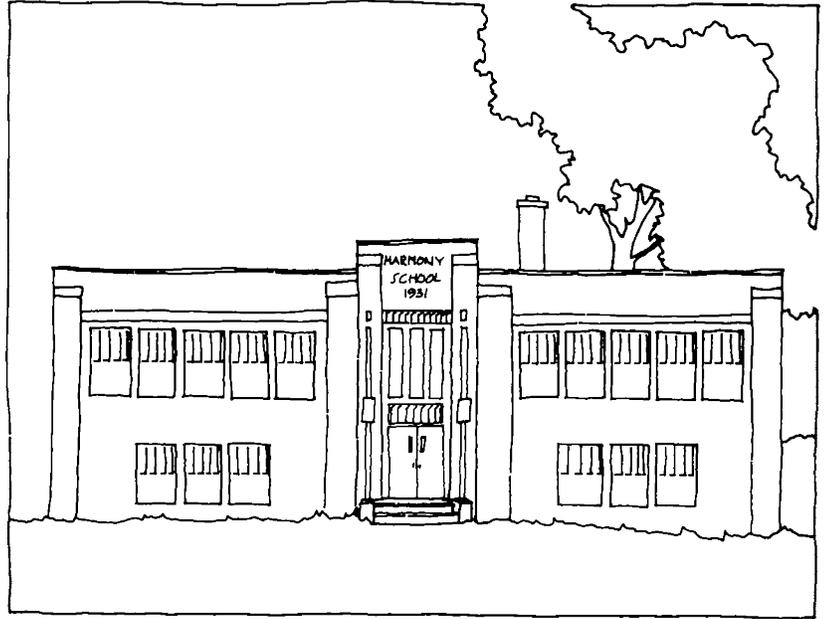


*Brownell House-Built circa 1890, this two-story brick house located at 3105 East Harmony Road is architecturally significant because it is distinctively characteristic of the type, period and method of construction of the American Queen Anne Style.*

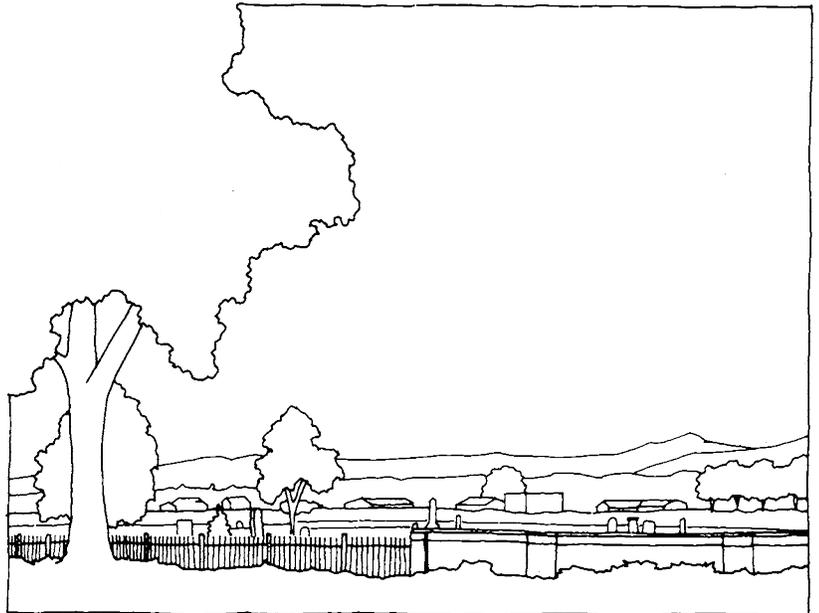


*Preston Farm-Benjamin Preston, Jr. was an immigrant who came to the area in the 1860's, started with very little and eventually became a respected farmer and somewhat of an agricultural innovator. The Preston Farm is significant because of Mr. Preston's prominent role in local history, the elaborate and essentially unaltered Victorian frame house and because it is a complete working farm associated with the history of this area.*

*Harmony School-Built in 1931 during the depression, this building is a good example of art moderne.*



*Harmony Road Cemetery-This original cemetery is an important part of the community's heritage. It has been tastefully renovated and is maintained by Oakridge, the business/industrial park located adjacent to it.*

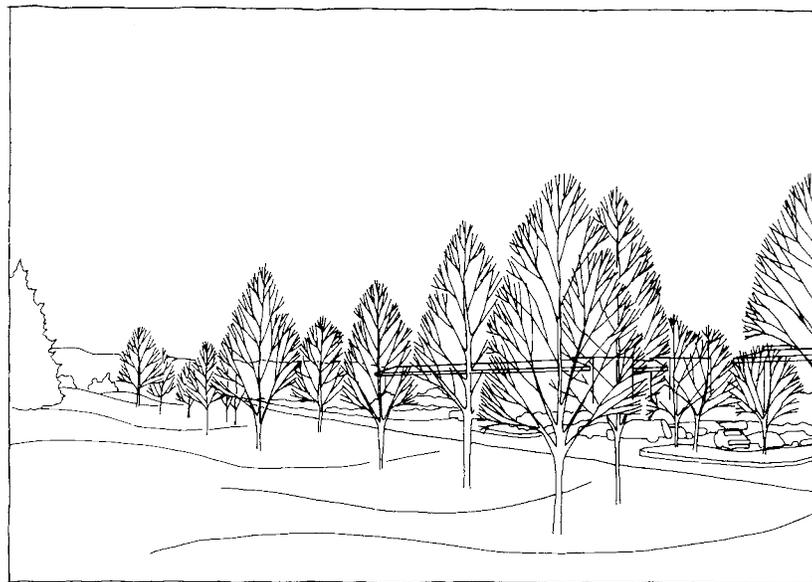


***VISUAL ANALYSIS***

Visual analysis is a complex concept. Photography and field investigations were used to analyze the visual quality of the Harmony Corridor as perceived by a motorist driving along Harmony Road from I-25 to College Avenue. Three factors combine to create the perceived visual quality of the corridor: quality and maintenance of the built environment, visual orderliness and vegetation. Long range views to Longs Peak and the Front Range are evident throughout the corridor and also play an important role in the overall visual quality.

The gateway to the corridor at the I-25 interchange has many positive visual attributes. Riparian vegetation identifies the river’s meandering path. The natural scenic qualities of the river, the floodplain, wetlands and associated vegetation is enhanced by the dramatic backdrop of Longs Peak and the Front Range.

*Hewlett-Packard facility located at the top of the ridge.*

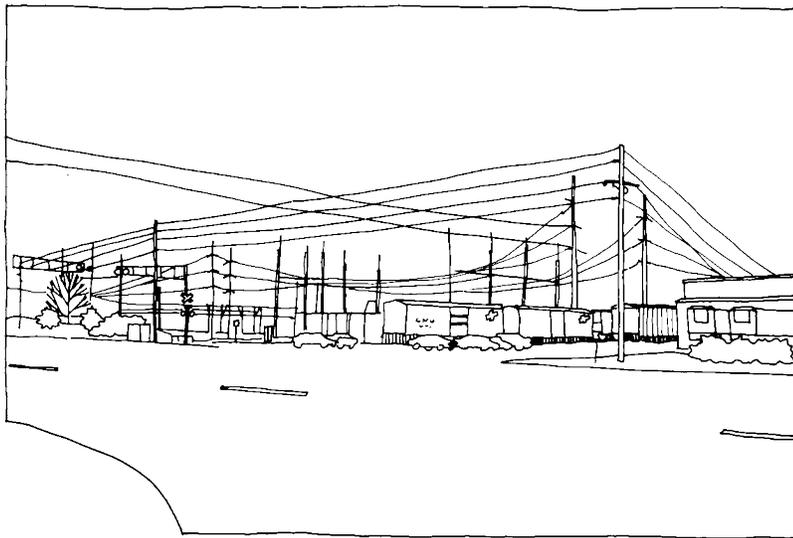


Existing development located immediately west of I-25 detracts from the scenic qualities of this entry. The commercial buildings rate low in both architectural quality and visual orderliness. Significant vegetation helps soften the general appearance.

Masses of cottonwood trees and lakes located along the north side of the road add to the visual richness of the gateway area. Traveling to the top of the ridge and out of the floodplain, the landscape character of the corridor changes to a mixture of agricultural fields and high quality business/industrial development. The Hewlett-Packard facility located just at the top of the ridge is particularly impressive with its wide setback and handsomely landscaped grounds. This development along with several others in the corridor have set a precedent of wide setbacks and naturalistic berming along Harmony Road. The overall effect is spacious, uncluttered and very attractive. Masses of mature trees are interspersed throughout the corridor framing views and providing visual diversity. Overhead power lines are noticeable along most of Harmony Road, predominantly on the north side. It is anticipated that most of these lines will go underground as land is annexed and the area is served by City of Fort Collins Light and Power.

Traveling further west, development increases, the type of development becomes more diverse and the overall visual quality decreases. The area around the Union Pacific railroad tracks located at about the midpoint of the study area is problematic because of visual clutter created by warehouse-type structures, railroad and traffic control devices, overhead power lines and signage. On the positive side, Oakridge and Golden Meadows business parks located just west of the railroad tracks are further examples of high quality business/industrial development and landscape sophistication, helping to set the tone for future development in the corridor.

As one approaches College Avenue, setbacks become much narrower and are nonexistent in some areas, the quality of development decreases, the median ends and there is less vegetation at eye level to soften the visual clutter and intense development. This area is however, not without positive aspects. Recent developments located on the west side of the College Avenue intersection have provided wider setbacks and generous amounts of plant material to help soften the appearance of the intersection. Riparian vegetation along Mail Creek and an abundance of mature trees associated with the Pioneer Mobile Home Park are significant natural amenities which will become even more valuable as this area redevelops over time.

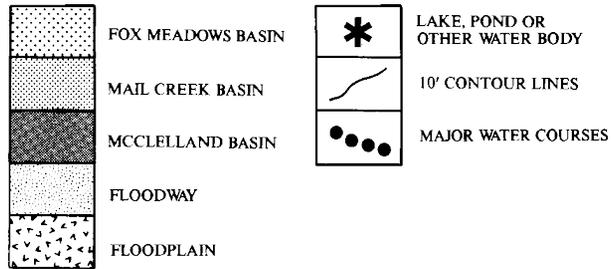
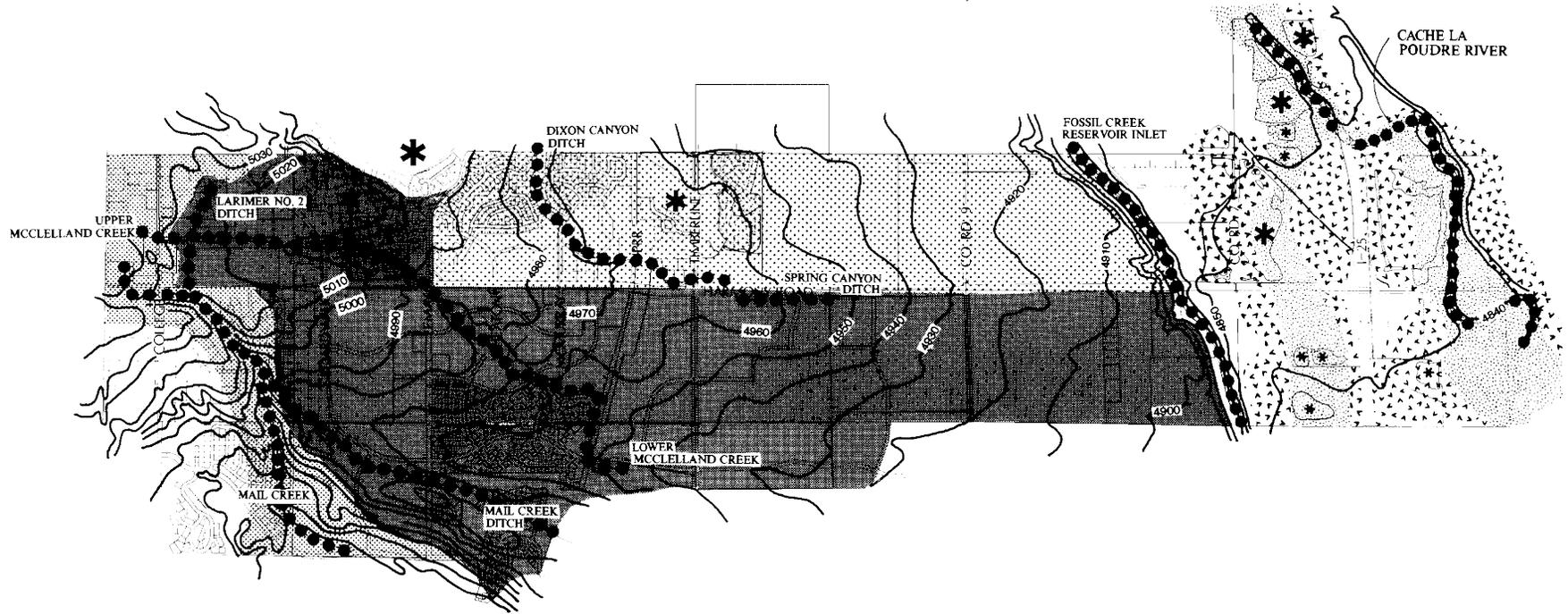


*Visual clutter near the Union Pacific railroad tracks detracts from the attractiveness of the corridor.*

***HARMONY CORRIDOR:  
THE PLAN***

Analyzing existing conditions in the corridor led to the identification of potential problems and also revealed a myriad of opportunities. The corridor has large tracts of fully serviced land available for development. We have an opportunity to attract the kinds of business and industry we want for the corridor, instead of just reacting to what comes. The visual appearance of the corridor is linked to its livability and is also important economically. We have an opportunity to affect how the corridor will look in the future. The gateway area, located in the floodplain of the Cache la Poudre River is largely undeveloped. We have an opportunity to successfully balance natural resource assets and economic development at this important gateway entrance.

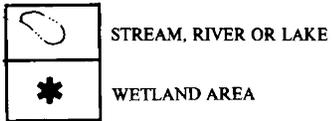
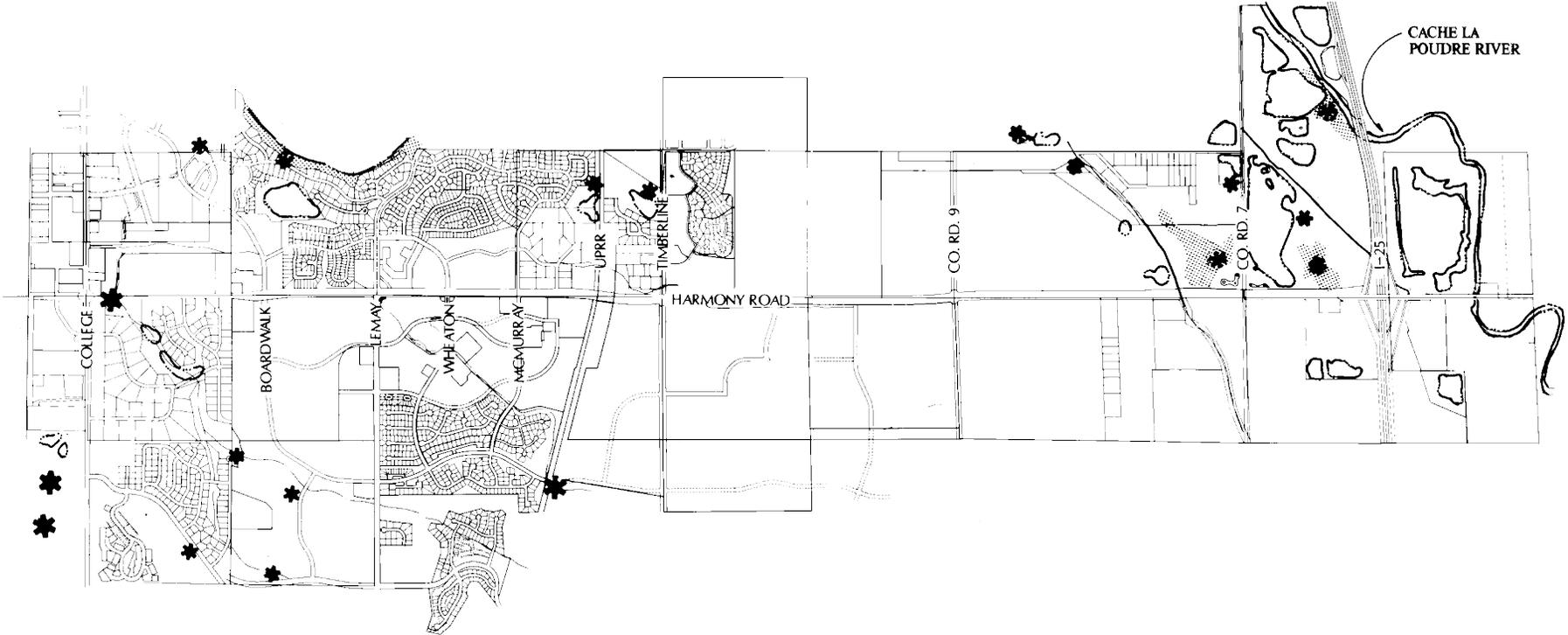
Three focus areas are defined in the Plan – LAND USE, URBAN DESIGN and THE GATEWAY. In each focus area issues are delineated and potential problems are identified. Alternative approaches for solving the problems and for taking advantage of the opportunities were generated and analyzed, resulting in recommended courses of action. The *Harmony Corridor Plan* is a projection of the corridor's future, indicating ways to resolve conflicts and take advantage of unique opportunities.



# HARMONY CORRIDOR PLAN

LANDFORM/ DRAINAGE

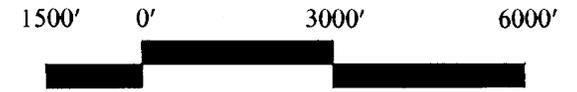
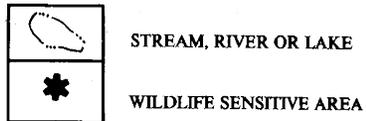
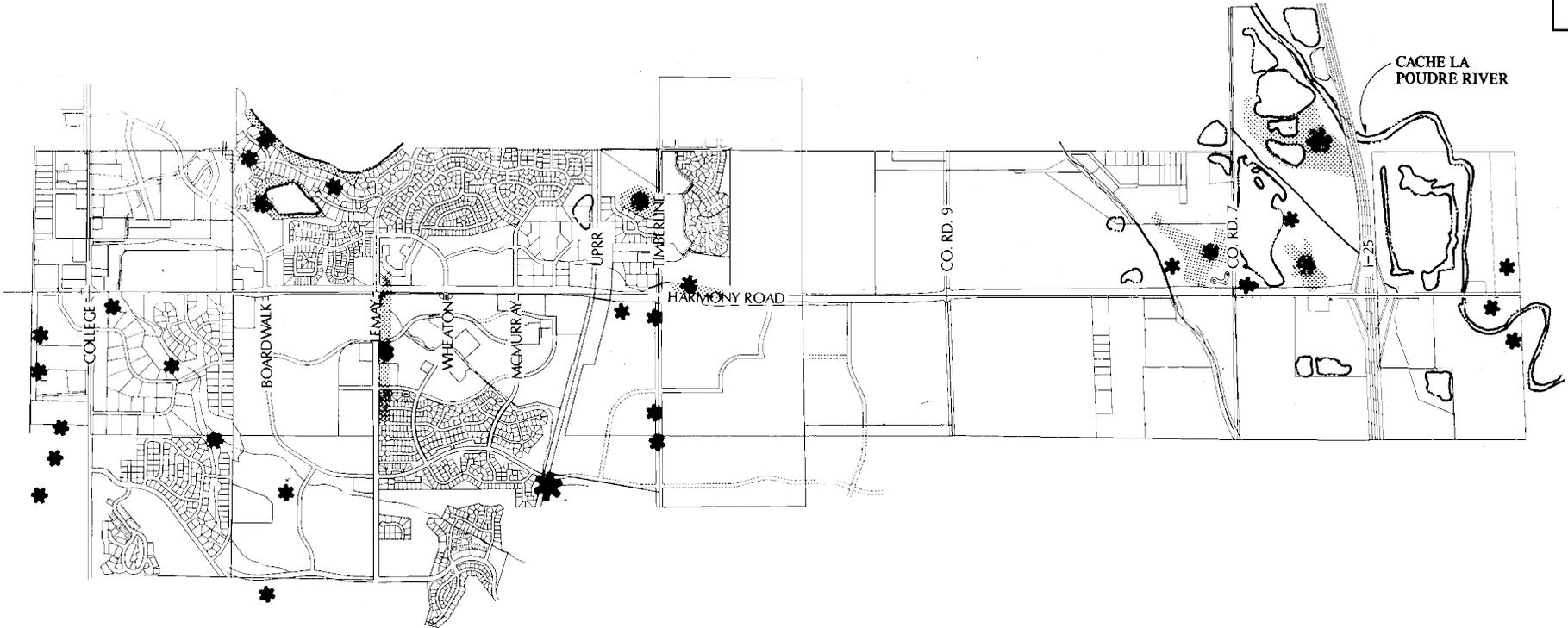
MAP 1



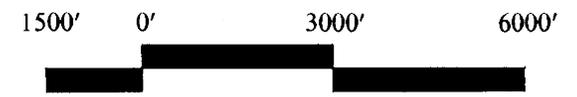
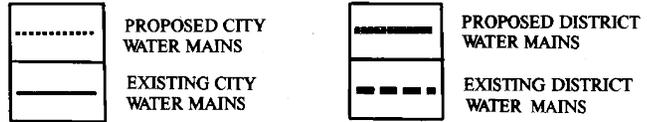
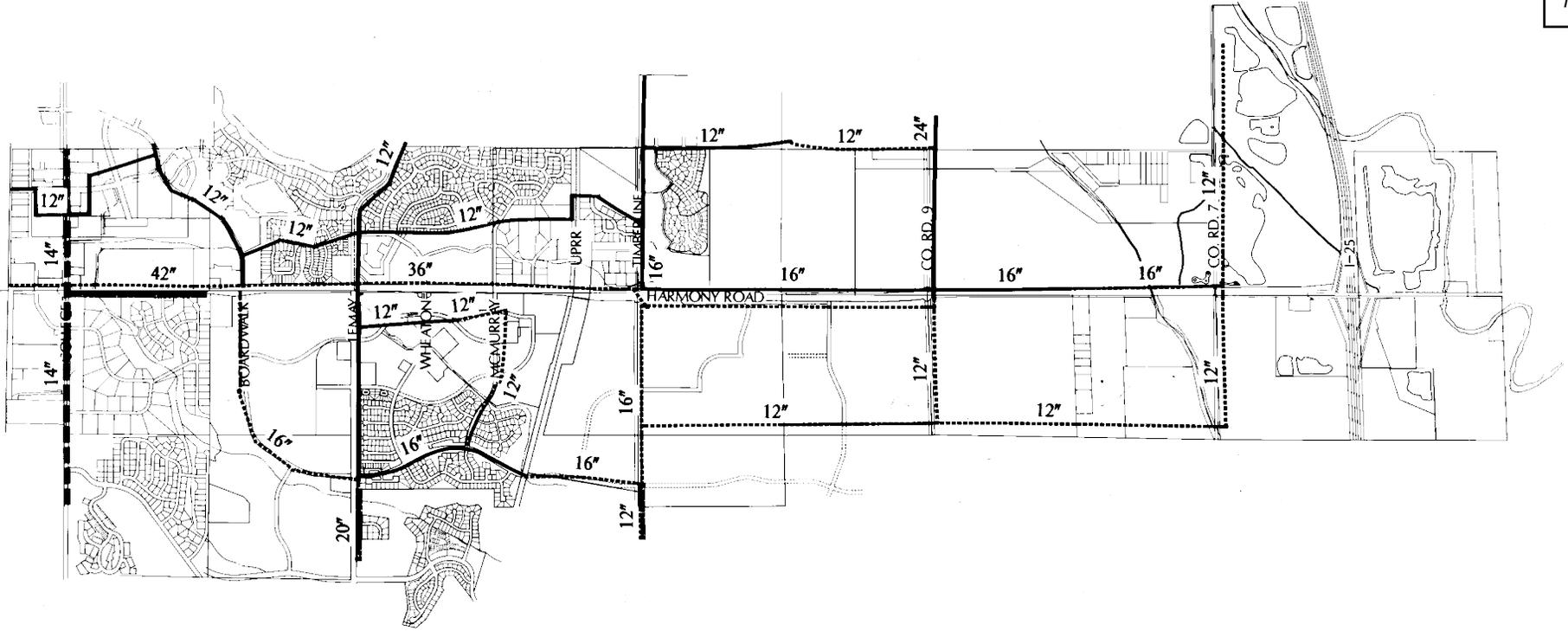
# HARMONY CORRIDOR PLAN

WETLAND AREAS

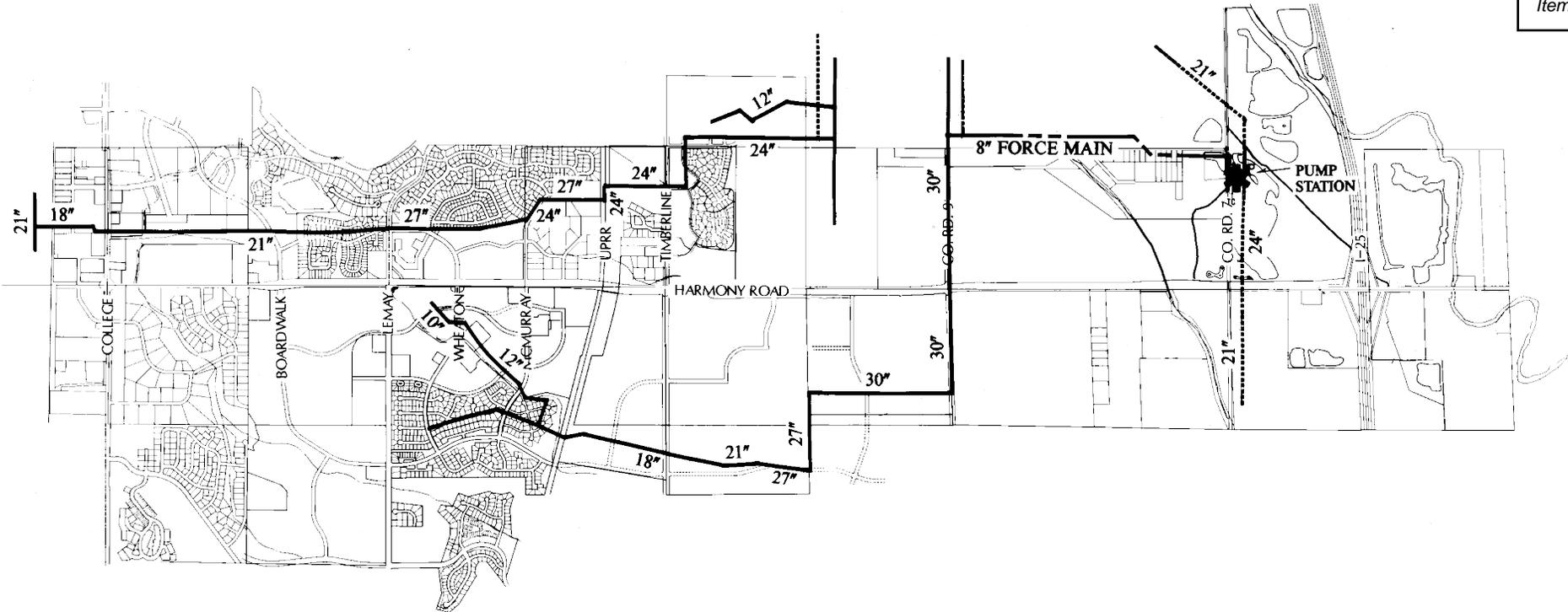
MAP 2



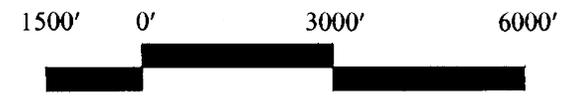
# HARMONY CORRIDOR PLAN



# HARMONY CORRIDOR PLAN

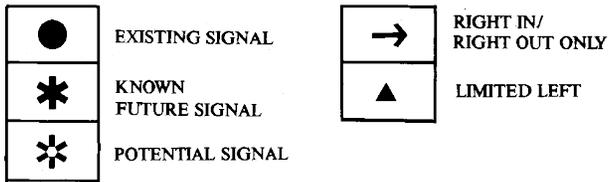
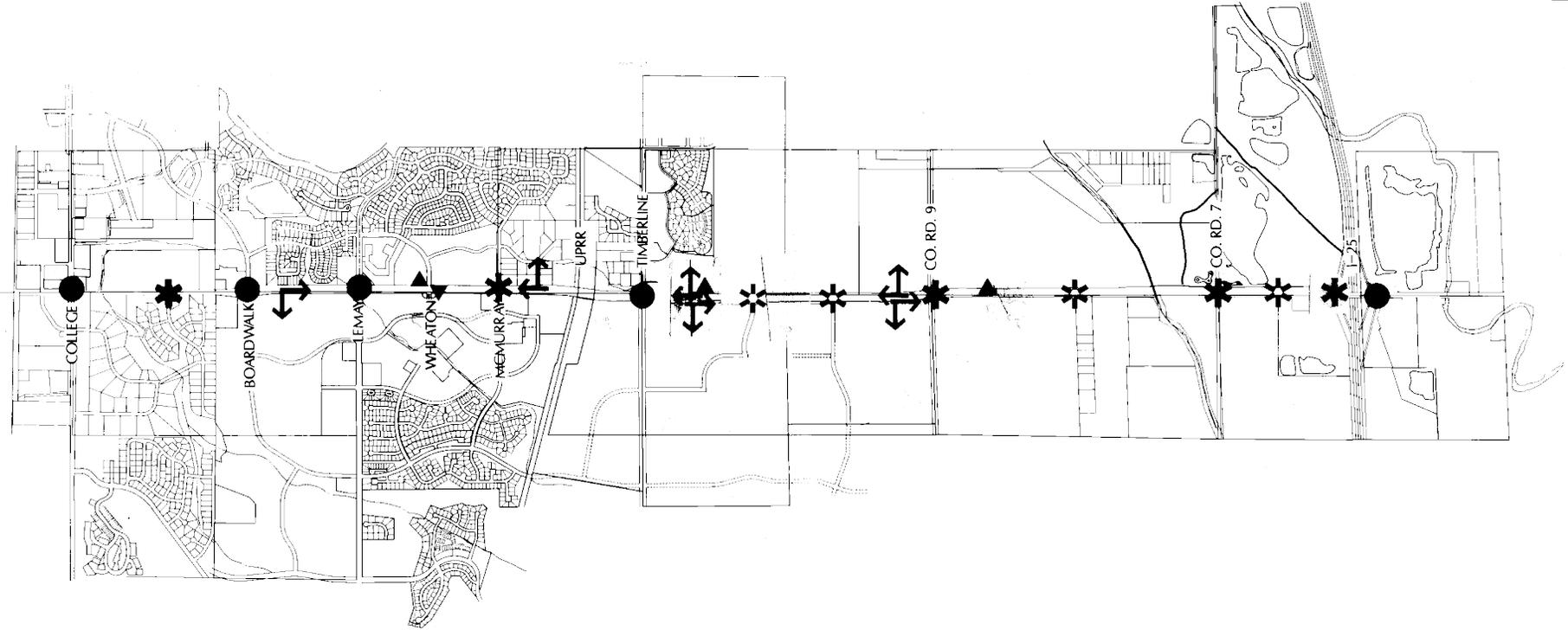


|                                                                                     |                           |
|-------------------------------------------------------------------------------------|---------------------------|
|    | EXISTING CITY SEWER LINES |
|   | PROPOSED CITY SEWER LINES |
|  | FORCE MAINLINE            |



# HARMONY CORRIDOR PLAN

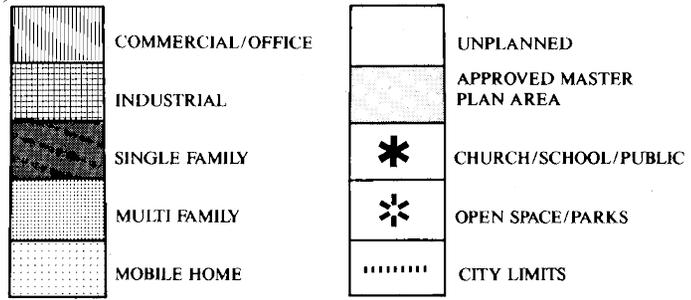
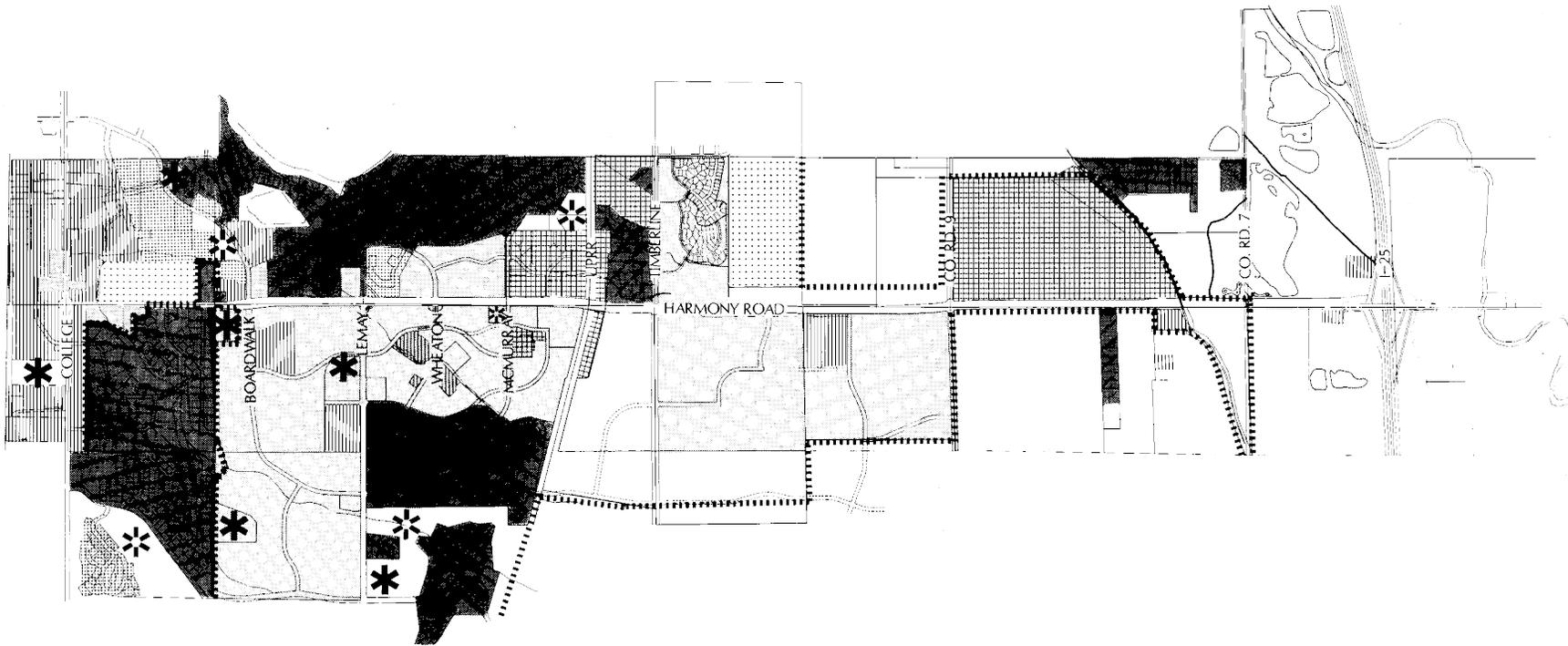
**SANITARY SEWER** **MAP 5**



# HARMONY CORRIDOR PLAN

ACCESS PLAN

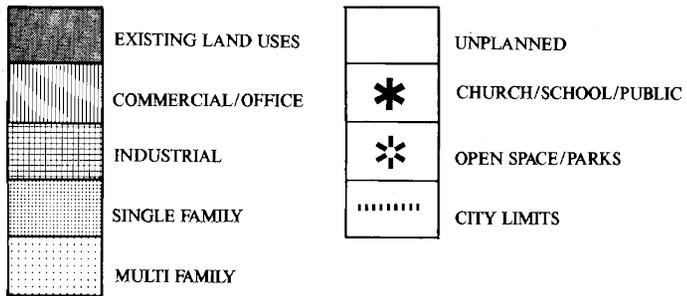
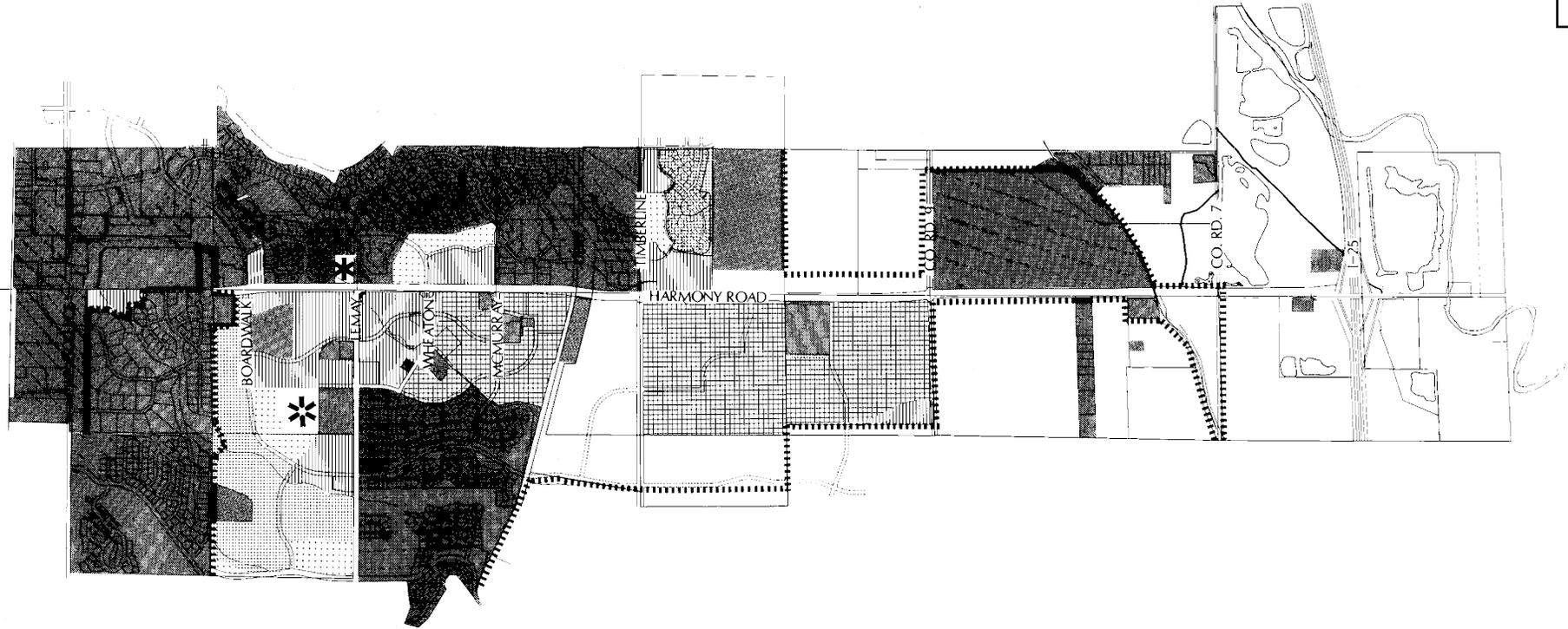
MAP 6



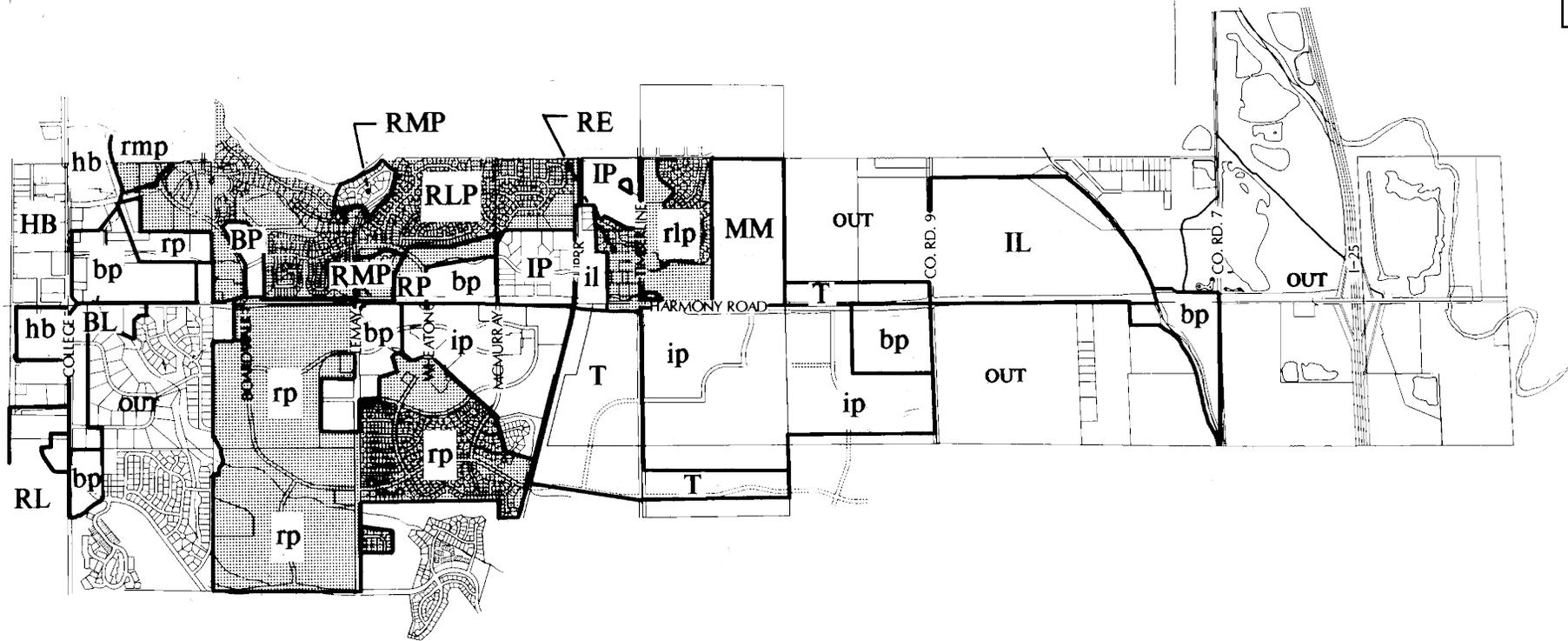
# HARMONY CORRIDOR PLAN

LAND USE - EXISTING

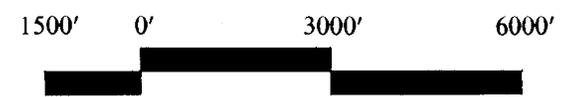
MAP 7A



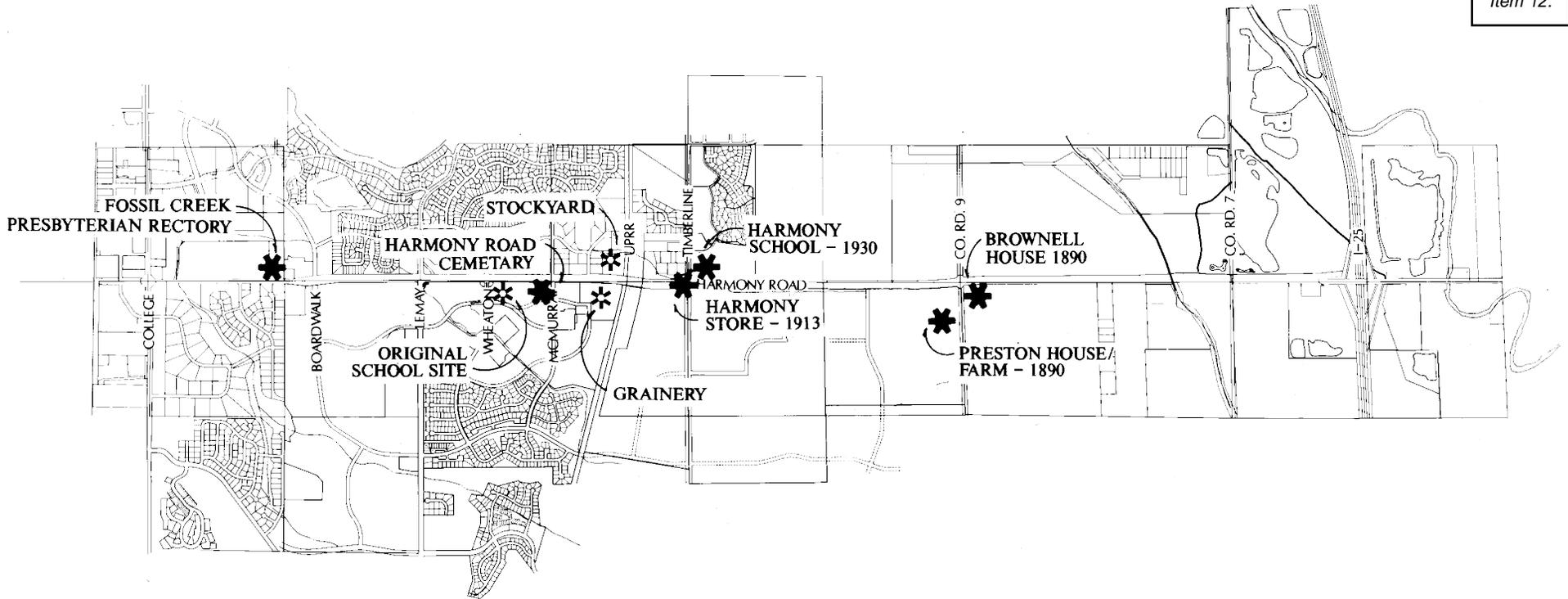
# HARMONY CORRIDOR PLAN



|    |                    |     |                                    |
|----|--------------------|-----|------------------------------------|
| HB | HIGHWAY BUSINESS   | RP  | PLANNED RESIDENTIAL                |
| BP | PLANNED BUSINESS   | RL  | LOW DENSITY RESIDENTIAL            |
| IL | LIMITED INDUSTRIAL | RLP | LOW DENSITY PLANNED RESIDENTIAL    |
| IP | INDUSTRIAL PARK    | RMP | MEDIUM DENSITY PLANNED RESIDENTIAL |
| T  | TRANSITION         | RE  | ESTATE RESIDENTIAL                 |



# HARMONY CORRIDOR PLAN



-  EXISTING HISTORIC STRUCTURE
-  HISTORIC SITES WHERE TRAIL MARKERS MIGHT BE APPROPRIATE



# HARMONY CORRIDOR PLAN

3  
**LAND USE**  
Updated 2020 & 2025

*The final test of an economic system is not the tons of iron, the tanks of oil, or miles of textiles it produces. The final test lies in its ultimate products – the sort of men and women it nurtures and the order and beauty and sanity of their communities.*

LEWIS MUMFORD

## INTRODUCTION

The national image enjoyed by Fort Collins as an excellent place to live and do business is well deserved. Few cities in the nation have a more spectacular setting, a more qualified work force, or a more pleasing climate. The Harmony Corridor represents a key opportunity to maintain and enhance the community's positive image and quality of life.

As the Harmony Corridor emerges as a focus of development activity in south-east Fort Collins, this is an opportune time to look at current development trends and determine what specific future land uses would be most desirable to complement other development in the area.

## *ISSUES*

The issues surrounding future land use in the Harmony Corridor appear to focus on the need to manage development to achieve a level of quality consistent with the economic, environmental, visual and other "quality of life" objectives of the community; while guiding the corridor to become a major business center in northern Colorado that attracts desirable industries and businesses and, at the same time, provides effective transitions from residential neighborhoods.

Another important issue is the concern that the Harmony Corridor should not develop as a typical commercial "strip" with frequent curb cuts, inadequate landscaping, and highly fragmented development lacking coordinated site planning.

Finally, the corridor offers unique opportunities to attract desirable industries and uses that can provide long-term economic stability for the community. Fort Collins has the opportunity to choose which industries are important for its future. These choices will set the direction for the community's economy for the next forty years. In this regard, the issue appears to focus on the need for more predictability in guiding industries and businesses choosing to locate in the corridor area.

## *CURRENT LAND USE POLICIES AND REGULATIONS*

The City's LAND USE POLICIES PLAN and LAND DEVELOPMENT GUIDANCE SYSTEM (LDGS) are the two documents which have been used most frequently to guide the planning and development of the corridor for the past ten years. The LAND USE POLILCIES PLAN (1979), an element of the City's COMPREHENSIVE PLAN, is the official statement of long range planning policy regarding a broad variety of land use planning issues including growth management, environmental protection, and locational policies for specific land use classifications.

The LAND USE POLICIES PLAN does not dictate specific kinds or specific locations of land uses that could occur in the community, but does provide general guidance, with special emphasis that development be well designed and mitigate any negative impacts before they be allowed to develop.

Once the *Harmony Corridor Plan* is adopted, it will serve as an element of the COMPREHENSIVE PLAN and will supplement the LAND USE POLICIES PLAN for this section of the community.

The LDGS, on the other hand, is not a Plan. It is a land use regulatory mechanism, like zoning, which is used to implement the goals, objectives and policies of the LAND USE POLICIES PLAN and the COMPREHENSIVE PLAN.

The LAND USE POLICIES PLAN promotes the maximum utilization of land within the corridor, higher density development, phased growth, a mix of uses and concentrated building activity. The availability of public facilities, including streets, sewer, water, natural gas, and electricity, establishes the corridor as a preferred location for intense urban activity including a mix of residential, industrial, commercial and recreational uses. Properly designed, multiple use developments make sense from both a public and private standpoint. People can and should have the opportunity to live near where they work, where they shop, where they go out to eat, and where they find recreation.

The auto becomes less necessary, thereby relieving the transportation system and reducing air pollution. Directing growth to those areas of the community where utilities are already in place, saves money and makes more efficient use of the existing public investment in infrastructure improvements.

The adopted LAND USE POLICIES PLAN also encourages a variety of retail activity in the corridor, including community and regional shopping centers. Only neighborhood scale shopping centers are allowed in residential areas. Strip commercial development is discouraged in the LAND USE POLICIES PLAN in favor of compact shopping centers.

Transitional land uses or areas are also provided for in the Plan to be located between residential and commercial areas. All residential areas are encouraged to include a mix of single family and multi-family dwelling units of differing types and densities. Other uses such as parks and schools are also expected to develop in the future to serve the expanding residential areas.

Since the late 1970's, development in the Harmony Corridor has been especially attractive and sensitive to the unique characteristics and importance of the area. The decision by Hewlett-Packard to locate in this corridor has had the positive effect of attracting other light industries and office users. The quality of recent commercial and residential development in the area has also been very good.

The challenge at hand is to determine if any additional land use policies are needed which could improve upon, reinforce and enhance the pattern of land use occurring within the corridor.

## **PLANNING FOR THE FUTURE**

### ***INTRODUCTION***

Both the City Council and the Planning and Zoning Commission have the responsibility and the authority to undertake the preparation of long range plans and policies. This planning effort offers an opportunity to establish a refined vision for the corridor. It includes creating a desirable living and working environment for future inhabitants, an exciting gateway into the community, as well as an important center for business and commerce.

The land use plan for the Harmony Corridor is intended to improve upon, reinforce and enhance the City's COMPREHENSIVE PLAN. It offers a vision of a future that many people and interests can identify with and seek to implement.

### ***THE PROCESS***

Several different land use alternatives were considered before finally arriving at the recommended one. These alternatives ranged considerably in intensity of development, character and practicality.

They were reviewed by the property owners in the study area and the general public. The recommended land use plan was synthesized by staff based on several months of public review and comment at a variety of forums.

The land use plan is depicted on Map 10. The intent of the land use plan and map is to provide for an orderly, efficient and attractive transition of vacant rural land to urban use; and to:

- (a) Maximize the use of existing services and facilities (streets and utilities).
- (b) Promote the development of the corridor as a high quality, self-contained and compact business center.
- (c) Provide for the location of industry and business in the city by identifying prime locations for such uses.
- (d) Provide shopping and service areas convenient to both residents and employees of the corridor.
- (e) Provide for a variety of housing types.
- (f) Preserve and protect existing residential neighborhoods from intrusive or disruptive development.

***THE VISION***

The vision for the corridor area is that it become a major business center in northern Colorado attracting a variety of businesses and industries serving local as well as regional markets. It should also include a mixture of land uses including open space, residential, office, recreational, and retail activities.

The focus of most development activity, especially commercial, should be at the major street intersections. The intensity of land use should decrease as distance from Harmony Road increases and as the distance from the major intersections increases. To promote pedestrian, bicycle and transit use, development in the area should be compact. Buildings, spaces and street frontages should be well-designed and of high quality materials and workmanship.

Business and industry provide the major economic focus of the corridor area. The land use mix also includes a variety of commercial uses to meet tenant and neighborhood resident needs.

Community and regional commercial activities are introduced in well-planned shopping centers or industrial parks, designed to draw shoppers from the surrounding community and region.

Free-standing highway related commercial (convenience stores, fast-food restaurants, gas stations and the like) are not permitted to locate outside of planned shopping centers or industrial parks. Only neighborhood scale shopping centers are allowed in residential areas.

Hotels to serve business tenants within the park will grow in importance. These hotels will be sited near major industrial parks, and in most cases be visible from Harmony Road.

Low intensity retail, restaurants, day care facilities, health clubs, personal service shops, business services (print shops, office supply, etc.), banks and other similar commercial activity is concentrated in attractively designed centers and integrated into planned industrial parks.

Buffer areas (transitional land uses, linear greenbelts, or other urban design elements) are provided to serve as cushions between the adjacent residential neighborhoods and the commercial areas. The existing, low density residential uses in the surrounding neighborhoods are maintained and enhanced. As business activity expands, new housing stock of a mix of types and densities is introduced as integral parts of the business and industrial parks.

## LAND USE PLAN

### GOAL STATEMENT

Encourage and support mixed land use development in the Harmony Corridor while discouraging “strip commercial” development and promoting the vitality and livability of existing residential neighborhoods.

### POLICIES

**LU-1 Strive for excellence and high quality in the design and construction of buildings, open spaces, pedestrian and bicycle facilities, and streetscapes by establishing and enforcing design guidelines specific to the corridor area.**

An important part of the *Harmony Corridor Plan* is the desire to continue the high standard of quality established by recent development projects in the corridor area. One way that this can be accomplished is through the development and implementation of design guidelines specific to the corridor itself. These guidelines should be adopted as a part of the criteria that the City uses to review development of the corridor area. These guidelines should address the following issues:

- Streetscapes, including fencing and screening.
- Landscaping.
- Street and parking lot lighting.
- Building setbacks.
- Architectural design and materials.
- Pedestrian and bicycle access and circulation.

**LU-2 Locate all industries and businesses in the “Basic Industrial and Non-Retail Employment Activity Centers” in the areas of the Harmony Corridor designated for such uses on Map 10. Secondary supporting uses will also be permitted in these Activity Centers, but shall occupy no more than 50 percent (50%) of the total gross area of the Overall Development Plan or Planned Unit Development, as applicable.**

The Harmony Corridor offers an opportunity for creating a major business and industrial center in northern Colorado, due to its desirable location, accessibility, available infrastructure, and land ownership pattern. Attracting desirable industries and businesses into the community, and in particular, the Harmony Corridor, achieves an important public purpose because it promotes primary and secondary jobs and generally enhances the local economy.

Basic Industrial and Non-Retail Employment Activity Centers are locations where industrial uses and/or office, or institutional type land uses are planned to locate in the future in business park settings. Base industries are firms that produce goods and services which are produced for export outside the city and thereby import income into the city. Typical business functions include research facilities, testing laboratories, offices and other facilities for research and development; industrial uses; hospitals, clinics, nursing and personal care facilities; regional, vocational, business or private schools and universities; finance, insurance and real estate services; professional offices; and other uses of similar character, as determined by the Planning and Zoning Commission.

Mixed-use dwellings, where residential units are stacked above either a primary or secondary non-residential use, as well as affordable housing, shall be exempt from Primary or Secondary Use restrictions in the “Basic Industrial and Non-Retail Employment Activity Centers.” Such uses promote corridor and community-wide policy goals locating higher intensity and attainable housing close to employment, daily needs, and basic services, thereby reducing reliance on personal vehicle trips.

Secondary uses include hotels/motels; sit-down restaurants; neighborhood convenience shopping centers; childcare centers; athletic clubs; and, a mix of single family and multi-family housing. If single family housing is provided, at least a generally equivalent number of multi-family dwelling units must also be provided. “Multi-family” shall mean attached single family dwellings, 2-family dwellings or multi-family dwellings.

Secondary uses shall be integrated both in function and in appearance with an office (or business) park, unless a special exemption is granted by the Planning and Zoning Commission. In order for such an exemption to be granted, the applicant must demonstrate to the satisfaction of the Commission that the granting of the exemption would neither be detrimental to the public good nor impact the intent and purposes of the foregoing requirement and that by reason of exceptional narrowness, small parcel size, or other special condition peculiar to a site, undue hardship would be caused by the strict application of this requirement.

The essence of the Basic Industrial and Non-Retail Employment Activity Center is a combination of different types of land uses along with urban design elements that reduce dependence on the private automobile, encourage the utilization of alternative transportation modes, and ensure an attractive appearance.

**LU-3 All retail and commercial land uses, except those permitted as secondary uses in the Basic Industrial and Non-Retail Employment Activity Centers, shall be located in ‘Mixed-Use Activity Centers’ which permit different types of shopping centers. All shopping centers, except neighborhood convenience shopping centers, shall be limited to the locations shown on Map 10. Neighborhood convenience shopping centers shall also be permitted as secondary uses in the Basic Industrial and Non-Retail Employment Activity Center as described in LU-2.**

The Mixed-Use Activity Center permits, in addition to the uses listed in the “Basic Industrial and Non-Retail Employment Activity Center,” a range of retail and commercial uses to occur in shopping centers, to meet consumer demands of residents and employees who live and work in adjacent neighborhoods, as well as from the community or region. Coordinated planning of a “center” rather than isolated individual uses is the most effective means of avoiding the “strip” type of development. Permitted locations for different types of shopping centers are shown on Map 10.

The essence of the Mixed-Use Activity Center is a combination of different types of land uses along with urban design elements that reduce dependence on the private automobile, encourage the utilization of alternative transportation modes, and ensure an attractive appearance.

The scale and design of the shopping centers should be compatible with neighboring uses. Shopping centers can and should play an important role in the identity, character and social interaction of surrounding neighborhoods. They should be easily accessible to existing or planned segments of public transit. Adequate auto accessibility, especially for community and regional shopping centers, is important. Shopping centers should have a physical environment that is conducive to pedestrian and bicycle travel.

**LU-4 Allow a broader range of land uses within the Gateway Area as shown on Map 10. The Gateway Area permits a mix of all uses allowed in the Harmony Corridor, including the individual uses in shopping centers, to occur throughout the area. Retail and commercial uses shall occupy no more than 50% of the mix of uses in the applicable development plan.**

Development in the area is intended to form a mixed-use place to attract employment uses with the convenient mixing of uses as an amenity, as described in Chapter 5. Retail and commercial uses are allowed in any portion of the area because development will be coordinated within an urban design framework to minimize negative impacts on sensitive uses such as residential uses and on visual quality.

The focus within the Gateway Area will be on visual quality of naturalistic landscaped edges along I-25 and Harmony Road; and on urban design of pedestrian-friendly placemaking in areas of building development. Building development shall be clustered away from I-25 and Harmony Road and designed to blend unobtrusively into the landscape setting.

**LU-5 Provide for the advance planning of large, undeveloped properties in the corridor area.**

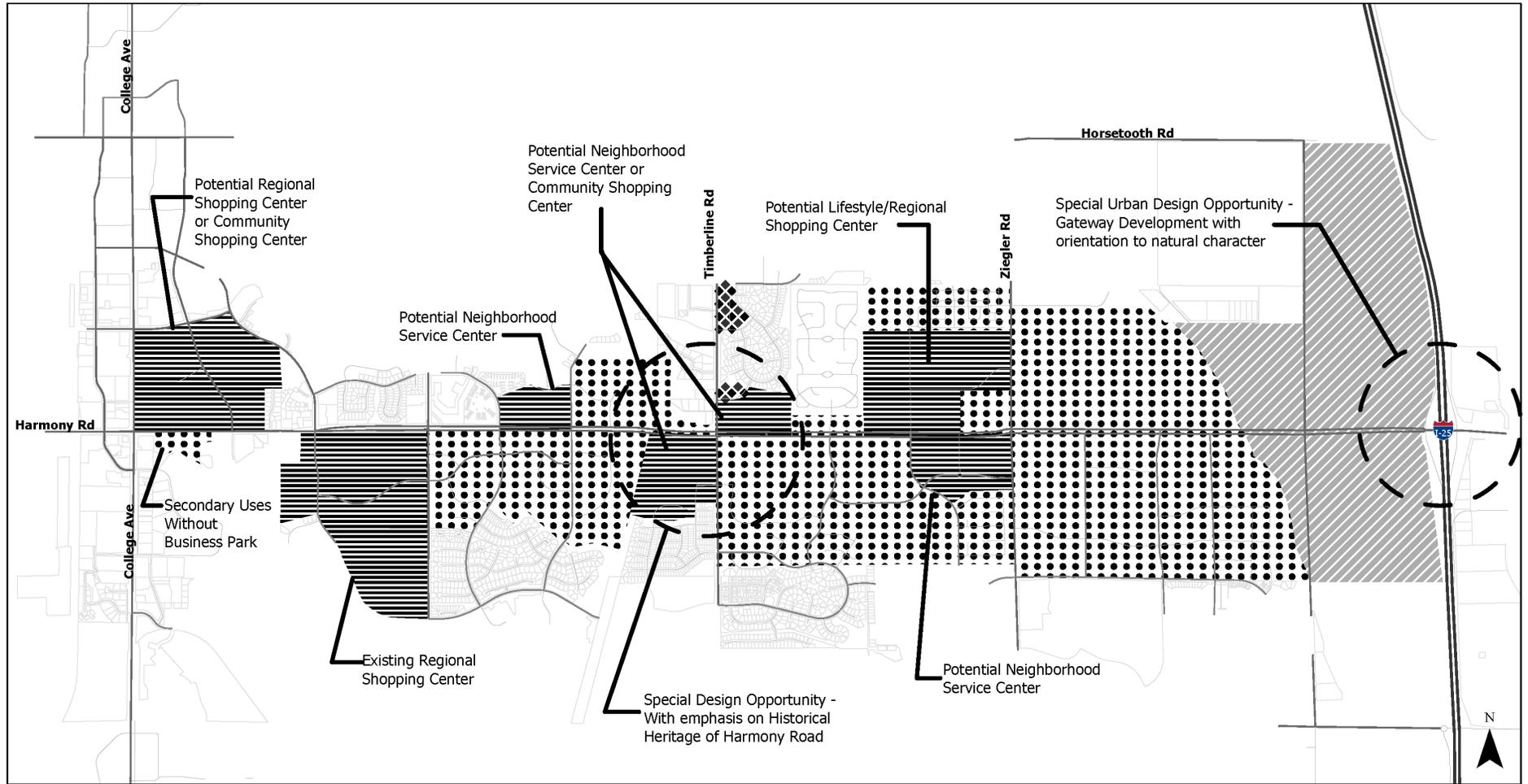
Coordinated planning of large parcels of land in the corridor area can generally provide greater opportunity for more innovation and variation in design, increase efficiency in utility services, and accomplish many more of the policies and objectives of the community than does a more piecemeal approach to development planning.

**LU-6 Recognize the importance of the continued livability and stability of existing residential neighborhoods as a means to expanding future economic opportunities in the corridor.**

The corridor area contains existing residential areas whose existence contributes to the future economic health of the corridor area. Future development in the corridor should be sensitive to these areas.

**LU-7 Preserve a transition or cushion of lower intensity uses or open space between existing residential neighborhoods and the more intense industrial/commercial areas.**

An important goal of the *Harmony Corridor Plan* is to provide a harmonious relationship between land uses and to protect the character of new and existing residential neighborhoods against intrusive and disruptive development. Open space, setbacks, landscaping, contextual building height and scale, physical barriers and appropriate land use transitions can be effective ways to provide a cushion between different uses. The following are generally considered to be appropriate transitional land uses: professional offices; multi-family housing; churches; childcare centers; and assisted living, memory care, and short-term care facilities.

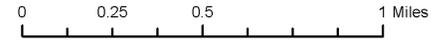


**Harmony Activity Centers**

- Basic Industrial and Non-Retail Activity Center
- ▬▬▬▬ Mixed-Use Activity Center

**Potential Shopping Center Locations Outside of Activity Center**

- ◆◆◆◆ Neighborhood Convenience Center
- ▨▨▨▨ Gateway Area



## IMPLEMENTATION ACTIONS

The following actions need to be taken by the City to ensure that the land use section of the Plan is implemented over the years to come.

1. The City Council and the Planning and Zoning Commission should adopt the Plan.
2. The City should annex all unincorporated areas within the Harmony Corridor, in accordance with the parameters of the Urban Growth Agreement.
3. The City should adopt design standards and guidelines which reinforce the distinctiveness and quality of the corridor area.
4. When reviewing new development proposals in the corridor, the City shall evaluate such proposals according to the standards and guidelines adopted as part of the *Harmony Corridor Plan*. The *Harmony Corridor Standards and Guidelines* are in addition to existing development regulations that apply to specific development proposals.
5. The City should prepare design guidelines which further elaborate on the effective use of design measures for buffering between residential and non-residential land uses.
6. The City should establish means of effectively encouraging industries and businesses to locate in the Harmony Corridor.
7. The City should consider adopting a “superblock” planning requirement which assures the coordinated planning of large parcels of land.
8. The City should explore local landmark district designation of existing historic structures.
9. The City should study the distribution of basic industrial and non-retail jobs as part of the update of the Comprehensive Plan. The planning effort should also determine the relative importance of the Harmony Corridor in achieving community-wide employment objectives. And, based on the results of the study, the City should prepare incentives and/or regulations to assure implementation of the employment objectives in the Harmony Corridor. Revise policies of the Plan as needed.

10. The City of Fort Collins, Larimer County and the Town of Timnath should join efforts to plan for the appropriate development of Harmony Road east of I-25 compatible with the *Harmony Corridor Plan*.
11. Pioneer Mobile Home Park, located on the northeast corner of Harmony Road and College Avenue, is home for many low-income families and elderly persons on fixed incomes. Although the Plan indicates future redevelopment of the site, the displacement of persons in the neighborhood should be carefully planned and sensitive to the particular needs of the residents.
12. The “Harmony Bikeway Study” (currently underway) should be prepared to reinforce the goals and vision of the *Harmony Corridor Plan*, as well as the City’s overall transportation objectives.

# 4

## URBAN DESIGN

*The success of a work of design may be soundly evaluated only by its overall long-term effect on the healthy, happy survival of humans. Any other evaluation of architecture, landscape architecture, or city planning makes little if any sense.*

NORMAN NEWTON

## INTRODUCTION

Urban design encompasses a wide variety of topics having to do with the physical environment in an urban setting. Existing development, open space, pedestrian and vehicular linkages, historic buildings and places, trees and other natural features all combine to create a sense of place. The challenge for the *Harmony Corridor Plan* is to take all of these diverse urban design elements and shape them, so that the resulting sense of place enhances the quality of life for people who live and work in the corridor.

## ISSUES

### *VISUAL CONSIDERATIONS*

As one enters the corridor from the east, the landscape character along Harmony Road is a unique blend of rural scenery and high quality, campus-like office and industrial development. Moving further west and closer to fully urbanized areas, the variety of land uses becomes more diverse and includes commercial businesses. The landscape character changes from a wide floodplain, dominated by spectacular views of the Front Range to a predominantly paved urban environment near College Avenue. It is probable that the diversity of land uses and architectural styles will continue to increase.

As Harmony Road continues to develop, an urban design character will be established. It can become like many other communities and be visually cluttered with a wide variety of land uses, architectural styles and landscapes or it can be a well-planned corridor with a cohesive landscape design theme that capitalizes on its strengths and down plays its weaknesses. One purpose of the *Harmony Corridor Plan* is to create an urban design framework that can unify the visual diversity into a cohesive whole. Building on the area's natural scenic qualities, the Plan seeks to create a vision of what the Harmony Road of the future will look like.

### *ECONOMIC DEVELOPMENT CONSIDERATIONS*

Harmony Corridor represents an opportunity for this community to make a positive first impression and demonstrate that Fort Collins is a great place to live, work and play. Harmony Corridor already has many positive locational and site development characteristics, such as good community/regional access and large fully serviced tracts of undeveloped land. A uniquely attractive and well-planned landscape character can reinforce these positive qualities and give Fort Collins an edge when competing against other communities for quality business and industrial development.

This vision for Harmony Corridor goes beyond establishing an attractive landscape and attempts to create an image for the corridor that is consistent with the progressive and dynamic development occurring there. Changing the name of Harmony Road to Harmony Parkway is one example. Specially designed and well-coordinated public signage, lighting and other visible infrastructure can further enhance a quality image for the corridor.

**LANDSCAPE DESIGN ISSUES**

In order for the Harmony Corridor urban design concept to be successful, it needs to overcome constraints and take advantage of opportunities. The biggest challenge is to develop and implement a landscape plan that can successfully integrate the many different existing landscape characters into a cohesive whole.

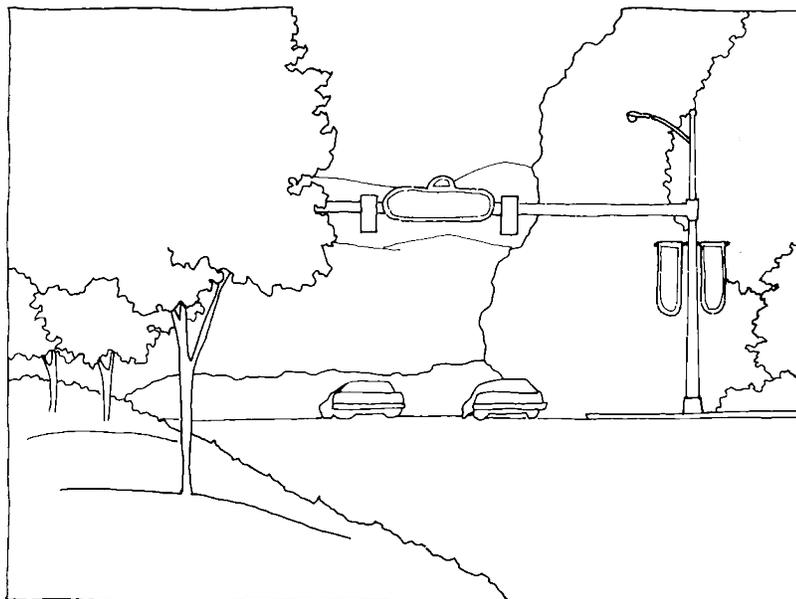
Several existing developments have already set high standards for landscape design. The wide setbacks, rolling berms and groves of trees that typify the landscape frontage at Hewlett-Packard, Mountain Crest Hospital and Oakridge create a sense of spaciousness and environmental quality. The urban design plan for the corridor should complement these successful landscapes.

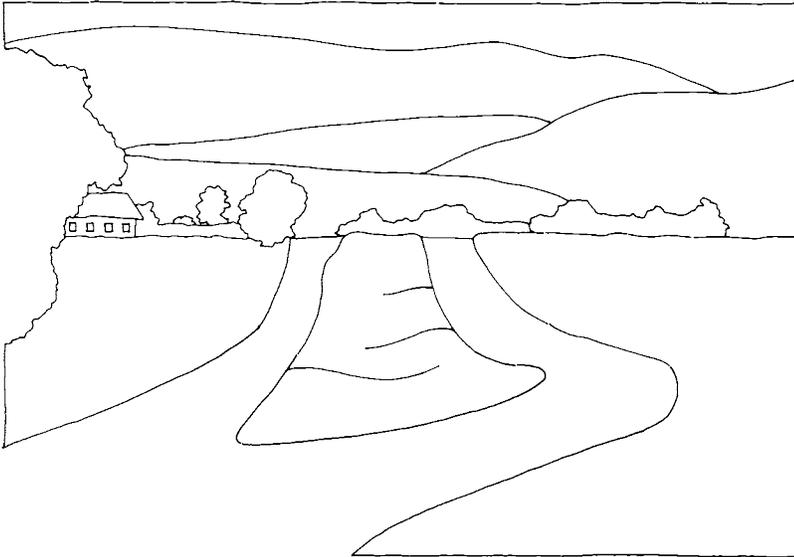
*Specially designed and well coordinated public signage can contribute to a quality image for the corridor.*

While landscape continuity is essential, other landscape characteristics are also important. Selecting plant material that is hardy, disease resistant and relatively easy to maintain increases the chances for success. Plant materials that create visual interest and seasonal variety make the landscape more appealing and should be emphasized in the plan. Existing trees should be preserved for the spatial character they establish and the historical heritage they represent.

**WATER CONSERVATION**

Water conservation is an environmental issue which will become increasingly important in the future. The landscape design concept for Harmony Road needs to recognize this trend and respond by utilizing xeriscape techniques.





*The spacious median is important to the visual quality of the corridor.*

#### ***PEDESTRIAN AND VEHICULAR LINKAGES***

Other factors that contribute to the urban design character of the corridor include the design of streets, sidewalks and trail systems. Roadway geometrics and design detail influence the visual appearance of a streetscape. In the Harmony Corridor it is especially important to consider future roadway geometrics for Harmony Road.

The fact that Harmony Road is a state highway complicates the issue. The City and State agree that eventually Harmony Road will need to be widened to accommodate three travel lanes in each direction. Indications are that the State intends to widen the roadway to the inside, greatly reducing the width of the median or, in some cases, eliminating it entirely. Landscaping in the median also must be coordinated with the State Division of Highways and designed to their standards.

At the present time, these standards do not allow planting trees in the median. The need for curb, gutter, and splash blocks in the future also needs to be examined. In order to successfully implement a meaningful urban design concept, the City must work with the State toward a common vision for the future.

Transportation planning in the corridor should respond to the needs of motorists, commuters, bicyclists and pedestrians. Well-planned and sensitively designed trail systems serving bicyclists and pedestrians can contribute to the visual attractiveness of the area, help create a sense of place and enhance the quality of life for people who live and work in the Harmony Corridor.

#### ***HISTORICAL HERITAGE***

The historical heritage associated with the original community of Harmony is one of the interesting facts that make the Harmony Corridor unique. The colorful personalities associated with that era and their labor which created irrigated farmland, built charming Victorian houses, established a church, school and cemetery should not be forgotten. The persistence and hard work of these early pioneers played an important role in the evolution of the corridor.

Even though historic farmhouses and other buildings in the corridor may eventually be replaced by more modern structures, the historical heritage they represent can be preserved in a variety of ways. Encouraging property owners

to have the historical significance of their structures documented is important. One of the future neighborhood parks in the corridor could be named “Harmony Park” and emphasize a historical theme. Historical markers along trail systems could enhance this concept. The Harmony Corridor urban design plan should capitalize on these opportunities to pre-serve the past for the benefit of future generations.

#### ***COORDINATION WITH UTILITIES***

Utility systems in the corridor can affect the visual quality of the corridor in a variety of ways. The City’s Water and Wastewater Utility has completed the conceptual design and route selection for a major water transmission main in the corridor. Utility engineers and planners will need to balance the needs of the utility with the aesthetic purposes of the urban design plan. A 40-foot wide drainage channel designed to carry stormwater flows from the Hewlett-Packard site to the lake east of County Road 7 is another example of utility systems affecting the visual appearance of the streetscape. Communication and coordination are key factors in resolving conflicts before they become problems. In most cases the needs of the utility can be met without sacrificing visual aesthetics if the systems are carefully planned with the corridor landscape design objectives in mind.

#### **ALTERNATIVE DESIGN CONCEPTS**

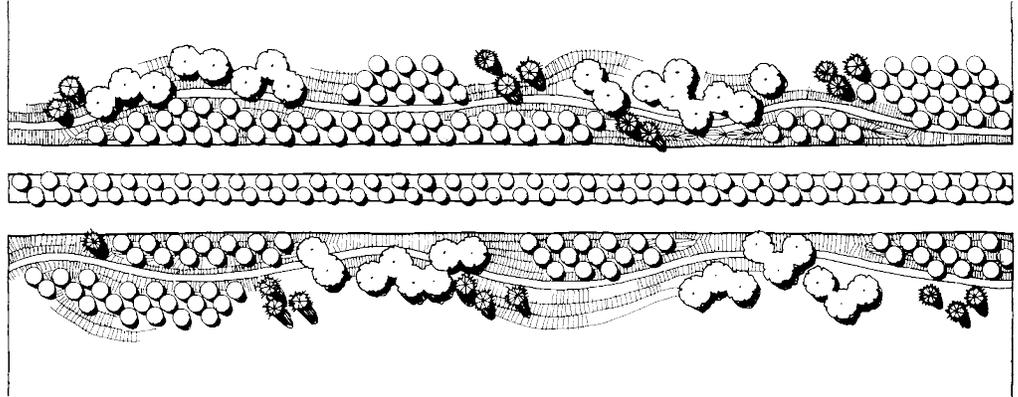
The design process began with a visual analysis of the corridor, detailed in Chapter 2, followed by the generation of three alternative urban design concepts – Harmony Orchard, Harmony Rhythm, and Harmony Oaks. The basic elements of each design concept are described below.

#### ***HARMONY ORCHARD***

In this design concept, ornamental trees are planted in a grid pattern to create an orchard effect along Harmony Road from I-25 and to College Avenue. The tree grid is continuous in the median and occurs randomly along the road edges skipping properties that are already developed. Developers are encouraged to plant evergreens and tall deciduous canopy trees to act as a backdrop for the orchard. Species of orchard trees are selected for hardiness and disease resistance, as well as for spring and fall color.

The median and adjacent properties are graded to continue the rolling berms already becoming a hallmark of Harmony Road. A meandering bike trail parallels both sides of the street and connects to existing bike trails. The ground plain is planted with a bluegrass, brome and fescue mix to provide turf

*Plan view of the Harmony Orchard design concept.*

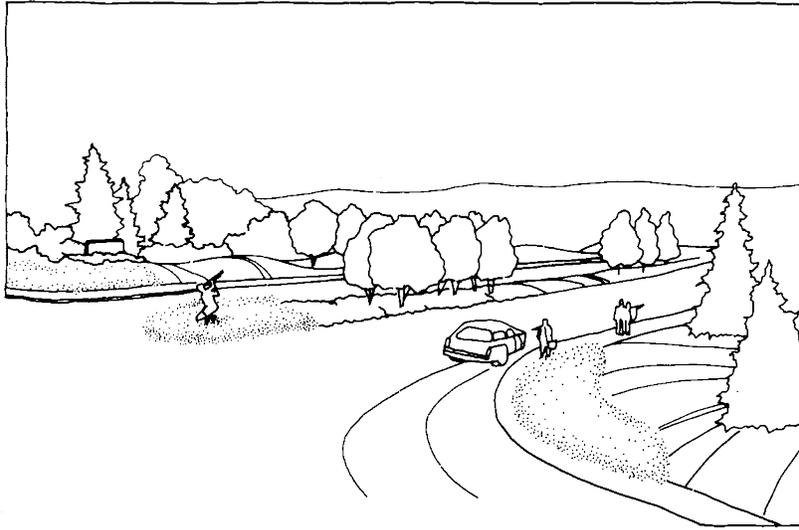


that is green during the growing season and still conserves significant amounts of water over conventional bluegrass. The mowing height is six inches, in keeping with an orchard theme. Thousands of daffodils are naturalized all along the median creating a spectacular flower display in early spring. Low stone walls are encouraged as an architectural design element at intersections and anywhere retaining walls or low screen walls are needed. Distinctive lighting and sign graphics are used to further build on the design concept.

### ***HARMONYRHYTHM***

A repetition of plant material and sculpture combine to create a rhythm along Harmony Road that the viewer perceives whether he is entering Fort Collins for the first time or is a resident taking advantage of the bike trail system paralleling the road. A narrow range of plant material is selected to provide seasonal interest. For example “Burning Bush” might be selected as a shrub that is repeated in the landscape of new developments, resulting in a dramatic display of glowing red shrubs during that few weeks in the fall when that shrub turns color. Other trees, shrubs and perennials are selected to provide similar effects all through the growing season.

Sculpture is promoted along the corridor making a statement about Fort Collins’ interest in the arts. Occurring at intersections and at prominent points along the trail system, sculptural elements could be individually unique or work together around a common theme.



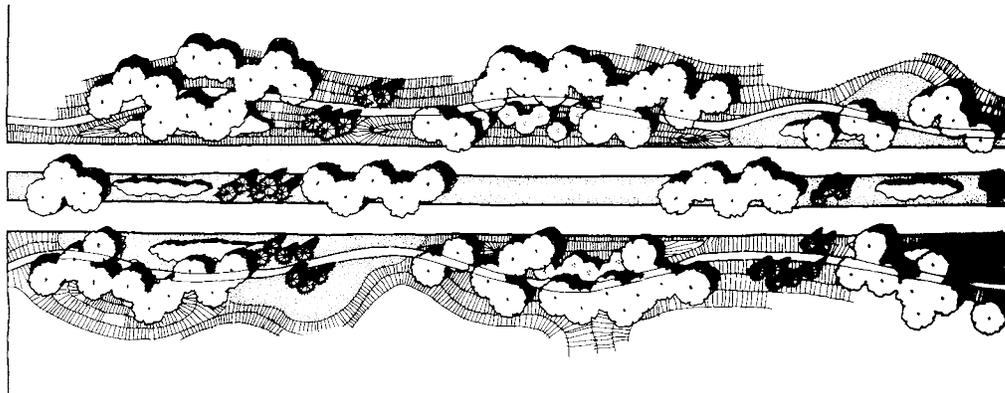
*Perspective view of the  
Harmony Rhythm design  
concept.*

### ***HARMONY OAKS***

The Harmony Oaks concept is characterized by wide setbacks, naturalistic berming, a meandering sidewalk, and groves of oak trees alternating with wild- flower meadows. Oaks have been selected as the dominant tree species for several reasons. Two types of trees are native to Colorado: Coniferous species usually associated with higher elevations, and deciduous species found along streams. One of the few deciduous hardwood trees native to Colorado is the Gambel Oak. This combined with the oak's reputation for longevity, hardiness, disease resistance, low water demand, fall coloring, and attractive appearance led to the conclusion that the Gambel Oak along with other oaks known to thrive in this climate would be the best tree to dominate in the corridor landscape.

Although the oaks are combined with a substantial number of other tree species to avoid a monoculture, they are planted in sufficient quantities to have a unifying effect. The oak's rugged appearance makes it ideally suited to the informal naturalistic landscape emerging along Harmony Road. Drifts of pines occur randomly to provide winter interest and add to the naturalistic forested effect.

*Plan view of the Harmony Oaks design concept.*



Starting at I-25 and continuing to College Avenue, wildflowers are planted in the median and intermittently along the edges of the road. The continuity of the wildflowers provides a colorful welcome mat for people coming to Fort Collins via Harmony Road. Along both sides of the road, an extra-wide sidewalk meanders through berms providing the pedestrian and bicyclist with alternate experiences of wildflower meadow and oak forest. Low stone walls, special signage and flags sporting a unique logo that ties in with the Harmony Oaks design theme are used at intersections to strengthen the design concept.

### **EVALUATING THE DESIGN CONCEPTS**

Each concept was evaluated against the following criteria:

- Ability to unify the corridor.
- General attractiveness.
- Seasonal variety.
- Ease of implementation.
- Construction cost.
- Maintenance cost.
- Water conservation.
- Landowner values.
- General public values.

All three alternatives along with supporting graphics were displayed at a series of public open houses. Staff held numerous meetings with affected interests and work sessions with boards and commissions. The feedback overwhelmingly supported the Harmony Oaks urban design concept over the other concepts.

In the final analysis, the Harmony Orchard concept was rejected because of the difficulty of implementation, high costs and lack of support from the landowners and general public. Although the Harmony Rhythm design concept scored high when evaluated against the criteria, it was also eliminated because of high installation costs and lack of landowner support. The Harmony Oaks alternative was selected as the urban design concept with the most potential.

A dominant tree species combined with a narrow plant palette will be very effective in unifying the corridor over time, while the use of wildflowers can provide a dramatic unifying effect in a much shorter time frame. The combination of plant material, rolling berms and meandering trail system will create a pleasant and attractive setting for future development and at the same time complement existing developments. The naturalistic, informal design will provide developers with needed flexibility and the cost of implementation and maintenance will be equal to or less than the typical landscape currently proposed for Harmony Road.

The Harmony Oaks concept emphasizes xeriscape, a term for water conservation through appropriate landscaping, in two ways. The plant palettes will consist of a variety of low to moderate water demand plant materials, and the recommended turf and wildflower ground covers will consume significantly less water than traditional blue grass turf.



*Perspective view of the  
Harmony Oaks design  
concept.*

## URBAN DESIGN PLAN

### GOAL STATEMENT

Guide development in the corridor so that collectively a perceivable, unified urban design theme and landscape character is created along Harmony Road. Utilize urban design principals to ensure that Harmony Corridor continues to be a great place to live, work and play.

### POLICIES

- UD-1** Implement the Harmony Oaks design concept through design standards and guidelines for private and public sector development projects.
- UD-2** Promote water conservation by providing design guidelines that encourage xeriscape landscape techniques.
- UD-3** Establish a well-planned and attractive gateway entrance to the community at the I-25 interchange, emphasizing the natural scenic qualities of the area.
- UD-4** Promote the development of an extensive recreational trail that connects to the city-wide trail system.
- UD-5** Promote the development of a commuter bikeway system that supports bicycling as an alternative mode of transportation in the corridor.
- UD-6** Coordinate the long range planning efforts of other City departments and governmental agencies with the goals and objectives of the *Harmony Corridor Plan*.
- UD-7** Support efforts to preserve the historical heritage associated with the original community of “Harmony”.
- UD-8** Adopt design guidelines and standards for retail development in the corridor to create better neighborhoods by promoting safe, pleasant walking and bicycling environments, more lively commercial centers, convenient transit access, and human scale design.

## **IMPLEMENTATION ACTIONS**

The following implementation actions are intended as a guide for implementing the urban design section of the Plan.

### **1. DESIGN GUIDELINES**

The Planning and Zoning Commission and the City Council should adopt the Plan along with design standards and guidelines for new development. The design standards and guidelines will set expectations for private and public sector improvements along Harmony Road (Design standards and guidelines are available under separate cover.)

### **2. RECREATIONAL TRAIL/BICYCLE COMMUTER SYSTEMS**

The City should develop a master plan for a recreational trail system and for a commuter bicycle system to serve bicyclists and pedestrians in the corridor. Additional field investigations and coordination efforts are needed to develop a strategy for implementing effective systems for commuting and recreation. Analyzing cost/benefit relationships and developing appropriate funding mechanisms are a part of this work effort.

### **3. WILDFLOWER RESEARCH**

For wildflowers to be done well and create a spectacular seasonal display, careful planning is required. The City should establish test plots along Harmony Road to determine the most appropriate seed mix and best maintenance practices. Ideally the test plots would be monitored for three years before large areas are seeded.

### **4. SPECIAL SIGNAGE**

The City should develop a coordinated public signage system to enhance the Harmony Oaks theme. Special colors and unique Harmony Road design detail for public signage, traffic control devices and light standards along Harmony Road are envisioned. A funding mechanism needs to be developed.

### **5. NAME CHANGE**

The City should change the name of Harmony Road to Harmony Parkway, which is more in character with the future vision of the Harmony Corridor.

## 6. COORDINATION WITH THE STATE DIVISION OF HIGHWAYS

The City should work with the State Division of Highways to answer questions about the future operation and physical appearance of Harmony Road. January 1993 should be set as a target date to resolve the following issues:

- Ownership of Harmony Road.
- Future widening.
- Curb, gutter, and splash block detailing.
- Planting in the median.
- Future interchange design and construction.
- Frontage roads.
- Bicycle commuting along Harmony Road.
- Car-pooling at I-25.

## 7. LANDSCAPE PLAN FOR THE MEDIAN

The City should complete a design development plan for the median that addresses curb, gutter, splash block, plant material, and irrigation. Establishing a funding source for construction and maintenance of the median landscape is part of this work effort.

## 8. LANDSCAPE PLAN FOR THE I-25 INTERCHANGE

The City should design and implement a well-integrated landscape plan for the I-25 interchange at Harmony Road. Creative use of plant material and carefully designed entry feature should introduce the Harmony Oaks concept to motorists leaving I-25 and entering Fort Collins. Landscaping the interchange should also present a positive first impression to motorists continuing on the interstate. The Plan needs to be integrated with the gateway planning effort described in Chapter 5.

## 9. COLLEGE AVENUE/HARMONY ROAD INTERSECTION PLAN

The City should develop a conceptual design plan for the College Avenue/Harmony Road intersection along with a specific implementation strategy. In addition to being the west gateway to the Harmony Corridor, this intersection is a major gateway to Fort Collins from the south. The importance of this intersection should be reflected in its appearance.

Landscape elements on each corner can be coordinated to achieve a well designed urban intersection that creates an impressive gateway to Fort Collins from the south and at the same time introduces the Harmony Oaks design concept for motorists entering the Harmony Corridor. This intersection is an ideal location for a special signage demonstration project.

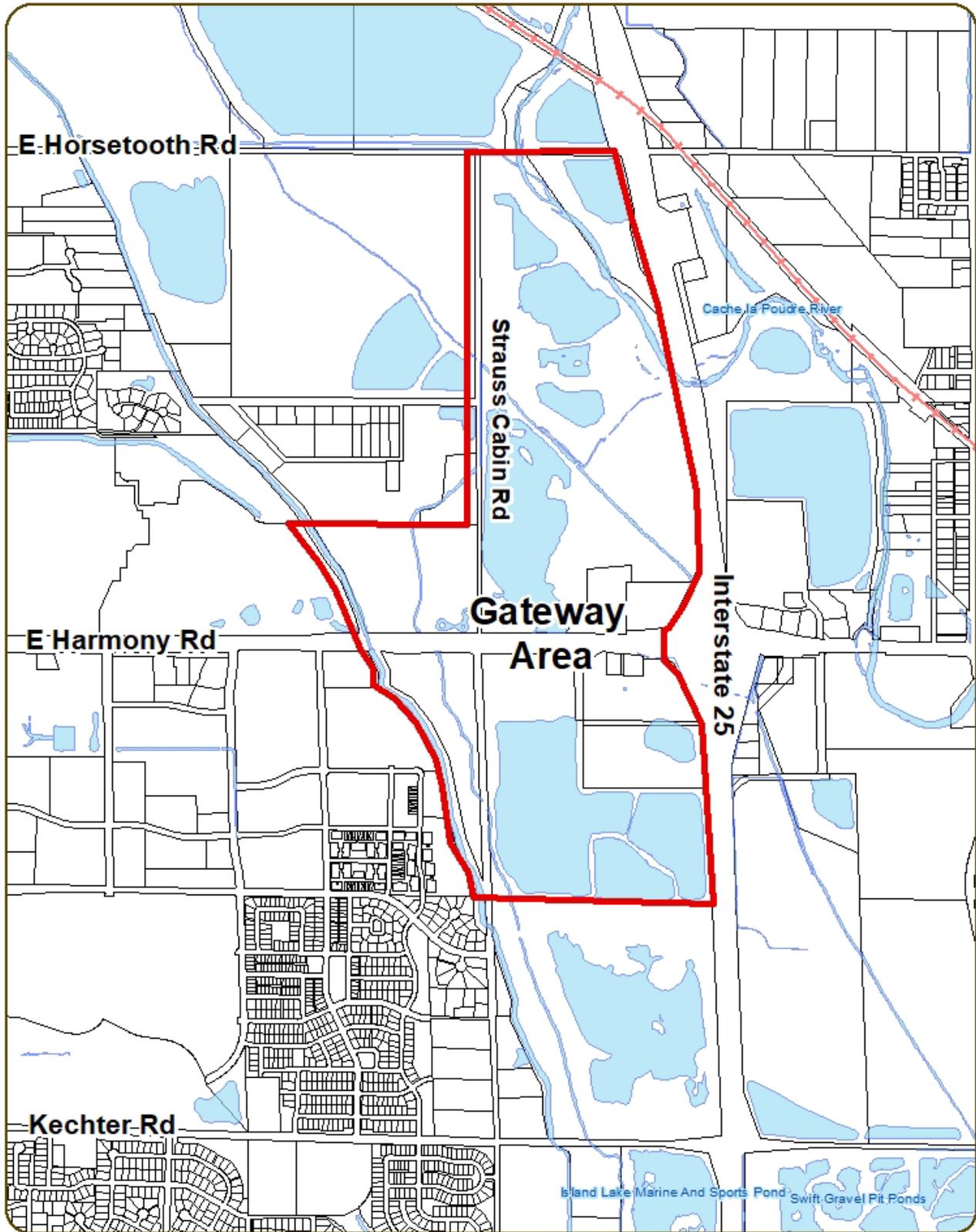
#### 10. HISTORIC INTERPRETATION

Opportunities for historic interpretation of the historic “Harmony” community should be explored as part of any future bicycle planning efforts in the corridor.

**5**  
**HARMONY GATEWAY AREA**  
Updated 2020

*“The goal of gateway planning is to arrange the landscape with a sense of arrival and a positive image of the place”*

Michael Barrette



**Harmony at I-25 Gateway Area**



**INTRODUCTION**

This updated Chapter 5 builds upon ideas and recommendations of the original 1991 *Harmony Corridor Plan*.

**The Setting**

The Gateway Area extends along both sides of Harmony Road from I-25 to the edge of the Cache La Poudre river valley, defined by a bluff just over a half-mile west of I-25.

The bluff, also known as the valley wall, is a result of the river’s down-cutting action as it meandered within its floodplain for many thousands of years. While it is a notable geographic feature from a historical perspective, it simply presents a modest hill for users of Harmony Road.



*Harmony Road, formerly State Highway 66, smooths out the topography of the bluff*

Lying within the river valley below the bluff, the area consists of low ground, ponds, and wetland areas, all remainders from extensive past gravel mining operations.

The Gateway Area is an exceptional location due to high values the community places on the Cache La Poudre River corridor and also on the Harmony Road interchange with I-25 as the most-traveled entryway into the city.

This juxtaposition creates the unique opportunities and significance that make the Gateway Area a prominent aspect of the Harmony Corridor Plan.



*North side of the road: Arapaho Bend Natural Area*

The types of development that highway interchanges typically attract do not mesh well with the community’s values regarding this unique opportunity.

The challenge is to balance different and sometimes competing objectives for land use and development.

**What’s A Community Gateway -- Why Is It Important?**

Community plans commonly address prominent entryways as special opportunities to cue entry into and departure from the given city. A well-planned gateway can:

- Contribute to a sense of community with a look and feel of local values, civic intention, and pride.
- Offer a sense of arrival and welcome for visitors.
- Offer a familiar and welcoming feel for residents, signifying home in a positive way.
- Avoid homogenous highway-oriented corporate character that blurs local identity.

### **Harmony Corridor Plan Background: General Direction for the Area**

The Harmony Corridor Plan, originally adopted in 1991, identified the ‘Gateway Area’ but did not establish a vision or strategy for the area. Rather, it explained issues that were still in flux at the time and described alternative concepts. It concluded that:

“Additional work is required to develop a strategy for shaping the future of this important segment of the community.”

The starting point for additional work was to be the concept of a well-planned and attractive entrance to Fort Collins integrating quality development with naturalistic characteristics and features of the river valley landscape.

This concept was described as ‘Alternative A’ in the original plan. Key aspects of this general direction were:

- Incorporate wetlands, lakes and drainageway areas as an elaborate open space network laced with an extensive system of trails.
- Blend development into naturalistic landscaping, favoring light industrial and office uses and discouraging commercial uses unless they can be blended unobtrusively into the naturalistic setting.
- Provide significant setbacks from streets for any development forming a greenbelt around the interchange.
- Establish standards for architecture and landscape plans emphasizing naturalistic character.
- Ownership, maintenance and liability issues that would need to be negotiated

and could include re-investment of tax dollars created by special gateway development, dedication of land by property owners or developers, and public funding.

The Harmony Corridor Plan’s overarching direction for land use along the entire corridor included the Gateway Area. A major update in 1995 established the land use designation of ‘Basic Industrial Non-Retail Employment’ for future development with an emphasis on business park-type employment uses and avoidance of highway commercial “strip” type development with a generous landscaped setback area along the roadway.

However, while the corridor-long employment designation included the Gateway Area, the area was highlighted separately and prominently throughout the plan in addition to having its own chapter. The area is distinct and different from the uplands to the west which comprise the rest of the corridor.

The plan’s direction for additional work based on ‘Alternative A’ included a listing of Implementation Actions—giving direction on the additional work needed.

Between 1991 and 2020, a large body of that work along with new information, changed conditions, developer initiatives, studies, and public discussion has led to this 2020 amendment which sets forth a vision to fulfill the direction of the original plan.

## **EXISTING CONDITIONS ISSUES**

### **Poudre River Floodway**

In 2020, most of the property in the gateway area is within a 100-year floodplain of the Poudre River, and significant portions of the area are within a floodway (a mapped area reserved for the passage of flood flows with virtually no development permitted).

The river itself forms the angled north edge of the Gateway Area, where it then crosses I-25 a half-mile north of the interchange and continues east through the Town of Timnath.

However, limited flow capacity under the I-25 bridge would cause flood flows to back up behind the bridge in a flood event and break out of the river channel to flow down through the Gateway Area across Harmony Road.

The Colorado Department of Transportation (CDOT), the City, and other jurisdictions are exploring possibilities for a new I-25 bridge together with downstream flood improvements that could possibly allow flood flows to remain in the river channel and thus remove the floodway from the Gateway Area.

Unless and until such a solution is reached, no residential development is allowed in the floodway, and any other development would face the very difficult challenge of showing no adverse impact on adjacent properties. This challenge would be prohibitive for any significant development in the floodway.

However, developers could propose to channelize and realign the floodway by completely reshaping the landscape, to create developable land. The necessary filling and grading would require a multi-year process of engineering, design, coordination and permitting. The City, FEMA, and possibly other jurisdictions and stakeholders would be included.

Floodway issues are a complex interjurisdictional matter beyond the scope of this Harmony Corridor Plan.

This plan update establishes a vision and strategy for land use and development in the event that floodway constraints are removed in a separate process.

### **Gravel Pit Ponds**

In 2020, four gravel pit ponds exist on the south side of Harmony Road in the Gateway Area and are in varying states of compliance/non-compliance with State water law. These ponds are unintentional residual results of past gravel mining and were never intended to be the permanent land use on the property.

The technical complexity of the water issues are beyond the scope of this plan, similar to the floodway issues noted above, and are interrelated with the floodway issues.

For planning purposes, at least two of these ponds should be considered likely to be completely changed, with exposed water significantly reduced by filling and grading.

The habitat value associated with the ponds has been increasing with time as wetlands develop around the edges in addition to the habitat value of open water. Anticipated future changes to the property would necessarily involve at least some degree of loss of habitat, and such changes require mitigation of the habitat loss under City Land Use Code standards. Mitigation requirements would offer opportunities for more international habitat improvements as part of a whole reshaped landscape.

### **Existing Land Uses**

The north side of Harmony Road mostly consists of the City's Arapaho Bend Natural Area and the Transportation Transfer Center (TTC or park-n-ride), a joint facility of the City and CDOT that was carefully carved out of the Natural Area. The commercial property abutting the northwest corner of the interchange is not within the City Limits.

On the south side of Harmony Road, the existing gas station and adjacent cell tower are not within the City Limits. An existing plant nursery business was established under County jurisdiction prior to annexation and has since been annexed along with the remainder of the gateway area on the south side of Harmony Road.

The remainder of the south side comprises gravel-mined ponds. Parcels on the southwest and southeast corners of Harmony and Strauss Cabin Roads are outside of the 100-year floodplain. The southwest corner of Harmony and Strauss Cabin Road was recently developed with an apartment complex. A 10 acre parcel on the southeast corner of Harmony and Strauss Cabin Road was approved in 2015 for a convenience shopping center, although the development plan approval has expired and the property remains undeveloped.

### **Changed Conditions Since the Original 1991 Plan**

Major changes and new information since 1991 have informed the planning process for the Gateway Area plan update in 2020.

Prominent examples include:

- **Jurisdiction over Harmony Road** was transferred from the Colorado Department of Transportation to the City of Fort Collins, with the State Highway designation removed.
- **Gravel mining operations** were completed, throughout much of the gateway area, altering the landscape.
- The portion of the gateway area on the north side of Harmony Road was purchased by the City as the **Arapaho Bend Natural Area**. (With the exception of the commercial property abutting the northwest corner of the interchange which remains under County jurisdiction at the present time.)
- The **Transportation Transfer Center** (TTC, aka park-n-ride), was built on the north side of Harmony Road, by the City and CDOT (on land purchased from the Natural Areas Program). The TTC and Arapaho Bend implemented ideas described in the original 1991 plan for development to reflect the character of the river valley landscape.

The portion of the gateway area on the south side of Harmony Road was **considered for purchase** as a Natural Area for Community Separator and viewshed purposes starting in the late 1990's. Habitat was not considered a significant purpose due to the gravel mined landscape. The City considered the opportunity on multiple occasions.

- A large, visually prominent **cell phone tower** was built adjacent to the interchange on the south side of Harmony Road in the County's jurisdiction.

- The City's 1997 Comprehensive Plan update known as *City Plan* designated Harmony Road as one of four **Enhanced Travel Corridors** for future high-frequency transit in the long-term structure of the city.
- **The City Structure Plan map (*City Plan's land use map*)** envisioned a 'Green Edge' of the city along the low-lying southeastern edge of city including the Gateway Area, suggesting that development intensity would taper down to a fairly open and rural landscape, helping to preserve the separate identities of Fort Collins and Timnath.
- The City and County twice extended Fort Collins' **Growth Management Area** southward from its boundary ½ mile south of Harmony Road at the time of the original Harmony Corridor Plan. In 2020, it extends 3½ miles further south to the SH 392/Carpenter Road interchange area.
- Two **Community Separator studies** were conducted, in 1999 and 2003, describing potential opportunities for preserving distinct visual and physical separation and identity of Fort Collins, Timnath, and Windsor. These studies were a forum for discussion of cooperative land use planning among jurisdictions and property owners.
- The **2003 Fort Collins-Timnath-Windsor Community Separator Study** specifically identified the Poudre River floodplain corridor, which forms a broad swath around the I-25 / Harmony interchange, as a primary opportunity to keep Fort Collins and Timnath distinct and separate to avoid blending together. The Separator studies generally described possible **implementation actions**, which would require increasing cooperation and decreasing competition for sales tax among regional cities and towns at their edges along I-25.
- The **retail industry** saw the evolution of "big box" superstores, power centers, and lifestyle shopping centers, all serving an increasingly regional market.
- Retail/commercial activity and competition for **sales tax** has changed rapidly and become increasingly aggressive along the I-25 corridor. The interstate has become a focus of annexations and development, with advocates of regional metropolitan development widely promoting I-25 as "Northern Colorado's Main Street".
- In 2003, the **Larimer County Events Center and the Centerra Lifestyle Shopping Center** opened.
- **Fort Collins' position in the regional retail trade area** has weakened significantly since 2001. The City of Fort Collins faces increasing competition for regional retail purchases; this has translated into a decrease in retail sales inflow and increased retail sales leakage.
- Soon after the Separator studies were completed in 2004, the Town of Timnath suddenly re-designated the east side of I-25 directly across from the Gateway Area for Regional Commercial development, extending from the interchange one mile

southward, **negating the Separator concepts for that area.** Walmart, Costco, and associated commercial pads were developed.

- CDOT conducted an Environmental Impact Study process evaluating alternative **transportation scenarios** for I-25 and related north-south transportation facilities between the Denver Metro area and North Front Range, showing the Harmony interchange as a significant hub for future bus transit.
- **Taller buildings** began to emerge along I-25 in Northern Colorado, with an 8-story hotel constructed near the Larimer County Events Center and other 6-story buildings planned nearby.
- **Development along the top of the river valley wall** has significantly altered the potential for scenic views looking west across the river valley to the mountains beyond, as described in the original 1991 plan.
- Property owners, professional consultants, prospective developers, and City staff have evaluated **several land use initiatives** for the south side of Harmony Road. These were based on reclaiming gravel-mined land and ponds, completely reshaping the floodplain, developing an activity center, and exploring possibilities for City purchase of certain property. These efforts produced significant information and understanding, but none led to Harmony Corridor Plan amendments or land use actions.
- Most of the property in the Gateway Area on the south side of Harmony Road was

**annexed** with the exception of the existing gas station property.

- **Eagle View Natural Area** was purchased immediately south of the area across Kechter Road.
- An Overall Development Plan (ODP) was approved for the south side of Harmony Road based on the requirement for 75% 'Primary' uses (non-retail employment and institutional uses). **A Convenience Shopping Center** was subsequently approved under the ODP as a 'Secondary use'. The ODP presumes filling of ponds and complete reshaping of the floodplain.
- An **apartment complex** was built at the southwest corner of Harmony and Strauss Cabin Road.
- **Regional traffic volumes continue to increase** on Harmony, Strauss Cabin, and Kechter Roads.

## VISION FOR THE GATEWAY AREA



*Gateway Area Looking West*

### Overview

Property owners, community members, decision makers, and various other stakeholders, both public and private, need a shared understanding of how continuing changes should be coordinated to contribute to a positive vision.

The original 1991 Harmony Corridor Plan set a direction and starting point: to create a community entryway that integrates high-quality development into a naturalistic landscape with riparian characteristics associated with the river valley. Office and light industrial uses were encouraged; commercial uses were discouraged unless they could be shown to blend unobtrusively into the naturalistic setting.

That general direction has remained valid. 29-plus years of changes, new information, and public discussion have built on that starting point and reaffirmed the essential ideas to make the most of the unique opportunity to form a Fort Collins gateway and a special destination over time if land uses change.

The community's vision for this entryway includes specific acknowledgement that the whole approach to land use is notably different from typical commercial development oriented to interstate highway exits. Rather, the vision is to provide relief from the prototypical highway development.

## ESSENTIAL HARMONY GATEWAY DESIGN ELEMENTS

Implemented as part of the Harmony Corridor Plan update and related Standards and Guidelines, ten basic design elements will apply to future development within the Gateway Area:

1. **Naturalistic River Valley Landscape**
2. **Landscaped Setbacks Along Harmony and I-25 for Visual Image and Character**
3. **Unified Harmony Road Gateway Streetscape**
4. **Fort Collins Entryway Signs**
5. **Habitat Protection and Mitigation**
6. **Regional Trail Corridor**
7. **Mobility Hub**
8. **Limitations on Commercial Signs**
9. **Stealth Wireless Telecommunication Facilities**
10. **Unique Land Use and Development Standards**

### 1. Naturalistic River Valley Landscape

Cottonwood groves, willows, and other native plantings will form the most dominant aspect of the area's image as seen by users of Harmony Road and drivers on I-25. Under this approach, a naturalistic river valley landscape, instead of buildings and signs, becomes the primary view. Buildings and signs will be afforded intermittent visibility with views framed by the landscaping.



*Example of a landscape-dominated stretch of an entryway corridor.*

**2. Landscaped Setbacks Along Harmony and I-25 for Visual Image and Character**

Where buildings and parking lots are developed, landscaped setback areas will be provided that average at least 140-190 feet wide along Harmony Road and I-25. These newly landscaped areas along streets will be designed to screen parked vehicles and intentionally frame intermittent views of buildings and their signage as part of the image of buildings sited within a landscape. As such, the setback area can undulate within the average, with some buildings and parking closer to the roadways if parking is fully screened and encroaching buildings are well-integrated into the landscape.



*I-25 Landscape Setback Concept*

Grading in these setbacks areas will be informal and have vertical undulation, reflecting landforms shaped by river movement to complement plantings and reinforce the naturalistic landscape. Grading should be at a scale perceivable to drivers at speeds and volumes on Harmony and I-25.

Grading may double as critical floodway and/or drainage facilities and a trail corridor depending on outcomes of separate efforts regarding floodway changes.



*Harmony Streetscape with Naturalistic Landscaping Concept*

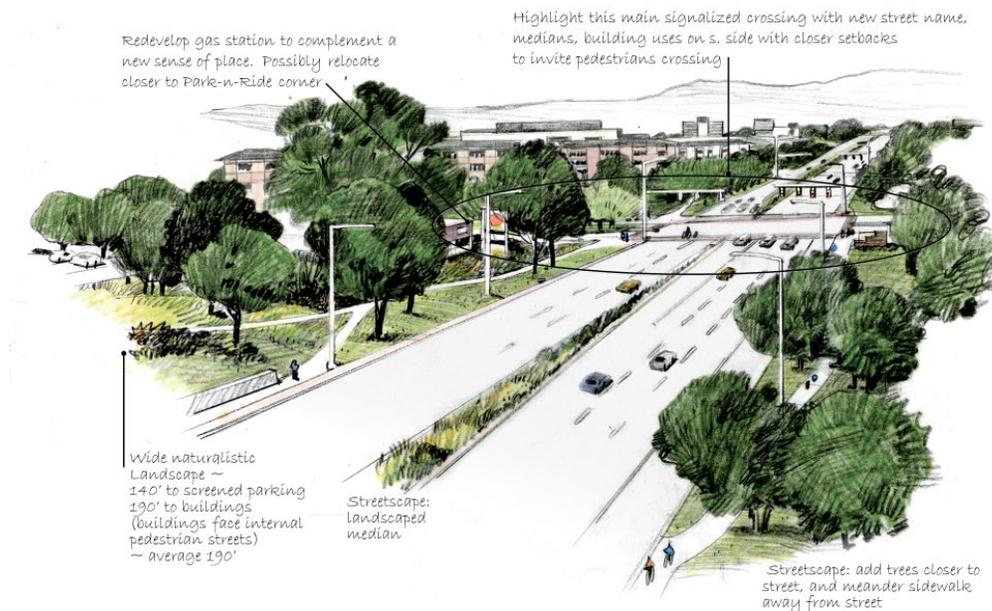
### 3. Unified Harmony Road Gateway Streetscape

Perhaps the strongest and most direct impression that can be made for people moving through or coming to the area is the Harmony Road streetscape.

This streetscape comprises the street edges as experienced by users of the street, and medians. It includes improvements within the City right-of-way and improvements as part of abutting land uses.

For motorists entering the city, medians and streetscape improvements on the north side of Harmony Road would have the highest visibility. Landscaped medians reduce the scale of the large roadway and add beauty.

As much as possible within space constraints, informal groupings of trees including cottonwoods should span across sidewalks which will be detached and slightly meandering in conjunction with naturalistic grading.



*Harmony Road Streetscape, Landscape Setback Area, and New Street at Park-n-Ride Signal Concepts*

### 4. Fort Collins Entry Sign

Streetscape design projects will explore the most complementary way to include an entry sign in conjunction with the landscaping. For years, there has been public interest in a clearer message to motorists that they are entering Fort Collins, at all major highway entry areas.

In the public planning process for the Gateway Area, community members' input clearly indicated

that a free-standing attention-grabbing sign, monument, or sculpture is not important in favor of a naturalistic landscape to move through.

A landscaped native stone sign wall or other complementary entry sign would reinforce the gateway impression and will be carefully considered, sited and designed considering relationships to similar initiatives at other City gateways.

## **5. Habitat Protection and Mitigation**

Land use changes will include riparian landscaping that contributes to a larger continuous corridor of riparian habitat in rural and open lands across the larger southeast edge of Fort Collins.

City, State, and Federal regulations already govern impacts to existing habitat that would likely occur with development. They generally emphasize protection, enhancement, and alternative mitigation of any losses with land use changes.

For example, on the south side of Harmony Road where greater land use changes may occur, habitat improvements would be required to mitigate expected losses associated with filling ponds and future development.

Newly created ponds, channels, and landscape areas would be part of the framework for development and would be extensively landscaped with native river valley plantings. This would provide a basic degree of urban habitat, mainly for birds and small aquatic species.

With complete reshaping of the most or all of the landscape, there are apparent opportunities for improvements to go beyond minimal mitigation of losses and achieve significant enhancement over unintentional and unsanctioned status of the habitat that has formed in the gravel-mined landscape.

## **6. Regional Trail Corridor**

A landscaped trail corridor thirty to fifty feet wide (or more) will run through the south side of Harmony road to assist in linking trails and Natural Areas to the north and south—the Poudre River Trail in Arapaho Bend Natural Area on the north, and Fossil Creek Trail in Eagle View in the south.

The corridor will be an integral part of the formative framework of public space into which buildings and parking lots will fit. The corridor may be located within required landscape setback areas and should be sited and aligned to maximize the user experience. Developers will coordinate with the City on appropriate trail design, including alignment, width, surface materials and details.



*Trail Corridor Concept, South Side of Harmony*

## 7. Mobility Hub

*City Plan* identifies the Harmony interchange area as a ‘Mobility Hub’ recognizing its long-term potential to offer transfers, drop-offs, a station for bus rapid transit (BRT), intersecting multi-use trails, and regional bus transit in addition to its park-n-ride function.

This recognition centers around the TTC; but if any significant development is brought to fruition on the south side of Harmony as envisioned, it should complement the functioning of the TTC starting with a BRT stop and a comfortable pedestrian crossing of Harmony Road. Such development could add options such as car shares, electric charging, and shuttles to connect across Harmony.

## 8. Limitations on Commercial Signs

Commercial signs within the gateway area will be consistent with the Plan’s character elements as well as compliant with the City’s Sign Code. Present code provisions prohibit off-premise signs (billboards) and place limitations on sign size, height, and manner of display.

Requests for modifications and/or variances to the Sign Code will be evaluated against adopted Harmony Gateway policies. Further, any Planned Unit Development (PUD) application would be required to include a Uniform Sign Program specifying sign type, heights, sizes, placement and lighting.

## 9. Stealth Wireless Telecommunication Facilities

Making a provision for wireless telecommunication facilities (typically cell towers) balances the needs for residents and the travelling public to have adequate telecommunication services while still protecting key views and upholding the naturalistic design character of the Gateway. New standards would prohibit conventional wireless and other telecommunication towers, unless in those cases where they are screened, roof-mounted equipment or are “stealth” installations located within church steeples, bell towers, flagpoles, grain silos, structures common to the area’s landscape or integrated into building architecture.

## 10. Land Use and Development Standards

### South Side of Harmony Road

This 136-acre area has been zoned for development under the Basic Industrial Non-Retail Employment Activity Center land use designation since 1991, with the potential for major development if the floodway was to be removed and gravel pit ponds filled. In 2020, a 10-acre parcel of developable land exists at the southeast corner of Harmony and Strauss Cabin Roads.

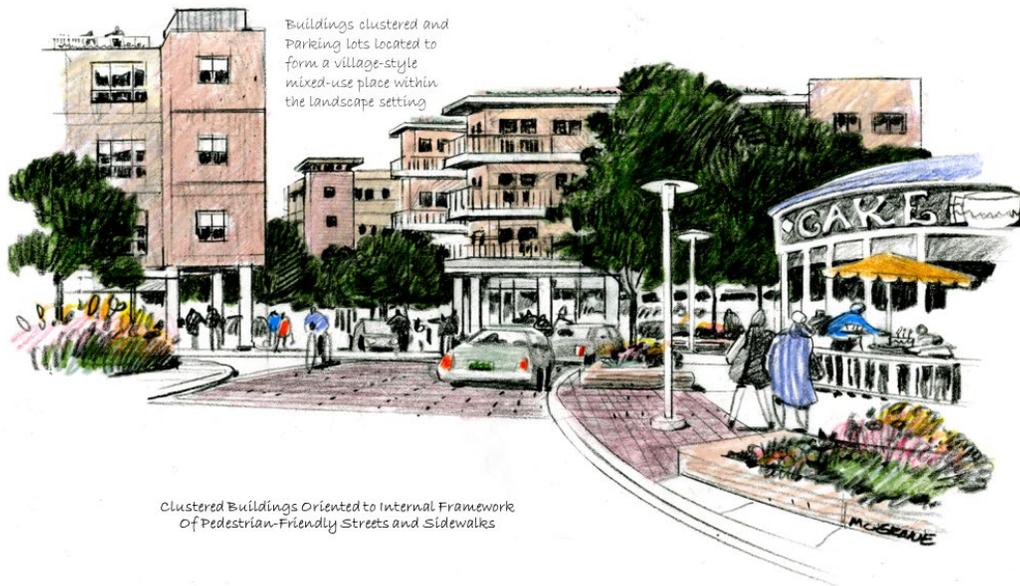
For development to proceed on the south side of Harmony Road beyond the 10-acre parcel, the entire gravel-mined floodplain landscape would need to be completely reshaped from the current gravel pit configuration, filling the ponds in conjunction with a solution to contain or remove the floodway.

Naturalistic river valley landscaping dominated by groupings of cottonwoods and willows would be required to create a significant riparian greenbelt image along Harmony Road and I-25. This landscaping would complement and contribute to the larger swath of open and rural lands at this southeast edge of the city and riparian tree groves on the north side of Harmony Road.

Coverage of streets, buildings and parking lots would be limited to 60% of the site area, with the remaining 40% comprising the newly created naturalistic landscape setting. Groupings of evergreen trees would screen parking and help to frame selective intermittent visibility of buildings and their signage and add winter interest.

Development will form an interesting, walkable mixed-use destination with buildings brought together along sidewalks and other walkways and outdoor spaces. While most people will arrive by private vehicle, the pattern will make it convenient and inviting to ‘park once’ and walk within the area.

Because of the focus on a walkable framework, development would be mutually supportive of public transportation, by being convenient for walking, transit use, and bicycling upon arrival.



*Buildings Brought Together in a Walkable, Mixed-Use Area*

Beyond the visual image, the pattern would reflect multiple community values regarding livable, sustainable community development. Its character would define it as a notable gateway to Fort Collins and a unique shopping/employment/living destination in the region and state.

*Mixed Land Uses*

A diverse mix of businesses, jobs, and urban housing at relatively high densities, allowing as many opportunities for cross-use as possible within walking distance. This mix offers a chance for people to live, work, and visit with minimal dependency on cars.

Uses could include retail, restaurant, office and institutional buildings, corporate and light industrial employment, lodging and hospitality uses, and a variety of urban styles of housing. The mix of uses would be limited to the following distribution (as a percentage of net developable acreage):

- Residential: 25% minimum
- Retail and commercial: 50% maximum
- Employment: 25% minimum  
(office, light industrial, institutional)

*Public Space Framework of Streets*

Buildings and parking lots will be fitted into a well-planned framework of public space, with blocks formed by streets, or pedestrian ‘spines’ adequate to function in lieu of streets.

*Pedestrian Crossings of Harmony and Strauss Cabin Roads*

Prominent pedestrian crossings would be provided at Strauss Cabin & Harmony Roads for reasonably comfortable east-west and north-south pedestrian movement throughout the area.



*Strauss Cabin Pedestrian Crossing Concept at Apartments on West Side*

*Buildings and Parking Lots*

Buildings and their entrances would be brought together along streetfronts that may combine with a trail corridor and small park and public spaces and define the district.



*Building Fitted in and Brought to Streetfronts*

Accordingly, parking would be distributed along active pedestrian streets with parking or consolidated in lots or structures that do not interrupt the pedestrian and visual environment. Landscape plantings internal to parking lots should reflect the overall plant palette for the area.

**North Side of Harmony Road**

The existing land use is expected to remain within a reasonable planning time horizon. The park-n-ride facility could potentially expand or add a parking structure as part of long-range plans for a

transit hub, but its essential footprint, function, streetscape, and naturalistic landscape are expected to remain a key part of the overall vision.



*TTC (Park-n-Ride) Landscape Setback Character*

The commercial property at the northeast corner of the interchange, under County jurisdiction, appears unlikely to request annexation and redevelopment within a planning time frame. In the meantime, it will remain a reminder of a past era when it was zoned for commercial use at an outlying highway exit well beyond the City Limits.



*Northeast Commercial Corner Abutting the Interchange*

## **DEVELOPMENT STANDARDS TO IMPLEMENT THE STRATEGIES**

Architectural, site, landscape and sign plans will be subject to design standards and guidelines that emphasize a distinct place and image consistent with the vision.

## **PUBLIC SPACE MANAGEMENT**

Trail corridor and other open spaces: ownership, maintenance and liability issues would have to be negotiated. Retaining significant amounts of open space may require the expenditure of public funds or a reinvestment of tax dollars created by the development.

## GATEWAY AREA GOALS

Shape the future of the gateway area to:

1. Emphasize opportunities of the river valley setting.
2. Express a positive image, community values, and a distinct local feel.
3. Shape development south of Harmony Road to form a walkable, mixed-use district south, including diverse businesses, jobs, urban styles of housing and city amenities.
4. Take advantage of future public transportation systems along Harmony Road and I-25 by evolving a transit hub.

## POLICIES

**GW-1** Establish a well-planned and attractive gateway entrance to Fort Collins at the I-25 interchange, emphasizing the natural scenic qualities of the area.

**GW-2** Protect and enhance the natural resource value of the Cache la Poudre River.

**GW-3** Encourage continued master planning efforts in the gateway area.

**GW-4** Establish design standards and guidelines for development in the gateway area that emphasize scenic and natural resource values.

**GW-6** Create networks of open space and trail systems, that incorporate urban wildlife habitat.

**GW-7** Support a balanced transportation system within the context of a pedestrian district that prioritizes pedestrian, transit and bicycle use as well as driving.

## IMPLEMENTATION ACTIONS

The following actions need to be taken by the City to ensure that the gateway section of the Plan is implemented.

### 1. PLAN ADOPTION

Gateway Plan amendment adoption by City Council.

### 2. GATEWAY PLANNING PHASE TWO

The City should continue the gateway planning effort through the following design and coordination activities:

#### DESIGN

- Adopt Harmony Corridor Gateway Design Standards and Guidelines.
- Develop and fund a Harmony Road gateway streetscape design.
- Design a Fort Collins entry sign and develop a funding mechanism.
- Develop a conceptual plan for a regional multi-purpose trail.
- Design a naturalistic landscape design for the Harmony and I-25 rights-of-way.

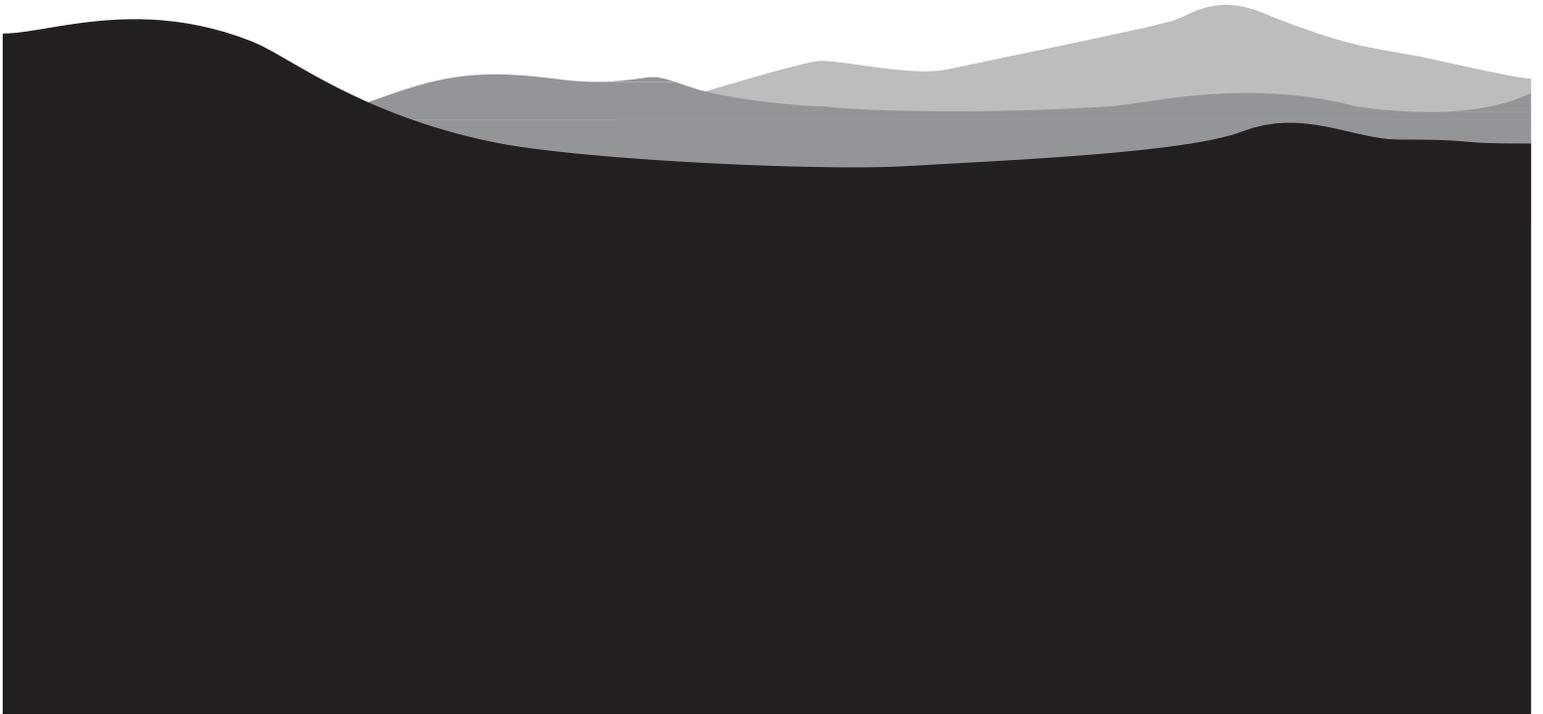
#### COORDINATION

- Coordinate with the long-range planning efforts of other City departments – Transportation, Parks and Recreation, Water, Wastewater and Stormwater Utilities.
- Coordinate with the Colorado Department of Transportation in regard to decommissioning of frontage roads, and landscaping in the highway right-of-way.

**ADOPTING ORDINANCE AND RESOLUTIONS**

- Resolution PZ 91-4 of the Planning and Zoning Board of the City of Fort Collins approving the City of Fort Collins Harmony Corridor Plan and recommending its inclusion as an element of the Comprehensive Plan of the City of Fort Collins.
- Resolution 91-42 of the Council of the City of Fort Collins approving the City of Fort Collins Harmony Corridor Plan and including it as an element of City Plan, the Comprehensive Plan of the City of Fort Collins.
- Ordinance No. 187, 1994 of the Council of the City of Fort Collins amending the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines.
- Resolution 2003-086 of the Council of the City of Fort Collins amending the Harmony Corridor Plan.
- Ordinance No. 011, 2006 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. 044, 2020 of the Council of the City of Fort Collins updating the Harmony Corridor Plan for the Gateway Area and the Harmony Corridor Standards and Guidelines
- Ordinance No. XXX, 2025 of the Council of the City of Fort Collins amending the Harmony Corridor Plan.

The full text of these resolutions and ordinances are available for inspection from the City Clerk's office.

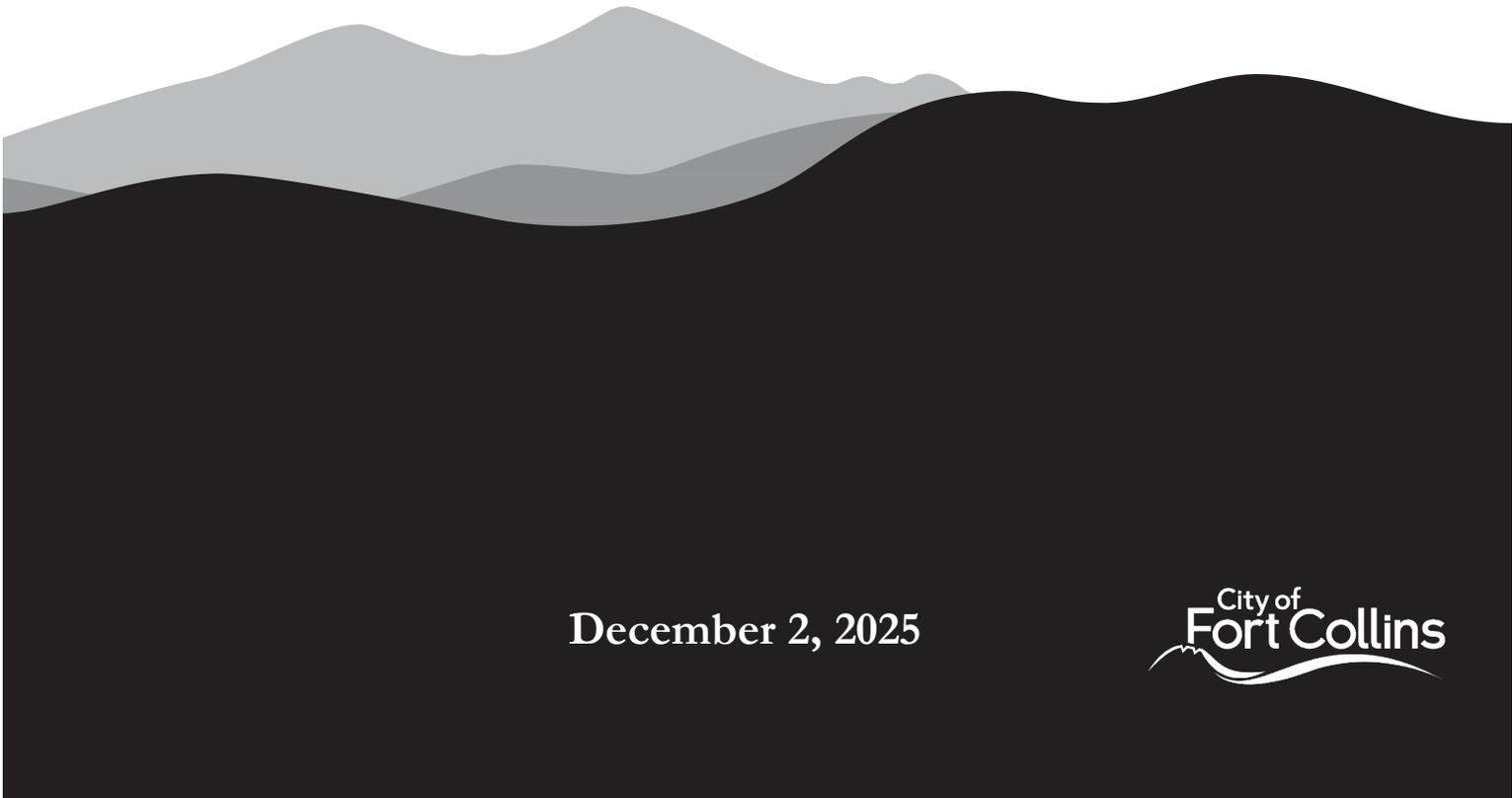


# Harmony

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# Corridor

*Standards and Guidelines*



December 2, 2025



# HARMONY CORRIDOR Standards and Guidelines

December 2, 2025





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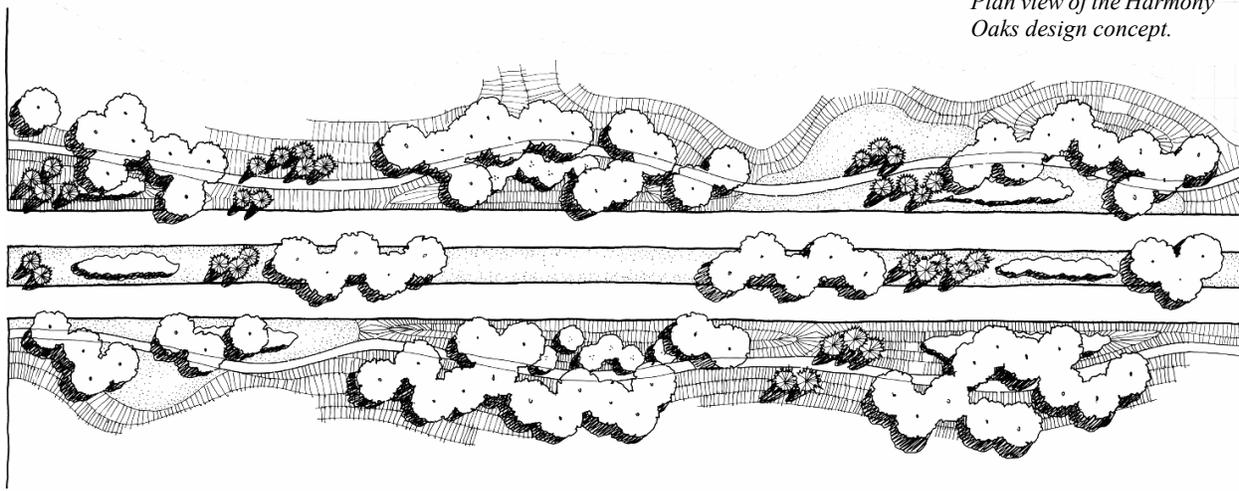
# I. THE HARMONY OAKS DESIGN CONCEPT

*The Harmony Oaks design concept strives to create a continuous and harmonious streetscape along Harmony Road from College Avenue to I-25 that is attractive and unique to this entryway corridor. The landscape proposed in the Harmony Oaks concept is characterized by wide setbacks, naturalistic berming, a meandering sidewalk and groves of oak trees alternating with wildflower meadows. Oaks have been selected as the dominant tree species for several reasons. Two types of trees are native to Colorado: coniferous species usually associated with higher elevations, and deciduous trees such as cottonwoods and willow typically found along streams. The Gambel Oak is one of the few deciduous hardwood trees that is native to Colorado. This – combined with the oak’s reputation for longevity, hardiness, disease resistance, low water demand, fall coloring and attractive appearance – led to the conclusion that the Gambel Oak, along with other oaks known to thrive in this climate, would be the best tree to dominate in the corridor landscape. Although the oaks will be combined with a substantial number of other tree species to avoid a monoculture, they will be planted in sufficient quantities to have a unifying effect. The oak’s rugged appearance makes it ideally suited to the informal naturalistic landscape emerging along Harmony Road. Drifts of pines will occur randomly to provide winter interest and add to the naturalistic forested effect.*

*Starting at I-25 and continuing to College Avenue, wildflowers will be planted in the median and intermittently along the edges of the road. The continuity of the wildflowers will provide a colorful welcome mat for people coming to Fort Collins via Harmony Road. Along both sides of the road, a wide sidewalk is planned to meander through berms providing the pedestrian and bicyclist with alternate experiences of wildflower meadow and oak forest. Low stone walls, along with special signage and graphics, will strengthen the Harmony Oaks design theme at intersections.*



*Perspective view of the Harmony Oaks design concept.*



*Plan view of the Harmony Oaks design concept.*

## II. PROCEDURES

The following standards and guidelines are intended to be used by developers proposing projects in the Harmony Corridor and by the City staff and the Decision Maker in their Land Use Code review process. “Standards” denoted by (+) are mandatory. “Guidelines” denoted by (o) are not mandatory, but are provided in order to further educate planners, design consultants, developers and City staff about the intent of the Harmony Corridor Plan. The guidelines describe a variety of ways that individual projects can contribute to the Harmony Corridor Plan. In addition, the guidelines will be used by City staff to guide the development of public sector projects in the corridor.

The Planning and Zoning Commission is empowered to grant modifications to the mandatory (+) standards under the following circumstances:

1. The strict application of the standard would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property;
2. The alternative plan, as submitted, will protect the public interest advanced by the standard for which the variance is requested equally well or better than would compliance with such standard; and
3. In either of the foregoing circumstances, the variance may be granted without substantial detriment to the public good.



### III. GENERAL STANDARDS & GUIDELINES

*The purpose of these standards and guidelines is to implement the design concepts and land use vision of the Harmony Corridor Plan – that of creating an attractive and complete mixed-use center with a major employment base. These standards and guidelines are an implementation action called for in the Harmony Corridor Plan, adopted by the City of Fort Collins in March 1991, then updated in January 1995, July 2003, February 2006, June 2020, and December 2025.*

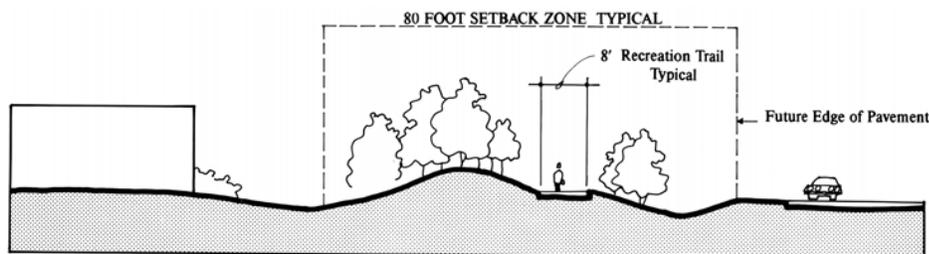
#### Harmony Road Setback

*The purpose of the setback zone along Harmony Road is to provide enough area between Harmony Road and adjacent development to create naturalistic berms, groves of trees and a meandering sidewalk. All three elements work together to create an attractive landscape that appears spacious and provides design continuity along the Harmony Road frontage.*

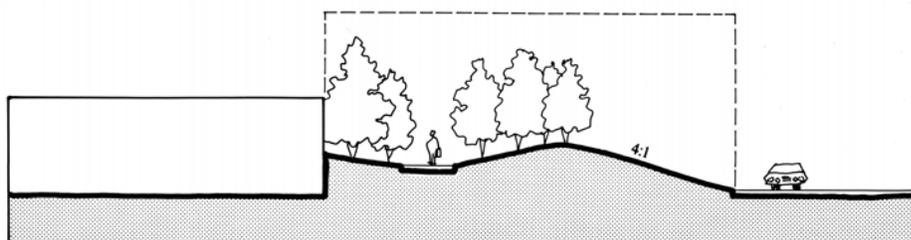
**Developments located along the Harmony Road frontage, east of Boardwalk Drive, shall provide a minimum 80 foot setback from the future edge of pavement, as determined by the City. (+)**

This area shall be referred to as the “setback zone.” The design standards and guidelines refer to the setback zone unless otherwise noted. Setbacks for I-25 and future frontage roads will be established in the design standards and guidelines developed for the gateway area as part of the Phase II Gateway Planning Effort described in the Harmony Corridor Plan. See page 32 for setback requirements on local and collector streets and page 30 for properties west of Boardwalk Drive.

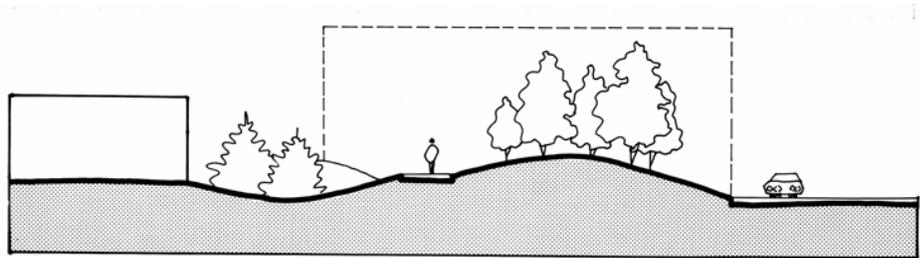
**Providing positive drainage away from a building shall not be considered a hardship in**



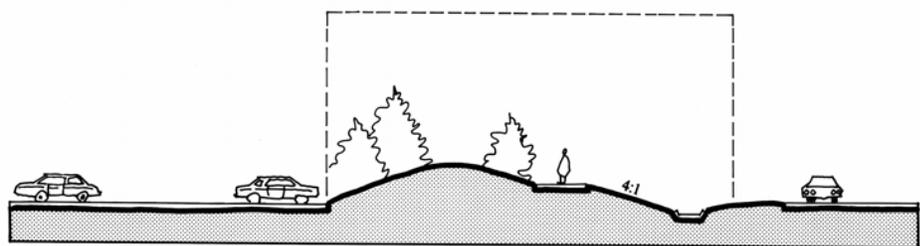
*80 foot minimum setback is measured from the future edge of the pavement.*



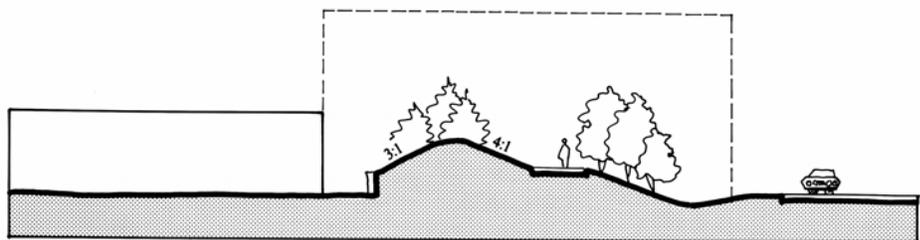
*Berming against buildings is encouraged. Buildings should be well integrated with the site and landscape.*



*Meandering recreation trail is integrated with berming and separated from travel lanes 30 feet where possible.*



*Parking lots can be screened with a combination of berms and plant material.*



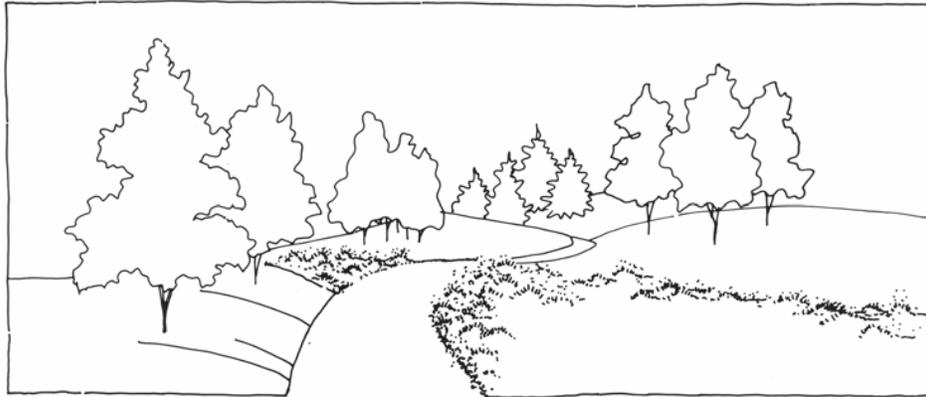
*Retaining walls can be used to create the desired streetscape effect in restricted locations.*

## Meandering Sidewalks

*The purpose is to provide a means for pedestrians and bicyclists to travel parallel to Harmony Road and have access to developments along the road where appropriate. Since pollution levels are highest closer to the road, the sidewalk is separated from the edge of pavement to the extent practical. The sidewalk is intended to be aesthetically pleasing as well as functional. The sidewalk is eight feet wide in order to accommodate both bicyclists and pedestrians, however, this sidewalk is not intended to serve as a commuter bicycle system.*

**A detached 8 foot wide concrete sidewalk is required along both sides of the road. The sidewalk shall be characterized by long smooth, sweeping curves through a gently bermed landscape. (+)**

**At intersections, the 8-foot wide sidewalk shall be parallel with Harmony Road for a minimum distance of 60 feet and shall connect to pedestrian crosswalks at the corner. See detail on page 20. (+)**



*Sidewalk system meanders through naturalistic berming.*

## Grading

*Landscape grading on either side of Harmony Road is one of the most important visual design elements used in the corridor. The purpose is to create naturalistic berms in order to emphasize the landscape and soften the visual impact of development. In addition, berms may be used to screen parking areas or other undesirable views.*

**Berms shall be used to create a naturalistic rolling landscape as opposed to flat terrain or rigidly designed berms that look engineered. (+)**

Berms are not mandatory for properties east of the Fossil Creek Inlet Ditch and west of Boardwalk Drive. It is anticipated that additional design standards and guidelines will be developed for properties in the gateway area east of the Fossil Creek Inlet Ditch during Phase II of the Gateway Planning Effort described in the Harmony Corridor Plan. See page 30 for properties west of Boardwalk Drive.

**The height of berms may vary from three to twelve feet above existing grade. Berms intended to screen parking shall be at least four feet high in order to effectively screen vehicle headlights. Berm heights shall be approved by the City. (+)**

**Slopes shall be 3:1 or less, with smooth transitions between changes in grade. (+)**

**Berms, swales and detention ponds within the setback zone and elsewhere on the site shall be graded in such a way as to be an integral part of the landscape, designed with smooth transitions between changes in slope. (+)**

**Avoid cutting or filling within the drip line of existing trees that are to be saved. (+)**

**The design of the berms and the alignment of the sidewalk should be integrated in order to create the illusion that the landform is the reason the sidewalk meanders. (o)**

**The materials used to construct retaining walls within the setback zone or elsewhere on the site should be buff color flagstone or materials that match the architecture of the building. (o)**

**Using concrete to line conveyance channels is discouraged. (o)**

**The following chart summarizes minimum and maximum desirable slopes for site grading: (o)**

| <b>Descriptions</b>  | <b>Minimum Slope</b> | <b>Maximum Slope</b> |
|----------------------|----------------------|----------------------|
| Planting Areas       | 2%                   | 3:1                  |
| Parking Lot Pavement | 2%                   | 4%                   |
| Driveways            | 2%                   | 6%                   |
| Pedestrian Walks     | 1%                   | 8%                   |
| Pedestrian Plazas    | 1%                   | 2%                   |

## **Water Transmission Main**

*The water transmission main which will be the backbone of the water distribution system for the Harmony Corridor will extend from Shields Street to County Road 9. A conceptual design and routing study for the project has been completed by the City's Water and Wastewater Utility. The presence of this main will create potential conflicts with the landscaping and berm design. Extensive coordination will be required during the development review process to minimize the effects upon either the water main or the Harmony Oaks design concept.*

**In designing berms and selecting and locating trees, the applicant shall avoid unnecessary interference with the City's water transmission main and the operation and maintenance thereof. (+)**

**As part of the preliminary development review process, the applicant shall submit a drawing to the City for its approval which graphically illustrates the water transmission main location, tree placement and grading concept. The drawing shall demonstrate that the tree and berm placement does not unnecessarily interfere with the City's water transmission main and the operation and maintenance thereof. (+)**

## Plant Palettes

*The purpose of the plant palettes is to promote design continuity along the Harmony Road streetscape through repetition of plant material species, with special emphasis on oak trees. Secondly, the plant palettes emphasize low to moderate water demand plant material in order to conserve water. The plant palettes offer an adequate range of plant material species to provide spatial definition; soften, buffer or screen development; and provide seasonal interest.*

**The landscape of the setback zone should be composed of two plant palettes; an oak palette, consisting of trees exclusively from the oak family, and a mixed palette, which is made up of trees and shrubs from a wider variety of plant families. At least, 35% of the trees in the setback zone should be chosen from the oak palette. The remaining 65% may be entirely from the mixed palette, or partially from the oak palette. (o)**

The oak palette and the mixed palette apply to the setback zone landscape between College Avenue and the Fossil Creek Inlet Ditch located east of the Hewlett-Packard facility. It is anticipated that plant palettes for properties in the gateway area east of the Fossil Creek Inlet Ditch will be developed during Phase II of the Gateway Planning Effort described in the Harmony Corridor Plan.

**Areas of the corridor outside of the setback zone are not limited to specific plant palettes, however, it is recommended that landscape plans throughout the corridor utilize plant material from these plant palettes in order to complement the setback zone landscape and conserve water where ever possible. (o)**

**Applicants are encouraged to use xeriscape techniques that include appropriate plant material selection, soil modification, mulches, appropriate irrigation and other techniques designed to conserve water without sacrificing variety and visual quality. (o)**

An estimated 25% of the setback zone landscape is an existing mix of plant material species not expected to change. When the corridor is completely developed, the overall ratio of oaks to other plant material varieties will be 1:4. This ratio does not take into account the median planting of oaks.



Bur Oak English Oak



Northern Red Oak Swamp White Oak Gambel Oak

The following tables list the common names and a few, brief remarks concerning the plants of each palette. For more detailed information including specific drought tolerance rating, see Appendix A.

**Oak Palette**

|                  |                             |
|------------------|-----------------------------|
| Bur Oak          | hardy, majestic             |
| English Oak      | wide, open habit, stately   |
| Northern Red Oak | local stock only            |
| Swamp White Oak  | dense foliage, narrow       |
| Gambel Oak       | understory tree, fall color |

**Mixed Palette****DECIDUOUS TREES**

|                           |                       |
|---------------------------|-----------------------|
| White Ash                 |                       |
| 'Autumn Purple' Ash       | purple fall color     |
| 'Rose Hill' Ash           | bronze red fall color |
| 'Autumn Applause' Ash     | purple fall color     |
| Green Ash                 |                       |
| 'Marshall's Seedless' Ash | yellow fall color     |
| 'Patmore' Ash             | upright, formal       |
| Western Hackberry         | hardy, good texture   |

**ORNAMENTAL TREES**

|                          |                              |
|--------------------------|------------------------------|
| Cockspur Hawthorn        | glossy foliage, fall berries |
| Toba Hawthorn            | double pink spring flowers   |
| Russian Hawthorn         | white flowers, red fruit     |
| Bigtooth Maple           | red fall color               |
| 'Radiant' Flowering Crab | pink-red spring flowers      |

**EVERGREEN TREES**

|                   |                         |
|-------------------|-------------------------|
| Austrian Pine     | drought tolerant        |
| Ponderosa Pine    | drought tolerant        |
| Keteleeri Juniper | lt. green, blue berries |

**SHRUBS**

|                    |                          |
|--------------------|--------------------------|
| Nanking Cherry     | white flowers, red fruit |
| Staghorn Sumac     | orange-red fall color    |
| Red Twig Dogwood   | red stem color in winter |
| Peking Cotoneaster | orange-red fall color    |
| Alpine Currant     | hardy, winter texture    |

**ACCENT PLANTS**

|             |                        |
|-------------|------------------------|
| Daffodils   | bulbs, yellow flowers  |
| Wildflowers | annuals and perennials |

## Trees / Shrubs

*While the plant material palettes define what plant material species are to be used in the setback zone, the following standards and guidelines describe how the plant materials are to be arranged. The purpose is to produce a cohesive corridor scale landscape as opposed to a series of individual project landscapes placed side by side.*

**Each individual site shall be designed within the context of the corridor landscape, with particular attention to adjacent properties. Applicants are required to show how their landscape plan complements or harmonizes with the existing or proposed landscape on adjacent properties in terms of grading, sidewalk layout, plant material selection, plant material quantities, planting design, views to the mountains and seasonal change. (+)**

**Periodic views to Longs Peak and the Front Range should be maintained along the corridor. These windows to the mountains should be carefully planned so that significant views are not obscured by buildings and/or plant material for more than one-half mile. (o)**

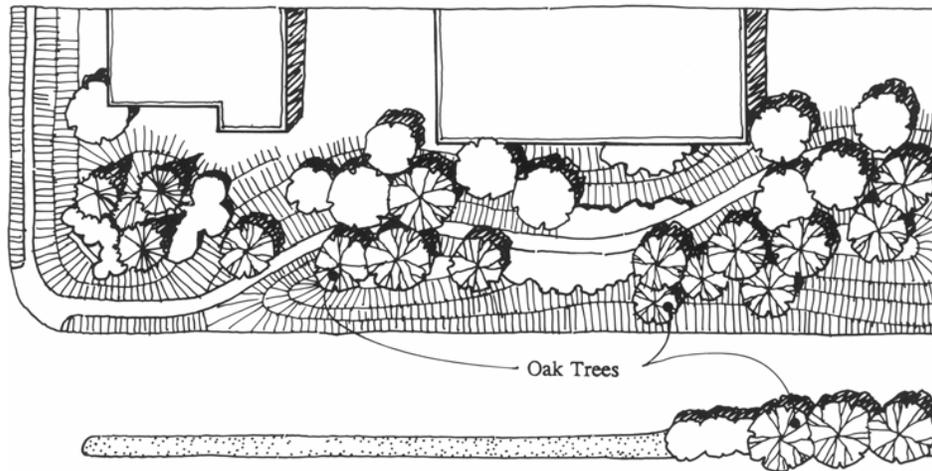
**Seasonal change is important to the aesthetic appeal of the streetscape. Accordingly, each project should contribute to an effective seasonal plant material display in the corridor, however, individual sites are not expected to have continuous year round seasonal displays on their frontage. (o)**

For example, if property A has a grove of oak trees and a drift of pines with a mass of shrubbery providing an effective fall color display, then the landscape plan for the adjacent property should emphasize spring color and may not need to use evergreen trees in the setback zone.

The planting design concept is naturalistic with heavy emphasis on oak trees. Repetition of the oak species is a design element used to create and strengthen the landscape continuity of the streetscape.

**Oak trees should be planted in groves with a minimum of 10-20 trees per grouping. Deciduous shade trees from the mixed palette may be included in the groves, provided that 35% of the trees in the setback zone are from the oak palette. This guideline does not apply to properties west of Boardwalk Drive and east of the Fossil Creek Inlet Ditch. (o)**

**The visibility of oak trees from the street should take priority over the visibility of other plant material species. (o)**



*Oak trees and small caliper trees are used at the edge of the grove.*

**Trees on the edge of the grove may be smaller caliper size to create a more naturalistic appearance. Planting young trees very close together or clumped as they might appear in a forest is encouraged. (o)**

**Grove of deciduous trees should be periodically interrupted with groupings of evergreen trees used to provide winter interest and to screen objectionable views. Consider the landscape plans for adjacent properties when deciding the placement of evergreen trees. (o)**

**Evergreen trees, when used, shall be massed in groupings of 5-15. (+)**

**Ornamental trees and shrubs provide spring blossoms and additional fall color. Ornamental trees, when used, shall be planted in single species groupings of at least three (3) trees per group. (+)**

**Shrubs shall be massed with 5-25 shrubs per group. (+)**

**Single species groupings of shrubbery are recommended. (o)**

**In general, shrub massed are most effective when they are used as an understory planting at the edge of a grove of trees, or in low areas in between berms. (o)**

**No shrubbery shall be used in wildflower areas. (+)**

**Bur Oak, English Oak and Gambel Oak with an understory of wildflowers shall make up the median landscape. (+)**

See the planting design examples on pages 18 and 19 for suggested plant material arrangements.



*Oak trees planted in groves.*

## **Wildflowers / Turf**

*The purpose is to provide a uniform and consistent landscape treatment of the ground plane along the Harmony Road frontage and to encourage the use of turf that consumes less water than traditional bluegrass. Starting at I-25 and continuing to College Avenue, wildflowers are planned to be the predominant ground cover in the median. The continuity of the wildflowers provides a colorful appearance throughout the spring, summer and fall months.*

**The predominant ground cover in the setback zone west of the Fossil Creek Inlet Ditch should be turf. (o)**

It is anticipated that design standards and guidelines for properties in the gateway area east of the Fossil Creek Inlet Ditch will be developed during Phase II of the Gateway Planning Effort described in the Harmony Corridor Plan.

Where turf is used, it shall meet the following specification:

- 70% Tall Fescue
- 20% Bluegrass
- 10% Smooth Brome

Other turf mixes that use 30-50% less water than traditional bluegrass may be substituted for the above specified mix with City approval. (+)

The above specified mix should be considered a minimum standard. Applicants are encouraged to use turf mixes with lower percentages of bluegrass.

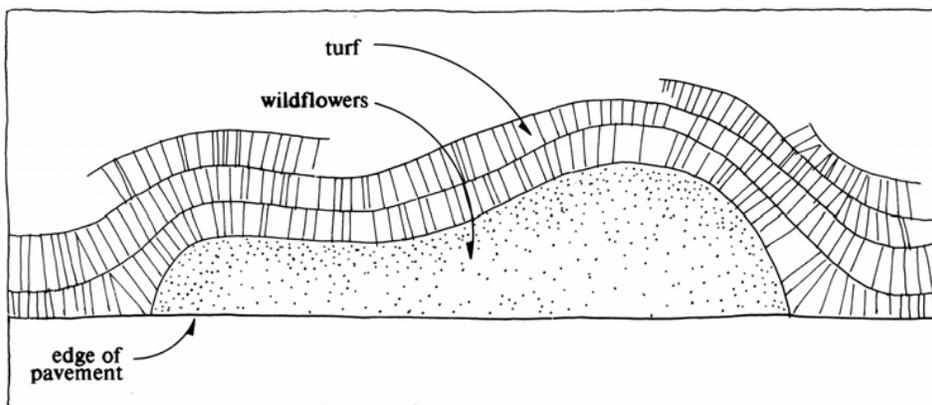
Periodic wildflower plantings along the edges of the road are encouraged, however, the use of wildflowers in the setback zone is optional. (o)

Where wildflowers are used in the setback zone, plantings shall be a minimum of 1000 square feet and must end 100 feet from the nearest collector or arterial street intersection. (+)

Incorporating naturalized daffodils into wildflower plantings or turf areas is encouraged. (o)

Daffodil masses, when used, shall include 100 or more bulbs per grouping. (+)

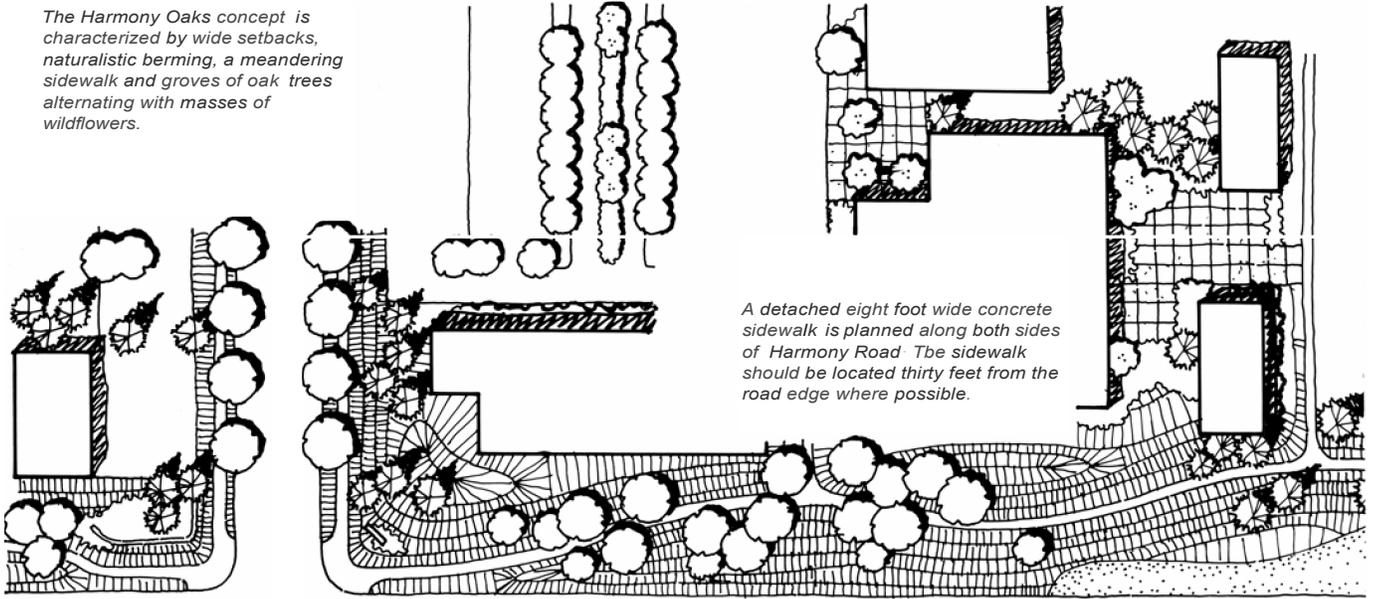
Transitions between wildflower and turf areas shall be made with free flowing curvilinear lines. (+)



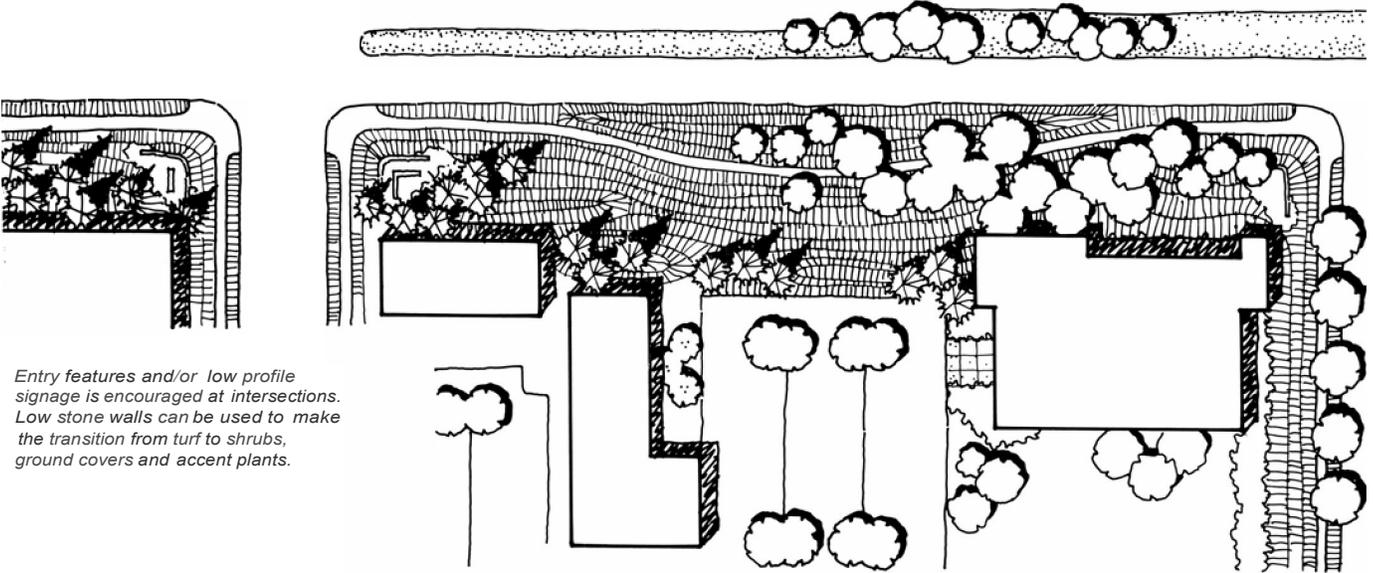
*Wildflower areas adjacent to the road edge are encouraged.*

Harmony Corridor Standards & Guidelines

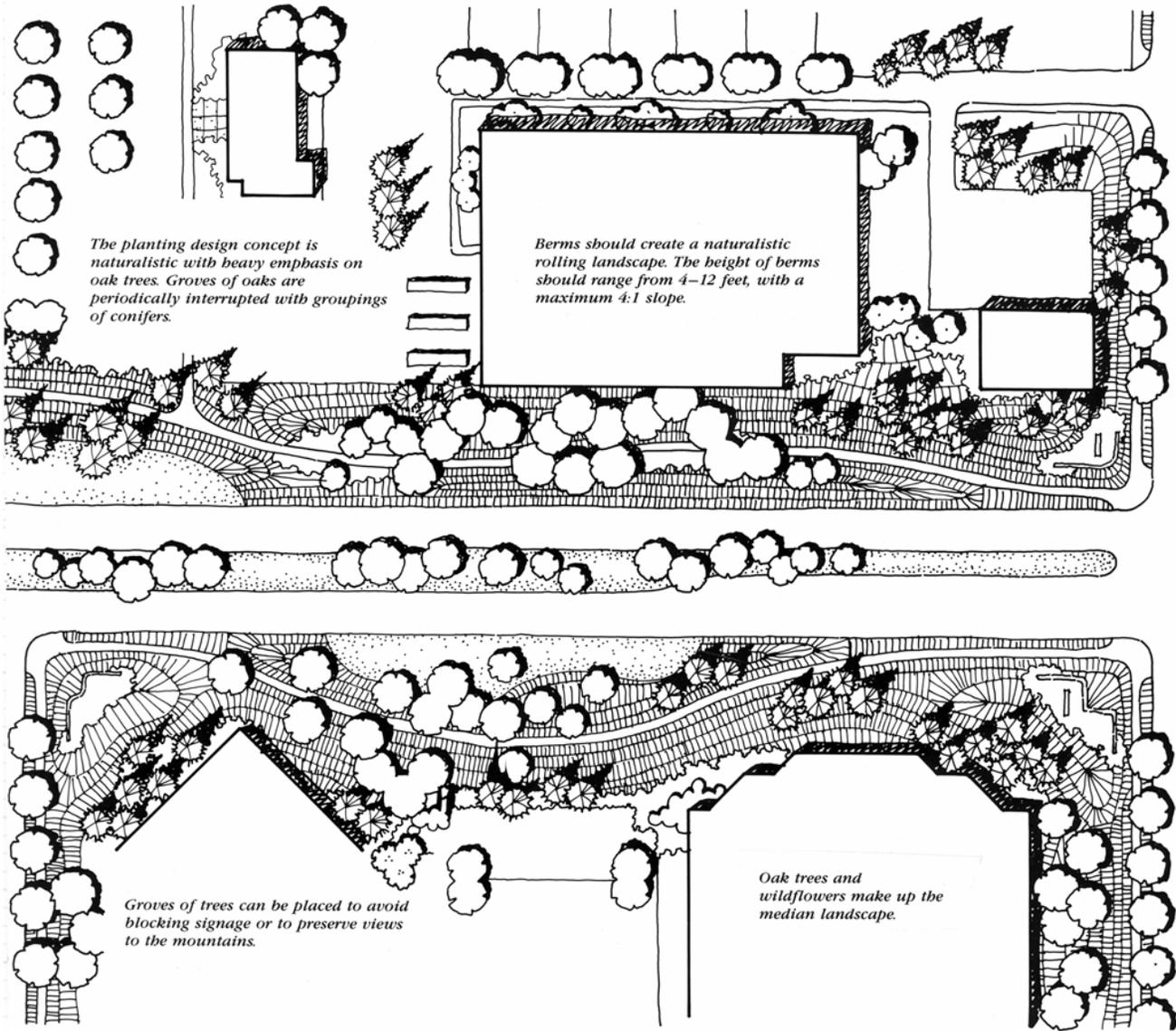
The Harmony Oaks concept is characterized by wide setbacks, naturalistic berming, a meandering sidewalk and groves of oak trees alternating with masses of wildflowers.



A detached eight foot wide concrete sidewalk is planned along both sides of Harmony Road. The sidewalk should be located thirty feet from the road edge where possible.



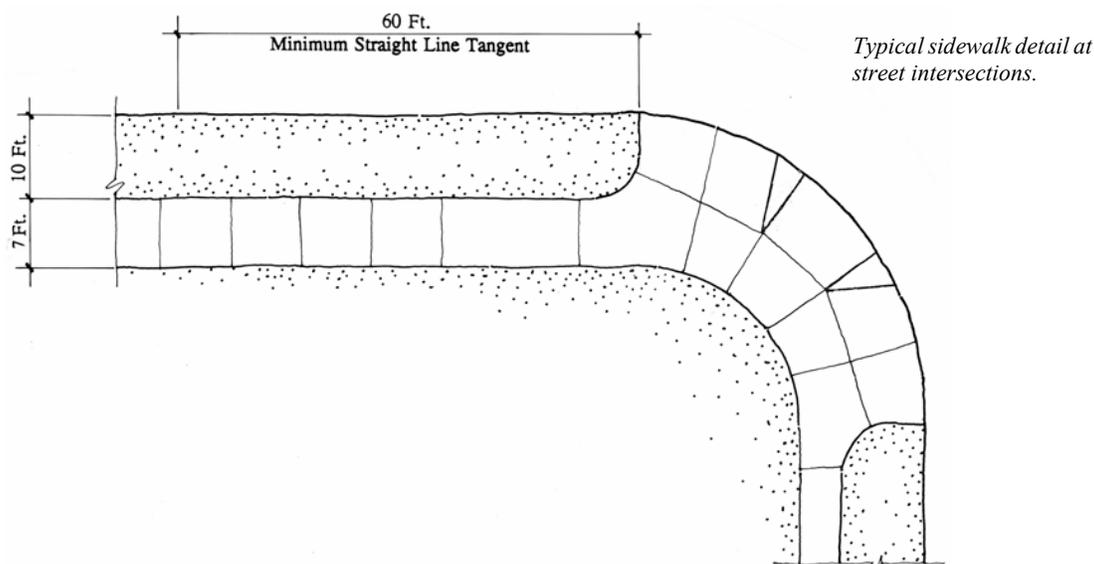
Entry features and/or low profile signage is encouraged at intersections. Low stone walls can be used to make the transition from turf to shrubs, ground covers and accent plants.



## Collector / Arterial Street Intersections

*The purpose of the following standards and guidelines is to establish a consistent appearance of major street intersections along Harmony Road so that collectively the intersections contribute to the Harmony Oaks design concept described in the Harmony Corridor Plan.*

**The 8 foot wide sidewalk and the local or collector street sidewalk shall be detached 10 feet and parallel to the street for a minimum of 60 feet from the curb return at intersections. (See detail.) (+)**



**Turf should be the predominant ground cover at intersections. (o)**

**Entryway plantings at intersections are encouraged. The incorporation of signage and/or project identity features is also encouraged. (o)**

**Entryway plantings, when used, shall be set back a minimum of 35 feet from the curb line. (+)**

**The grade at intersections should be gently mounded or sloped in the parkway strip between curb and sidewalk. (o)**

**The grade behind the sidewalk should be gently sloped up to an entryway planting or tie into a bermed landscape. A minimum 5% grade is recommended. See examples on pages 22 and 23. (o)**

**Entryway plantings should be characterized by low and medium height junipers, flowering accent plants, deciduous shrubbery and informally grouped deciduous and/or evergreen trees. Evergreen and small deciduous shrubs as well as annual and perennial flowers not found on the plant palettes may be incorporated into special feature landscapes at intersections. (o)**

**Entryway plantings and/or project identity features located on different corners of the same intersection should complement each other. (o)**

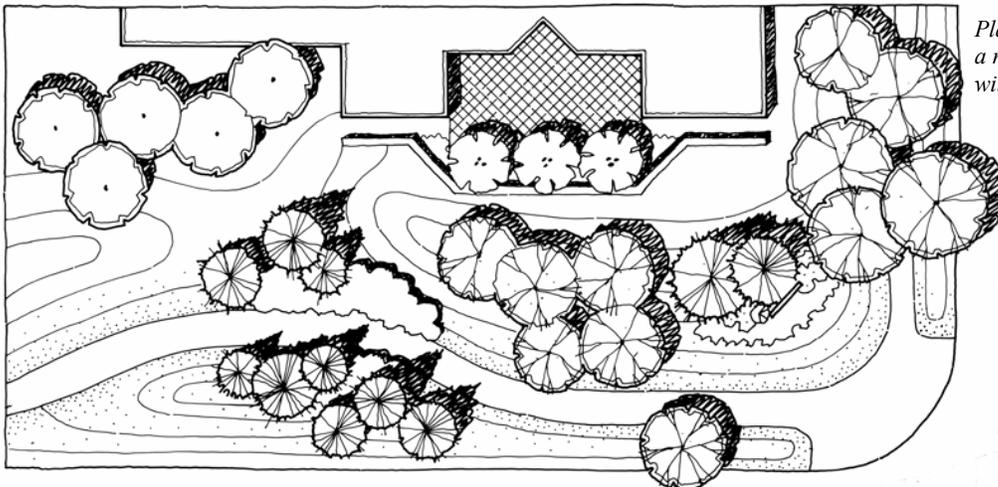
**Applicants are required to show how their landscape plan relates to the existing or proposed landscapes for the other corners of the intersection in terms of grading, plant material selection, plant material quantities, planting design and hardscape materials. (Landscape plans for proposed projects are available in the City Planning Department.) (+)**

**The incorporation of a low stone wall into entryway plantings and/or project identity features wherever possible is encouraged, in order to achieve a higher degree of design continuity and unique sense of place for the Harmony Corridor. (o)**

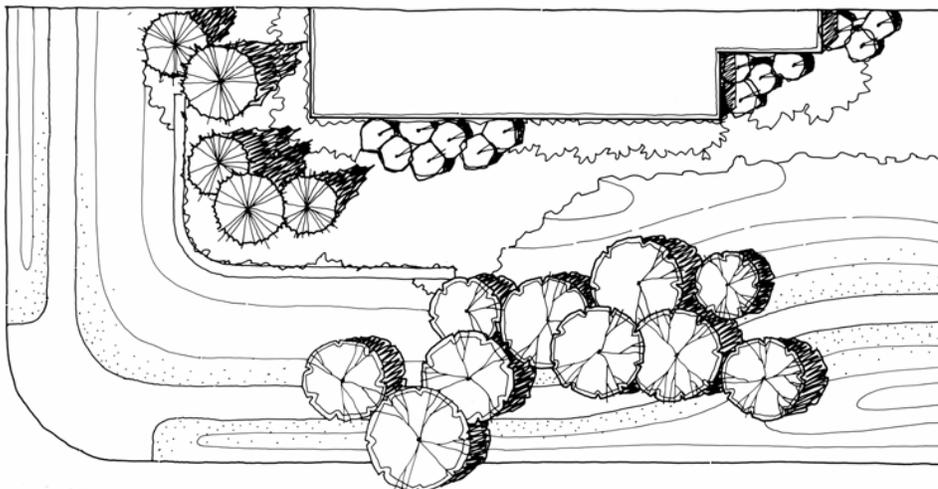
**Where stone walls are incorporated into the landscape, buff color flagstone shall be used. (+)**

**Example intersection planting plans and details on page 22 are intended to convey a “landscape character” consistent with the Harmony Oaks design concept. The repetition of oak trees and stone walls is encouraged. However, the placement of the wall and plant material may be flexible according to individual site requirements and personal preferences. (o)**

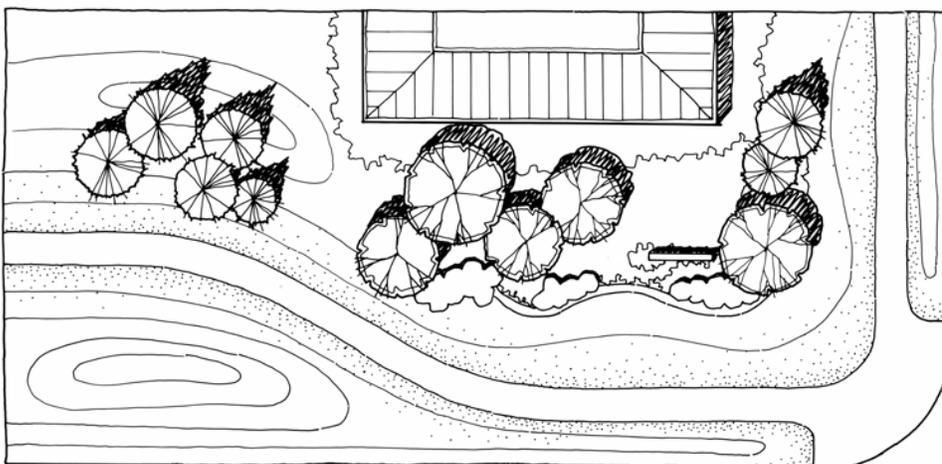
**Stone walls are considered to be a landscape element. In order for stone walls to be an effective unifying design element in the corridor, it is important that the context in which stone wall are used remains relatively consistent. Incorporating the stone into sign bases is discouraged. Examples of the appropriate use of stone walls are shown on pages 22 and 23. (o)**



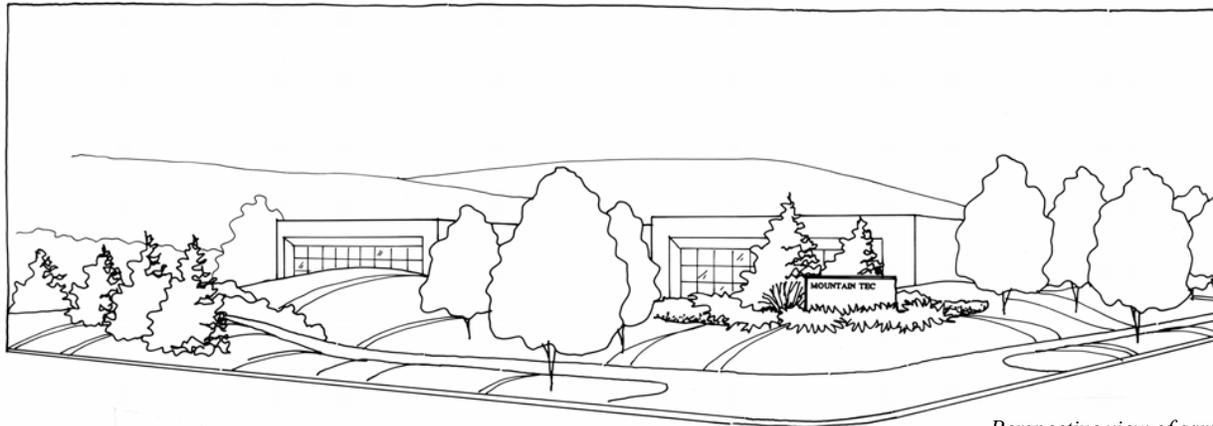
*Plan view showing a monument sign with no stone wall.*



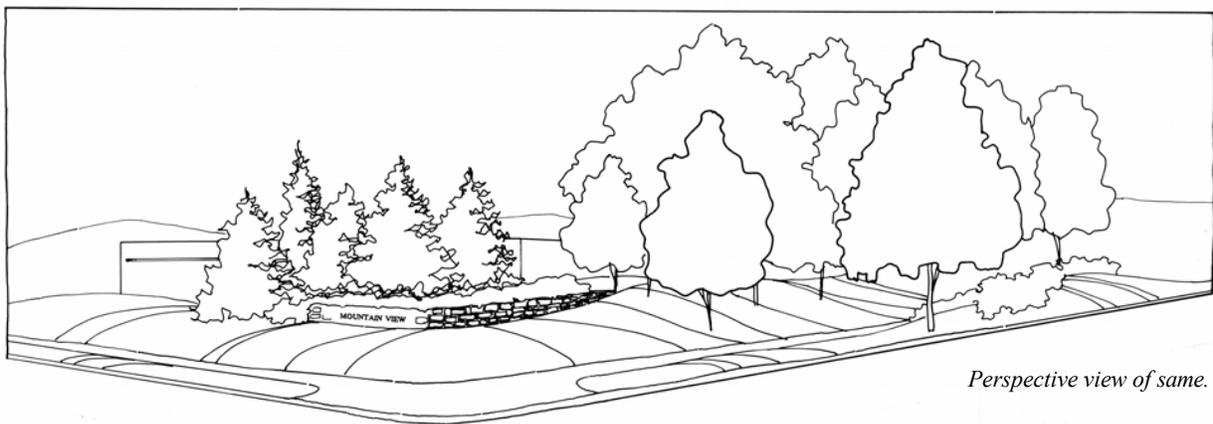
*Plan view showing typography on a stone wall.*



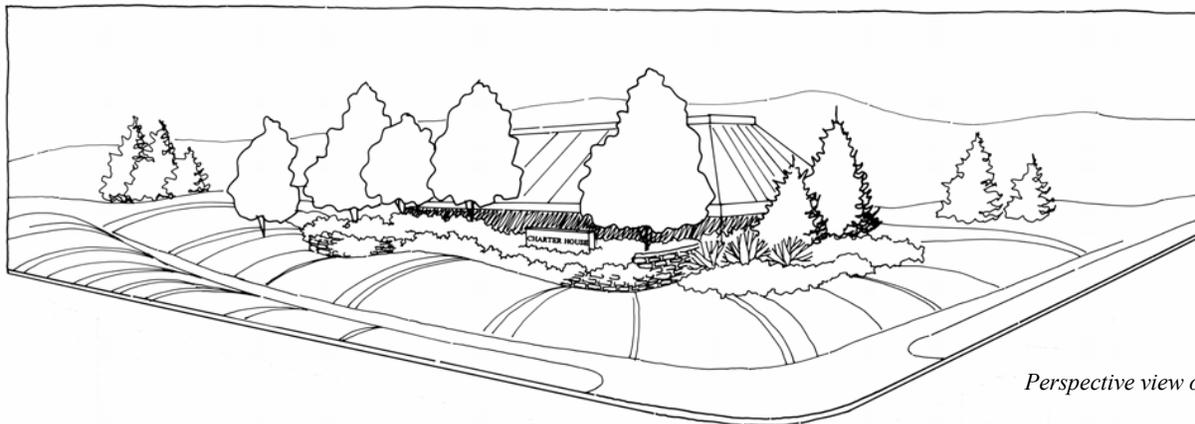
*Plan view of stone wall used as a landscape element integrated with a monument sign.*



*Perspective view of same.*



*Perspective view of same.*



*Perspective view of same.*

## Planting Specifications

*The purpose of planting specifications is to promote high quality landscape construction that requires less maintenance and conserves water.*

**Soil preparation should include the addition of organic matter and other amendments to improve the condition of the soil and to conserve water. (o)**

### **A. All shrubs and/or accent plants should be within defined shrub beds. (o)**

**Edging should be 4 inch steel strap set one inch above sod grade. (o)**

**The soil surface in shrub beds shall be mulched to reduce moisture evaporation, improve water penetration, control weeds and help moderate environmental extremes. (+)**

**Three to four inches of aspen bark or similar organic mulch should be applied over a weed barrier. Gravel mulch is discouraged. (o)**

**Plant material shall be spaced to achieve coverage within three years. (+)**

**Plant material with similar water requirements should be grouped together and irrigation systems should be designed to respond to these groupings. Zone plants with different water requirements separately and use the appropriate method – drip emitters, mini-sprays, standard sprays or bubblers – to match the water requirements. (o)**

## Maintenance

*The purpose of the following maintenance standards and guidelines is to establish maintenance responsibility and to promote a consistent quality of landscape maintenance along the Harmony Road streetscape.*

**Property owners are required to maintain the landscape up to the edge of pavement along Harmony Road and other public streets. (+)**

**Turf areas shall be irrigated with an automatic irrigation system. (+)**

**Shrub beds and turf areas shall be kept in a reasonably weed free condition. (+)**

**The pruning of trees and shrubs should be performed in such manner to enhance their natural character. (o)**

Currently the median landscape is maintained by the State Division of Highways. The responsibility for maintenance in the future shall be determined at the time the Harmony Oaks design concept is implemented in the median.

## Retaining Walls

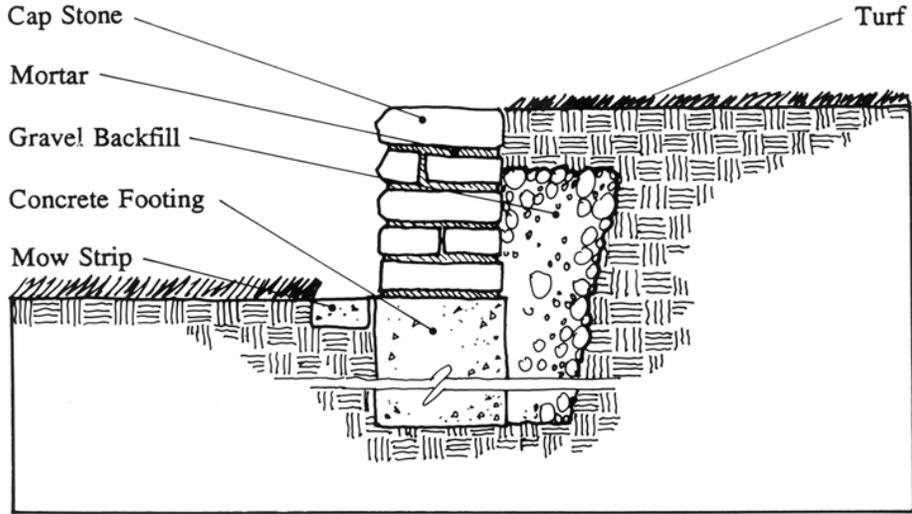
*The purpose of these standards and guidelines is to promote the use of stone walls as a landscape element along Harmony Road. The consistent use of stone as a building material for landscape walls is another opportunity to provide landscape cohesiveness along the Harmony Road streetscape. The following guidelines clarify the desired type of stone work.*

**Low stone walls, 18-36 inches in height and used as a landscape feature, is encouraged throughout the corridor. Developers are encouraged to use stone walls to make changes in grade, to make the transition from turf to wildflowers or to complement signage. Wall heights may vary, depending on site conditions and personal preferences. (o)**

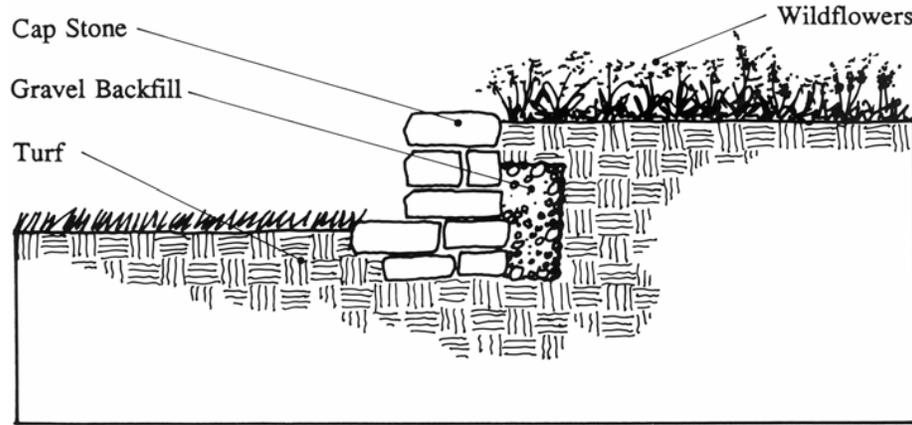
**The materials used to construct retaining walls shall be buff color flagstone or materials that match the architecture of the building. For example, a project with brick buildings may use matching brick retaining walls instead of stone. Using landscape timbers or other materials that do not match the architecture of the building in the construction of retaining walls in the setback zone is prohibited. (+)**

**Where stone walls are used in the setback zone, buff color flagstone shall be used in the construction. (+)**

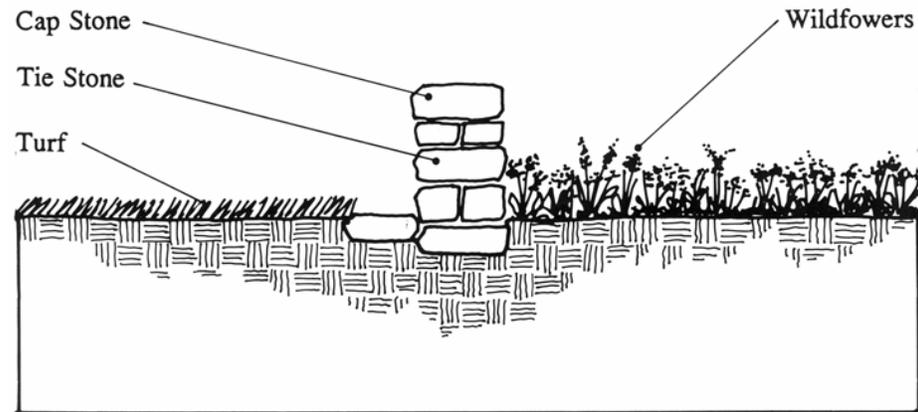
**Stone walls are considered to be a landscape element. In order for stone walls to be an effective unifying design element in the corridor, it is important that the context in which stone walls are used remains relatively consistent. Accordingly, incorporating the stone into sign bases is discouraged. Examples of the appropriate use of stone walls are shown on pages 22 and 23. (o)**



*Mortared stone wall used as a retaining wall.*



*Dry laid stone wall used as a retaining wall.*



*Dry laid stone wall used as a freestanding seat wall.*

## Fencing

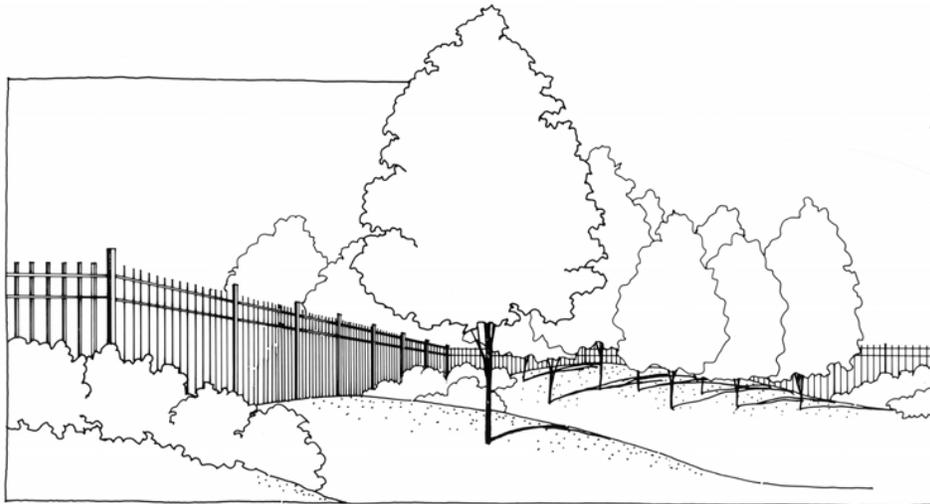
*The purpose of these standards and guidelines is to promote the use of black metal picket fencing as a landscape element along Harmony Road. The consistent use of black picket fencing as security fencing and/or decoration, will help provide landscape cohesiveness along the Harmony Road streetscape. The following standards and guidelines clarify the desired type of fencing.*

**Fence location and details shall be submitted with development plans. (+)**

**Security fencing is not allowed within the setback zone, except when the fence is part of an entryway feature. Only that part of the security fence that is incorporated into the entryway feature is allowed to encroach into the setback zone. (+)**

**Outside of the setback zone, ornamental aluminum fence with black baked enamel finish and pickets spaced four inches apart is the preferred material and style for fencing that is visible along Harmony Road. Repetition of this distinctive style of fence is another design element that can help unify the corridor landscape. Applicants are encouraged to use this type of fencing for their security fencing needs. (o)**

**Unclad chain link, dog-eared and shadow box wood fences that are visible from Harmony Road are discouraged. (o)**



*Repetition of black picket fencing helps unify the landscape character of Harmony Road.*

**The appearance of chain link fencing can be greatly improved by using black, vinyl clad chain link and partially screening it with berming and plant material. (o)**

**Screen wall and other architectural fences may encroach into the setback zone, if the Planning and Zoning Commission determines that the design of the fence adds to the architectural interest of the building and does not detract from the corridor landscape. Such a fence shall be 8 feet or less in height and constructed using building materials and design details that match or complement the building or project identity. (+)**

**The visual appearance of all fencing should be enhanced with plant material. (o)**

## **Lighting**

*The purpose of the following standards and guidelines is to encourage consistent light quality in the corridor and to reduce conflicts between street lighting and tree placement.*

**Public street lighting along the corridor shall be standard City fixtures on 30 foot high light standards, spaced approximately 175 feet apart, on both sides of the road. The light source shall be high pressure sodium lamps. (+)**

**Consistent use of high pressure sodium light sources contributes to the aesthetic quality of the corridor. Projects are encouraged to use high pressure sodium light sources in their site design. (o)**

**Trees with maximum heights above 30 feet shall be spaced at least 40 feet from a streetlight. (+)**

**Trees with a maximum height of less than 30 feet may be planted as close as 15 feet from a streetlight. (+)**

## **Boardwalk Drive to College Avenue**

*The Harmony Oaks concept becomes more difficult to implement between Boardwalk Drive and College Avenue for a variety of reasons. Most of the property adjacent to the road in this area is developed. Setbacks are narrower and there is no median in the road. Some properties are vacant and others are expected to redevelop at some time in the future. The unique characteristics of this section of Harmony Road require special attention. Wide setbacks, a meandering sidewalk, rolling berms, groves of trees and wildflower meadows are difficult to implement in this area, however, other design elements can be emphasized to create continuity. The following guidelines apply specifically to new development along Harmony Road from Boardwalk Drive to College Avenue.*

**The design elements that contribute to the Harmony Oaks design concept are listed below. Developers are encouraged to incorporate as many elements as possible into their development projects. (o)**

1. Wide setbacks.
2. Naturalistic bermings.
3. Meandering sidewalk.
4. Groves of trees.
5. Plant material from selected palettes.
6. Wildflower masses.
7. Daffodil masses.
8. Stone walls.
9. Black picket fencing.

Properties in this area will not be required to provide an 80 foot setback. The appropriate setback dimension for individual properties in this area will be determined during the development review process, when more site development variables are known.

**Trees and shrubs should be selected from the oak palette and the mixed palette in the recommended ratios. See pages 12 and 13. (o)**

**Properties west of Boardwalk Drive are not required to plant trees in groves, however, these properties are required to plant trees in naturalistic clusters as opposed to straight lines and formal patterns. (+)**

**Wildflowers shall not be used unless they can be established in a continuous bed that measures at least 1000 square feet. (+)**

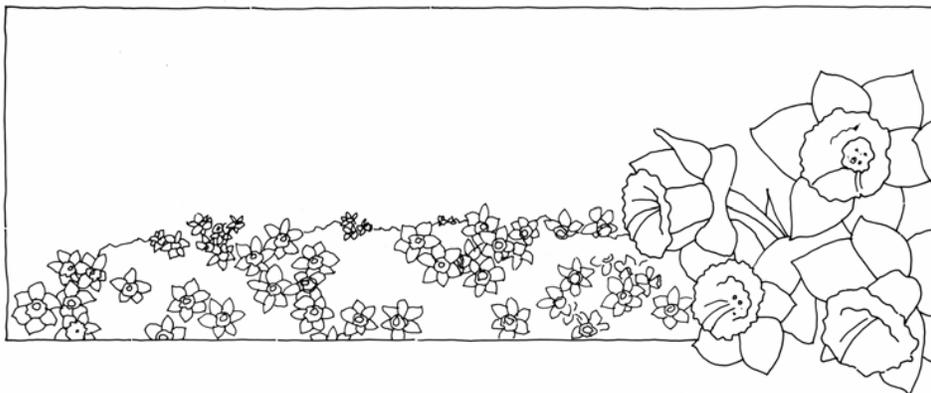
**The use of daffodils in large masses (100 bulb minimum) should be emphasized in this area. (o)**

**Hardscape elements such as stone walls and black picket fencing play a more dominant role in creating continuity and should be emphasized in this area. (o)**

**The Harmony Corridor Plan recommends the design and implementation of special signage and graphics for public signage in the corridor. Special signage and/or graphics for public signage should be emphasized in this portion of the corridor. (o)**

**The use of stone walls can provide landscape continuity with the rest of the corridor; accordingly, properties which are too small to accommodate naturalistic berming (see GRADING on page 10) are encouraged to use stone walls in combination with plant materials as screening devices. (o)**

**Properties west of Boardwalk Drive shall not be required to provide meandering sidewalks, however, minimum 7 feet wide concrete sidewalks parallel to Harmony Road are required. Ramps shall be provided at all street intersections so that pedestrians, bicycles, wheelchairs and baby strollers can negotiate the sidewalk system. (+)**



*Daffodil masses play an important role near College Avenue.*

## Local & Collector Streets

*Local and collector streets in the corridor can be utilized to extend the unifying effect of the Harmony Oaks design concept into the adjacent area. Design standards and guidelines for local streets which intersect with Harmony Road and for collector streets in the corridor are detailed below.*

### **Suggested setbacks for buildings and parking lots from future edge of pavement: (o)**

| Description       | Building Setback | Parking Setback | Fencing Setback |
|-------------------|------------------|-----------------|-----------------|
| Collector Streets | 40'              | 30'             | 20'             |
| Local Streets     | 40'              | 20'             | 20'             |

**At least 35% of the plant material used in the setback area along local and collector streets within one-half mile of Harmony Road should be selected from the oak palette. The remainder of the plant material should be selected from the following palette: (o)**

## Local / Collector Street Palette

### DECIDUOUS TREES

#### White Ash

'Autumn Purple' Ash purple fall color

'Rose Hill' Ash bronze red fall color

'Autumn Applause' Ash purple fall color

#### Green Ash

'Marshall's Seedless' Ash yellow fall color

'Patmore' Ash upright, formal

Kentucky Coffee Tree coarse winter texture

### ORNAMENTAL TREES

Flowering Crabapples flowers, fall color

Newport Plum pink flowers, purple foliage

Bigtooth Maple red fall color

### EVERGREEN TREES

Austrian Pine drought tolerant

Ponderosa Pine drought tolerant

Keteleeri Juniper lt. green, blue berries

Scotch Pine drought tolerant

### SHRUBS

Snowmound Spirea white flowers, arching

Bluemist Spirea blue flowers late summer

Red Twig Dogwood red stem color in winter

Peking Cotoneaster orange-red fall color

Alpine Currant hardy, winter texture

### ACCENT PLANTS

Grape Hyacinth blue-purple spring flowers

Yellow Tulips spring bulbs

Rocky Mountain Penstemon blue-purple flowers

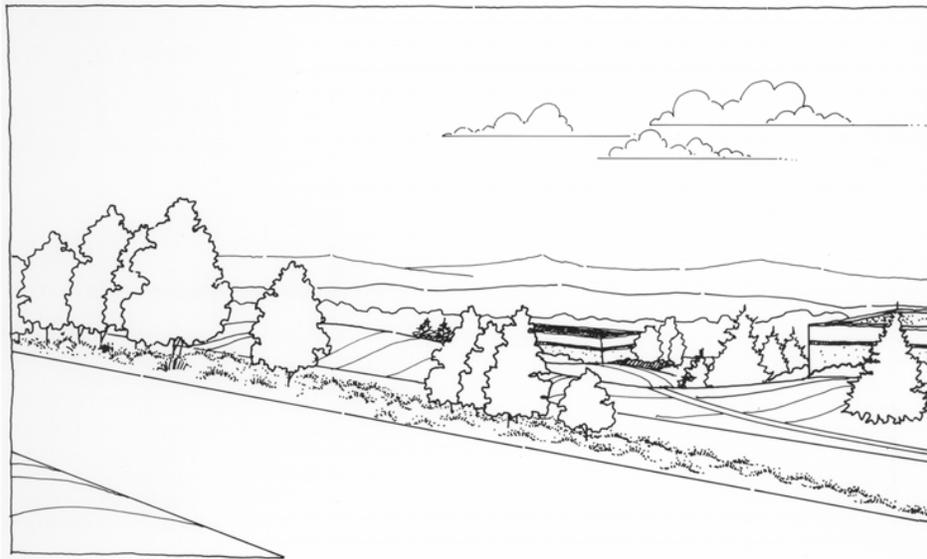
Orange Day Lilies summer flowers

## Median Planting

*Utilization of the Harmony Road median to affect a coordinated design theme is essential. Since the median is under one ownership, it can be designed and maintained as one continuous landscape. The following guideline should be the starting point for future median landscape plans.*

**The median shall be planted in wildflowers from the I-25 interchange to the end of the median at Boardwalk Drive. (+)**

A combination of wildflowers and a mixture of Gambel Oak and Bur Oak at various stages of growth make up the median landscape. The wildflowers, once established provide spectacular seasonal effects. The oaks grow more slowly and develop character over time. Utilized together and reinforced by private sector landscapes along the edges of the roadway the oaks and wildflowers create a unique pastoral landscape.



## Architectural Design

*The purpose of these standards is to promote high quality architectural design along the Harmony Road frontage, so that the architecture of the buildings adds to the visual interest of the corridor.*

**Buildings shall be designed to ensure that all elevations are attractive, rather than placing heavy emphasis on the front elevation and downgrading the aesthetic appeal of side elevations. Any accessory building or enclosure shall be similar to the principal building in design and materials. (+)**

**Rooftop mechanical equipment shall be screened. (+)**

**Internally illuminated awnings on building elevations that face Harmony Road are prohibited. Such awnings are permissible where only logos and/or typography are illuminated. (+)**

## Parking & Service Areas

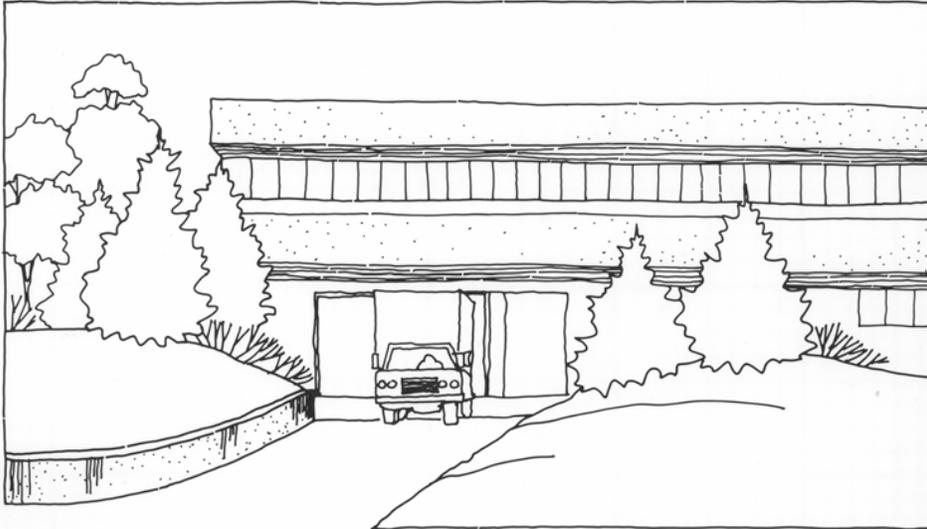
*The following standards and guidelines are intended to promote skillful design of parking and service areas in developments located adjacent to Harmony Road. The goal is to have these areas as visually unobtrusive as possible.*

**All parking shall be screened from public streets by plant material, fencing and/or berming. (+)**

**Parking is prohibited within the setback zone. (+)**

**Parking areas shall not extend for more than a quarter of a mile along the Harmony Road frontage (adjacent to the setback zone) without a significant visual break provided by buildings and/or open space. (+)**

**Large parking lots should be broken into sections not to exceed 200 cars each, separated by a major landscape buffer to provide visual relief. (o)**



*Service area screened with plant material and berms.*

**Utility equipment, storage areas, service areas, loading docks and trash collection areas are encouraged to be located so that they are not visible from public streets or building entries. (o)**

**Utility equipment, storage areas, service areas, loading docks and trash collection areas that are visible shall be screened with berming, plant material and/or fencing. (+)**

**Loading and service areas should be designed as an integral part of the building architecture to the extent practical. (o)**

## IV. SHOPPING CENTERS

### STANDARDS & GUIDELINES

Ideally, retail development adds vitality and convenience to neighborhoods and work places without introducing negative impacts that overwhelm the surroundings. Achieving this in the Harmony Corridor is the purpose of these Standards and Guidelines.

*Design criteria cannot predict the unique potential and constraints for each site and building. Thus, the following Standards and Guidelines are intended to establish a direction and a basic level of quality for compatibility with neighborhoods.*

*It is the City's hope that the mandatory standards do not limit creativity or reduce a potentially better design, created by skillful and sensitive architects and land planners, to a level of minimum compliance.*

*This section should encourage those who are responsible for new development to thoroughly consider the particular situation, including the surrounding context, so that each new development complements the positive and unique character of its neighborhood and the community.*

*This section focuses on three areas: (1) the function of buildings in defining a neighborhood and the community; (2) site relationships to surrounding neighborhoods and mitigation of negative impacts; and (3) the mixing of uses.*

*Fort Collins already has a development review system that promotes solutions to these general issues on a city-wide basis. The purpose of these Standards and Guidelines is to augment those existing criteria with more specific interpretations that apply to the Harmony Corridor.*

*\*See Appendix B for definitions of these Shopping Centers.*

## Buildings

### 1. Massing, Orientation, and Configuration on Site

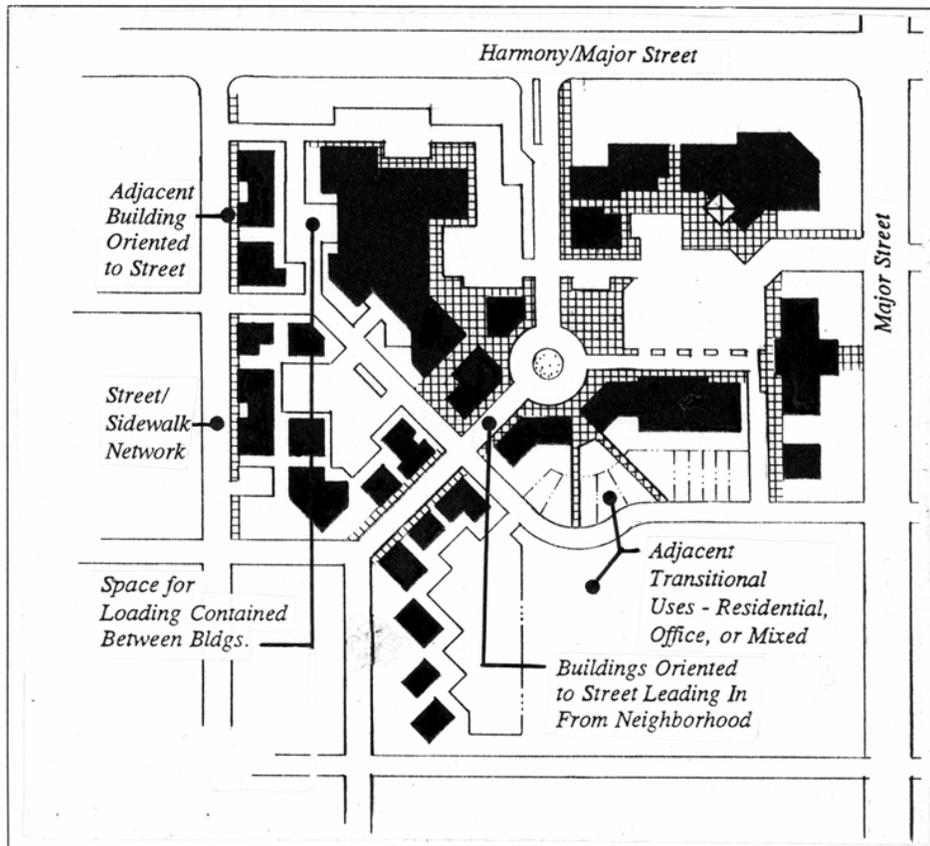
*The purpose of these Standards and Guidelines is to encourage site-specific, responsive planning and design. The massing, orientation, and configuration of buildings automatically shapes public space and establishes relationships and transitions to adjacent land uses. If designed skillfully, buildings can do this in a positive way.*

**Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. They should reflect the fabric of surrounding neighborhoods, rather than a superimposed formula. The cumulative patterns and connections created by multiple buildings, and the quality and memorability of their public spaces, is at least as important as the architecture of the buildings themselves. (o)**



*Intimately scaled spaces for people shaped by buildings.*

**Building mass should be shaped by connections to the street and sidewalk network, and in turn the building mass should be designed to give deliberate form to adjacent public spaces, such as streets, sidewalks, plazas, or landscaped spaces. (o)**

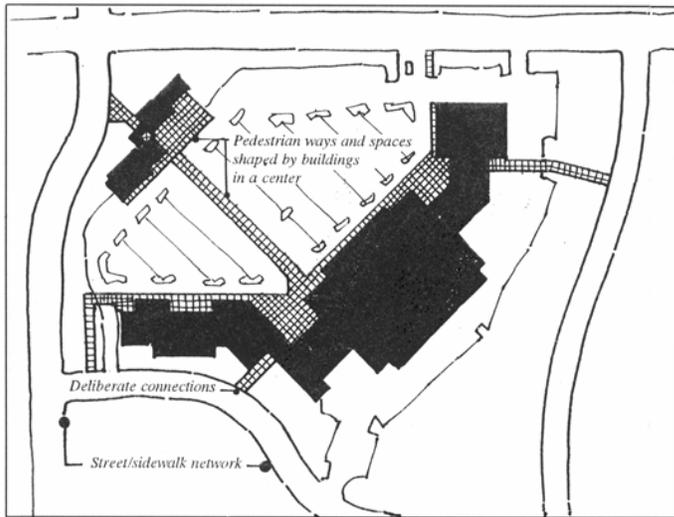


*A center in which the buildings have been shaped by the street/sidewalk network, and in turn give definite form to streets, sidewalks, and other spaces.*

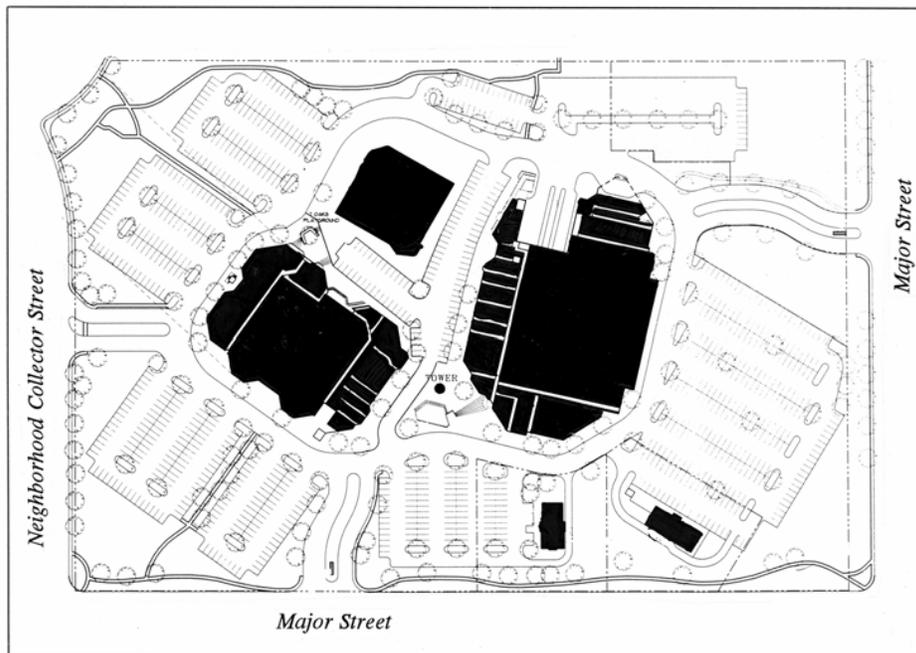
**Consider orienting some buildings in multiple-building centers to streets leading in from the neighborhood, rather than to the arterial or collector street. This can create an inviting transition into the center and accommodate neighborhood-serving uses with lower visibility needs and traffic impacts, such as daycare, shared mail pick-up, office, coffee shop, and other similar uses. (o)**

**Residential use buildings, whether solely residential or mixed use, should also be used to create an effective land use transition between a center and adjacent neighborhoods. (o)**

Where it is not possible or appropriate to extend streets or sidewalks directly, building mass can still shape definite, pleasant *connections* to adjacent land uses. (o)

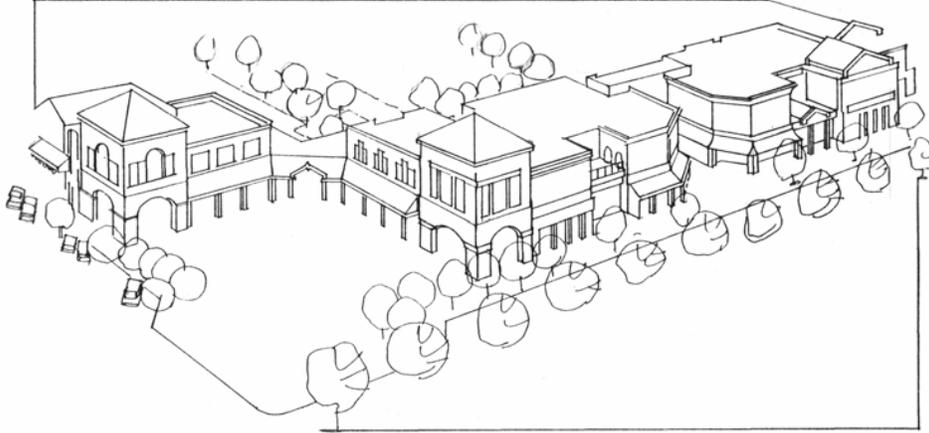


*Pedestrian ways and spaces in a center of about 96,000 square feet, shaped in part by offsets and articulation in building massing.*

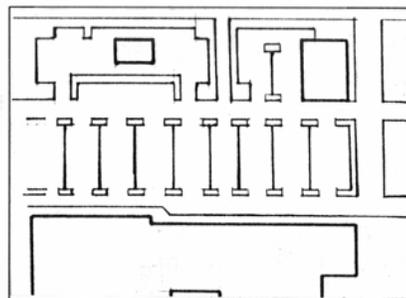
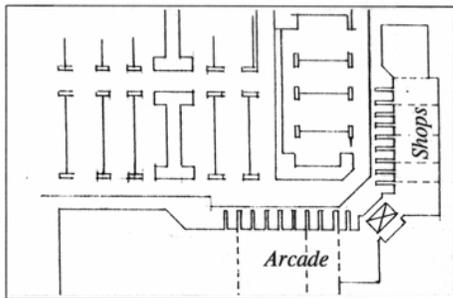


*Independent network of circulation and pedestrian spaces shaped by buildings in a center of about 120,000 square feet; streets and paths lead in from all sides.*

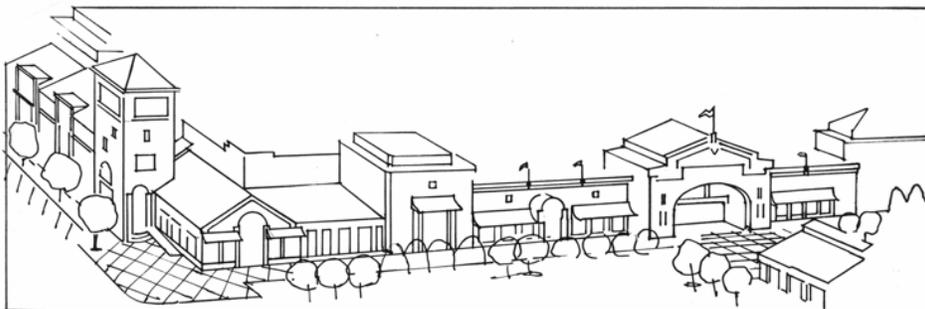
**Consider distinguishing the different businesses or activities in the center with variation in massing rather than through detail features and fenestration alone. Consider slipped-plane offsets, recesses and projections, reveals, harmonious variations in roof shape or height, and vertical extensions at focal points. (o)**



**A possible reason not to use the preceding guideline would be to allow a single building mass containing several small businesses to shape a deliberate and pleasant overall outdoor space, such as an animated pedestrian walkway or arcade. (o)**

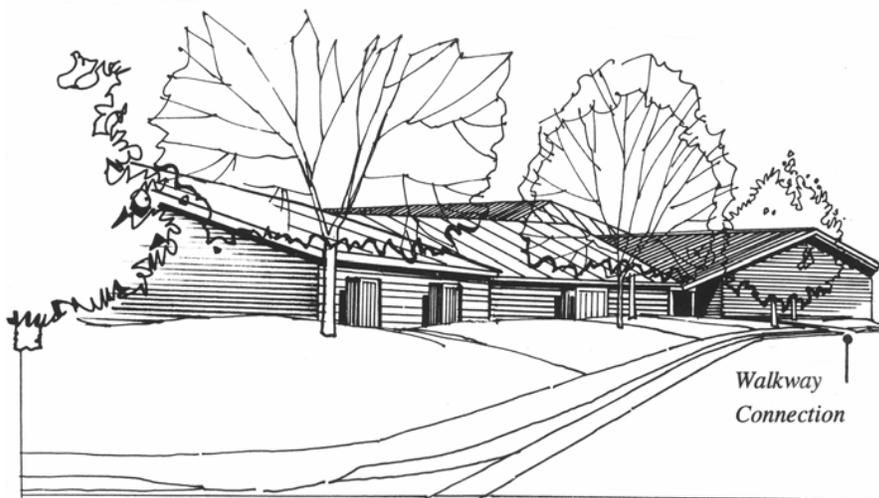


*Two diagrams – deliberate, pleasant outdoor space vs. residual space left over from parking and unarticulated buildings.*



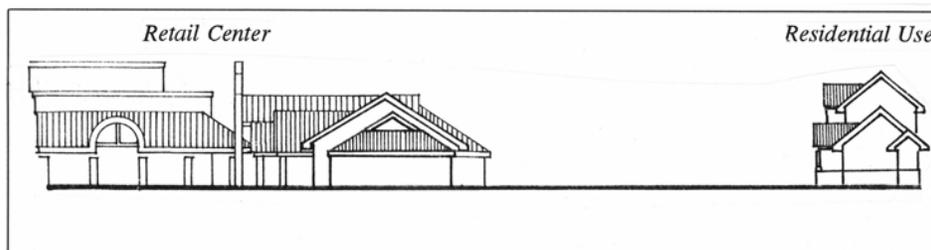
*Animated walkway with building mass aligned on essentially a single plane.*

**Building massing and configuration shall be established in such manner as to provide aesthetically appealing and convenient access on all sides, and not merely from the arterial or collector street. (+)**



*Back side of a shopping center showing building massing that complements adjacent residential use and creates a convenient access point for pedestrians and bicyclists.*

**Building massing shall create a transition from the edges of the center inward. To achieve this effect, smaller and lower building mass shall be located near edges of the center where adjacent buildings are smaller or residential in scale. (+)**



**Where buildings are adjacent to single or multi-family residential uses, rooflines shall be of a similar or lower height than the residential rooflines. (+)**

## 2. Image, Detail Features, Fenestration, Entrances, Color and Materials

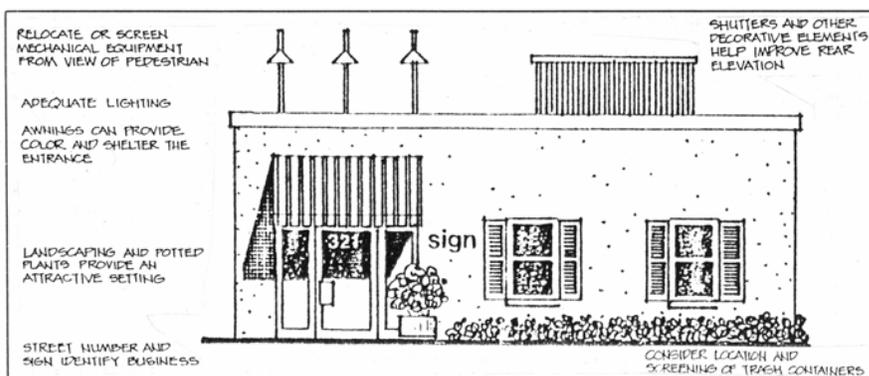
*The purpose of these Standards and Guidelines is to assure that retail buildings contribute to neighborhood identity in a positive way and complement the image of the community.*

Create visual interest and appropriate scale with rooflines or cornices, dormer or clerestory type roof features, and elements such as arcades, canopies, arbors, awnings, pilasters, and expression of bays. Trees and their shadows on walls may be used to add interest and improve the pedestrian scale of buildings, particularly when deliberately designed as part of the architecture. Consider enhancing pedestrian spaces with architectural details for interest, ledges or sills for sitting, arbors or canopy structures for shade and shadows, planters and window boxes for life and color, and other similar features. Windows and window displays, with aesthetically pleasing night lighting, may be used to add interest and animation in appropriate areas. (o)

Generally, rooflines adjacent to residential uses should be relatively low in height, and sloping roofs should emphasize long, horizontal lines, form overhanging eaves, and have hipped rather than gabled ends or a combination of hipped and gabled ends to complement surrounding neighborhood character. (o)

Where it is not practical for buildings adjacent to residential uses to have low rooflines, other prominent detail features should be included that break a taller building down into stories to relate to residential scale. (o)

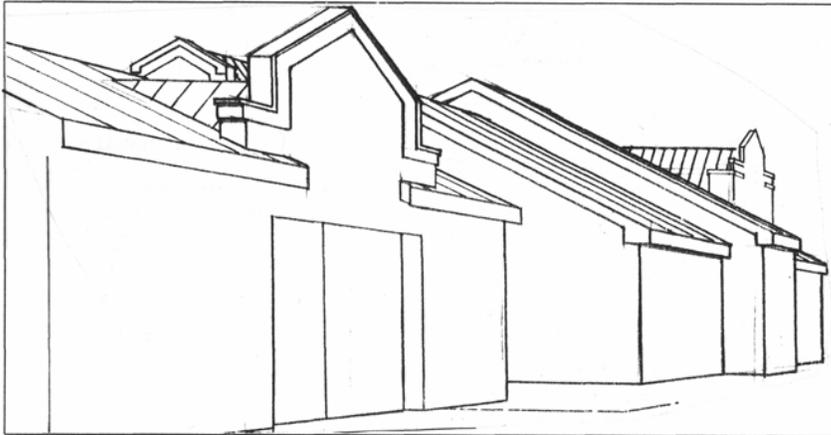
In a center, where the rear sides of shops face adjacent uses or streets, consider adding some design detail to service doors and windows to give the appearance of a “friendly” entrance oriented to the neighborhood circulation network. The intent of this guideline is to avoid facing the neighboring use with unattractive service doors and security lights. (o)



*“Friendly”  
treatment of a  
service entrance.*

**The sides and backs of buildings shall be as attractive and interesting as the front, where those sides and backs are visible from adjacent properties. (+)**

**Buildings must have sloped roofs, three dimensional cornice treatments, or both. Large sloping roofed areas must have multiple planes with features such as overlaps and varied peak height, offsets, and harmonious variation in form. (+)**



*Sloped roofs combined with corniced parapet features.*

**Building entrances must be placed and designed to give clear orientation from the main avenues of approach. Entrances must be highlighted with façade variations, porticos, roof variations, or other integral building features. (+)**

**Predominant exterior colors must be low reflectance, muted, neutral or earth tone colors. Colors other than these may be used for accent and emphasis of focal areas. (+)**

**All architectural elements and detail features must be consistent or harmonious among multiple buildings.**

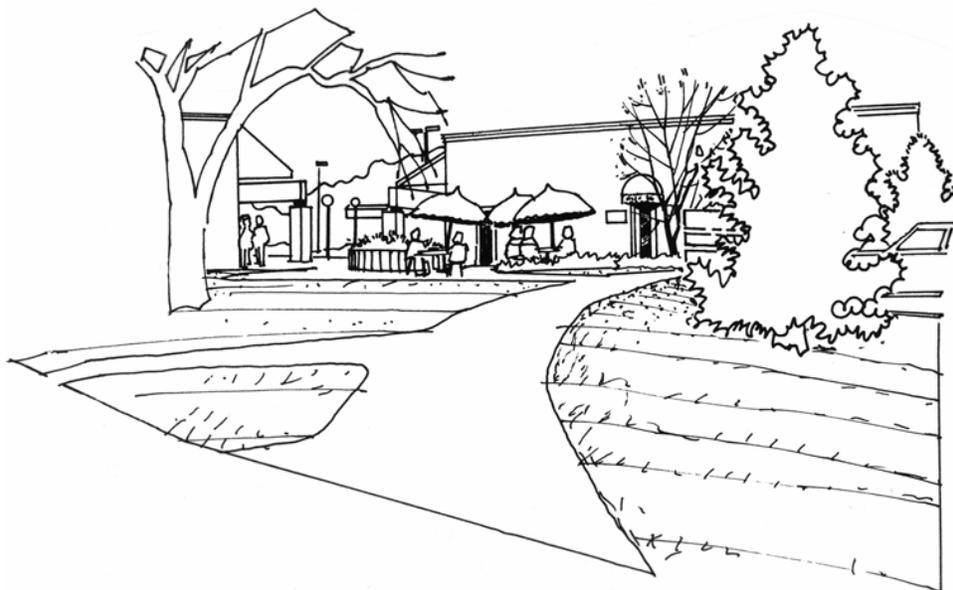
**Adjunct appurtenances such as vending machines, express mail drops, teller machines, newspaper dispensers, and other similar items must be incorporated within the architectural theme of the center. (+)**

## Site Relationship to Surrounding Neighborhoods and Mitigation of Adverse Impacts

*The purpose of these Standards and Guidelines is to provide a harmonious relationship between land uses; to achieve the benefits of having goods and services convenient to neighborhoods and work places while minimizing any negative aspects of retail and commercial development.*

### 1. Access and Circulation

Where possible, retail uses should be tied to the surrounding neighborhoods and uses by extending streets, sidewalks and paths directly into and through the center, thereby allowing residents and workers to conveniently walk, bike or drive to the center. Such connections highlight the importance of having an attractive, inviting appearance on the sides and back of the center. (o)



*Path extending into a center from adjacent neighborhood.*

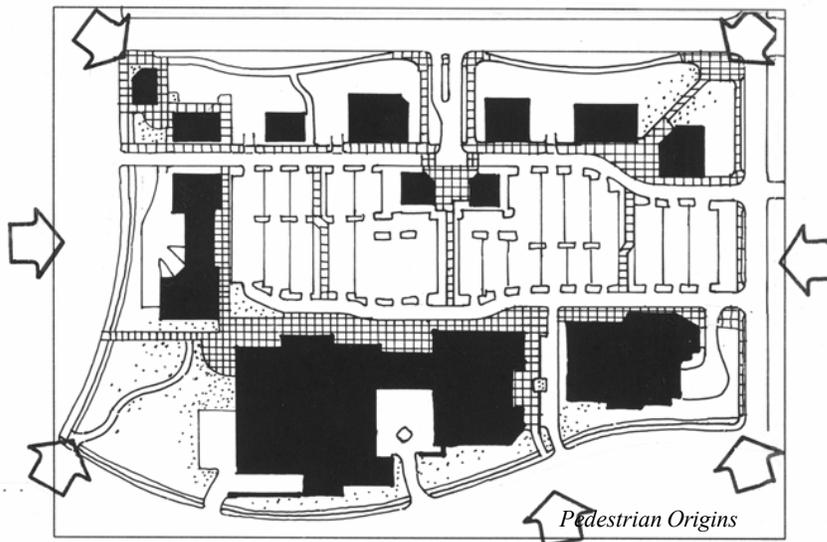
Pleasant street vistas should be created to reinforce the direct connections. Streets should serve equitably the needs of the motorist, the bicyclist, and the pedestrian; and the center should share some of the neighborhood streets and sidewalks with buildings fronting on them where possible. (o)

The street access system must be designed in such a way that no “short cut” is created that attracts non-neighborhood traffic through local neighborhood streets. (+)

**Entrances and parking lots should be shaped to be functional and inviting with walkways tied to logical destinations through landscape islands. The appearance of buildings facing a public street/sidewalk system should be maximized; the development of buildings on isolated “pad sites” that emphasize only driveway and parking lot access, and offer mainly signage for inviting orientation, should be minimized. (o)**



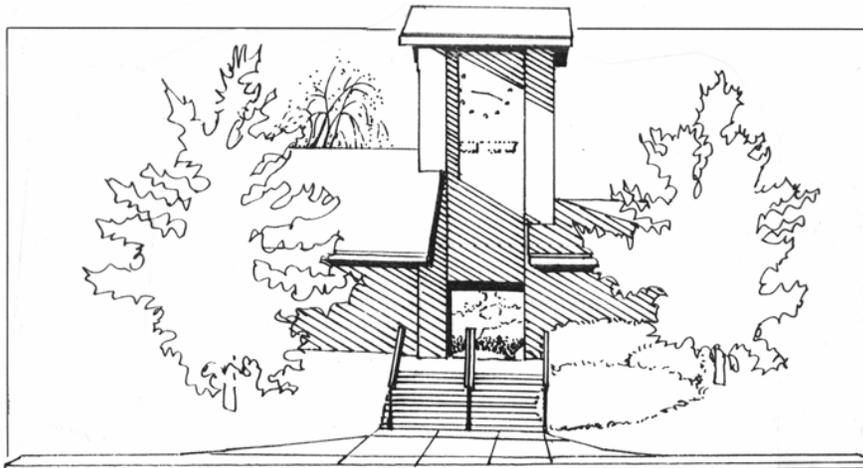
*A center where an independent parking lot circulation system looks like streets, sidewalks, and plazas.*



*A center with a circulation system that appears organized in a legible and convenient street/sidewalk pattern, with pedestrian flows to and through the center tied directly to logical destinations.*



*Walkway through landscape islands made to be as functional and inviting as possible.*



*Although the pedestrian traffic at this location is not a critical part of this center's business, this landmark building oriented to the street and sidewalk gives a friendly appearance and creates a focal point for the whole area.*

**Architectural elements such as arcades, arbors, porticoes, and plazas should incorporate and enhance access and circulation. Architectural elements and the site design should incorporate focal points such as information kiosks, drop-off/pick-up points, and bus stops. (o)**



*A center with architectural elements that incorporate circulation ways and landscape spaces.*

**The development shall provide convenient pedestrian and bicyclist access to the center from all sides where people live or work. (+)**

## **2. Screening and Buffering of Service, Delivery and Loading Functions**

To the extent possible, delivery and loading functions should be accommodated with the general layout of the access and circulation network, including delivery to the fronts or sides of buildings where practical. Loading dock access, truck parking, and other concentrated operations should be located out of public view, yet located and designed carefully to mitigate potential impacts on adjacent land uses. If possible, contain such areas in screened recesses or between buildings within the Center. If this is not possible, provide screening and buffering with perimeter landscaping, landscaped islands, and walls or fencing. Adjacent to residential areas, consider posting signs asking operators of delivery and service vehicles to shut off engines. Where driveways and walkways cross these areas, landscape islands should be used to organize the circulation. (o)

Neighboring uses shall be adequately buffered from the negative effects of noise, traffic, and idling trucks. (+)

Loading docks, truck parking, storage, meters, HVAC, trash collection, compaction, and other service functions must be incorporated into the overall design of the building and the landscape so that the visual impact of these functions is contained out of view from adjacent properties and/or public streets and no attention is attracted to these functions by the use of screening materials that are different than or inferior to materials than the principal materials of the building and landscape. The design treatment of these areas and functions shall not create unsightly “secondary” or “backside” areas. (+)

## **3. Lighting**

Lighting should enhance the overall aesthetics of the site and buildings. Consider the appearance of interior lighting through windows so that lighting does not detract from the nighttime appearance of the façade. (o)

Consider the use of ornamental pedestrian light fixtures in pedestrian areas, and the use of residential style fixtures near adjacent residential land uses. (o)

All lighting shall be designed to achieve the intended effects without creating glare that impacts adjacent uses. The lamp source of light (light bulb) shall be shielded to reflect downward and not off-site. (+)

## Mixed Land Uses

*Provision of most of the necessities of daily life within walking distance helps to reduce the number and length of car trips and vehicle miles traveled (VMT); allows the young and the elderly to gain independence of movement; and increases the chances for social interaction.*

**A mix of uses and services consistent with the definitions in Appendix B is encouraged in centers. The variety of uses should be used to help shape the transitions into centers from nearby residential areas and reinforce the integration of centers and their neighborhoods.**

**(o)**



*A neighborhood center with a full range of uses including dwellings and offices stacked above shops; and adjacent small-lot houses fronting on the "square."*

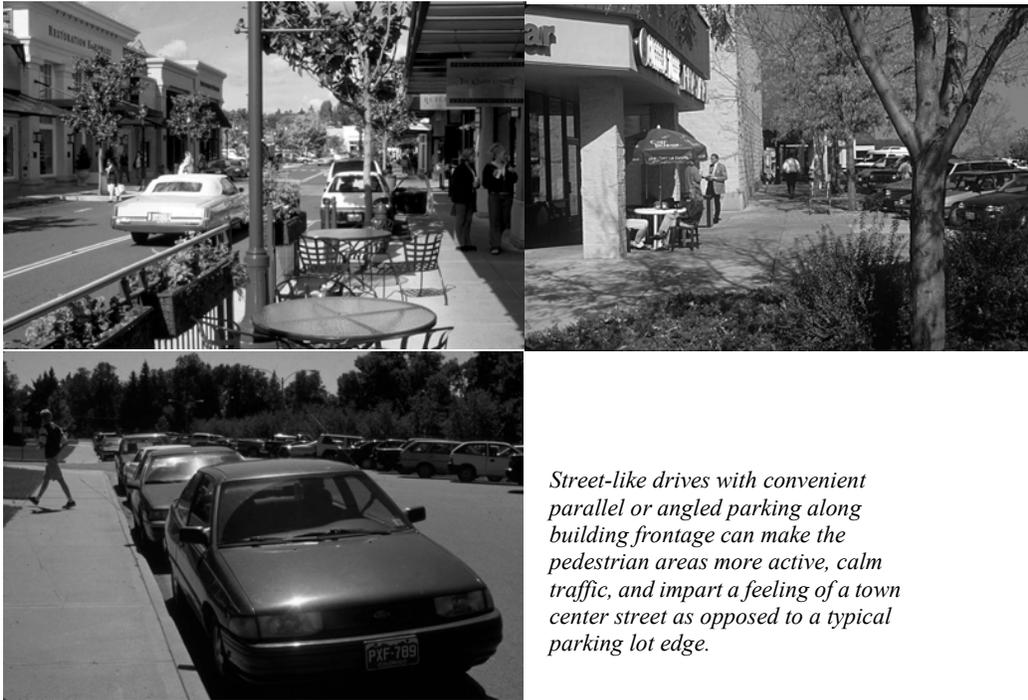
## New Lifestyle and Regional Shopping Centers

*The unique and high-quality site and building design of major new shopping centers in the Harmony Corridor reflect the special value the community places on the corridor as a development opportunity and entryway into the city from I-25. These standards and guidelines are intended to ensure that if a lifestyle or a regional shopping center is developed, it fulfills the purposes of the land use designation. These purposes include adding a significant and different new element to the city's retail mix, thus enhancing the city's fiscal health.*

### 1. Framework of Streets, Drives, and Walkway Spines

**Clear, Continuous Pedestrian Network.** Building sites shall be formed by a system of connecting walkways, plazas, and courtyards. These pedestrian frontages shall form a continuous network and a clear, shared focus for building orientation. Shoppers shall be able to directly access all buildings and central features and gathering places of the center via the pedestrian network. (+)

**Street-Like Drives and Parking Blocks.** Off-street surface parking shall be configured as a combination of 1) street-like parking drives with angled or parallel parking and tree-lined walkways; and 2) discernable parking blocks bounded by streets, drives, or walkway spines, with tree-lined sidewalks. (+)



*Street-like drives with convenient parallel or angled parking along building frontage can make the pedestrian areas more active, calm traffic, and impart a feeling of a town center street as opposed to a typical parking lot edge.*

Shoppers will typically have the potential opportunity to park relatively close to the front door of any store, and yet also conveniently walk from one store to another. In other words, the layout of the center is conducive to both the convenience shopper with a targeted destination, and to the browser shopper with time to walk around the center or visit more stores. (o)

## 2. Grouping of Buildings Along Pedestrian Frontage

**Non-Linear, Pedestrian-Friendly Site Plan.** The site plan for a center is not a simple linear line-up of stores, as often found in a strip shopping center. A site plan for a Center shall display creativity and flexibility in site layout to achieve the following objectives:

- **Buildings Clustered Along Walkways.** Buildings shall be brought together to form visually interesting pedestrian frontages that feature main entrances to the buildings. To the maximum extent feasible, remote or independent pad sites, separated by their own parking lots and service drives, shall be minimized (single-tenant buildings on pad sites are allowed, but must be brought together along pedestrian frontages in accordance with this standard). (+)

**Multiple Buildings.** The site plan shall create multiple corner (end-cap) sites, by housing the Center's retail stores in more than one primary multi-store building. (this does not include the separate, single-occupant buildings on pad sites, which are often occupied by freestanding restaurants or theatres). (+)

## 3. Very High Quality Architectural Program, Level of Finish and Detail

**Variation and Quality.** The architectural program for a center shall emphasize the individuality and unique storefront design of most of the stores in a center, giving the impression of a place built over time. The program shall include varied building heights—often used as a means to differentiate individual stores; high quality building materials (e.g., natural or synthetic stone, brick, tinted and textured concrete masonry units, stucco, high quality precast and prestressed architectural concrete, water- managed EIFS, woodwork, architectural metals, glass); and architectural lighting. (+)



*Two examples of high quality architecture setting the standard for overall design of a center.*

**Mixed Use Buildings.** Centers often include mixed-use dwellings and other multi-story buildings to add vitality to the center, add drama and interest to the buildings, and reveal and capitalize on hidden markets for office and residential products uncommon in suburban markets. (o)



*Examples of mixed use buildings integrated into a center, along with other positive elements such as streets and street-like drives with parking leading into or through the centers.*



#### **4. Very High Degree of Finish in Hardscape and Landscaping**

**Relatively Greater Amount of Landscaping and Pedestrian Enhancements.** A Center typically incorporates a significant amount of landscaping, community amenities, and pedestrian enhancements that result in common areas considerably more lavish than similar areas found in typical shopping centers. (o)

**Landscaping.** A Center shall incorporate substantial amounts of on-site landscaping that exceed the minimum landscaping requirements of the Land Use Code. On-site landscaping shall include landscaping along all walkways or integrated into the walkway space with tree wells and raised planters; and in conjunction with central features and gathering places, and both around and within surface parking areas. In addition to such permanent on-site landscaping, a substantial amount of seasonal plantings (e.g., flowers in raised architectural planters and containers) shall be incorporated in order to provide color and variety to the grounds and enhance the pedestrian/shopper experience. (+)



*Raised planters, sculpture, furnishings, paving, and plantings are all designed, built, and maintained with a high degree of attention and quality.*

**Xeriscape Design Principles/Regional Character.** Landscaping should be developed to express xeriscape principles and characteristics appropriate to the North Front Range (this may include relatively lush plantings requiring significant watering, such as flower beds and lawns, in appropriate high-use areas). (o)

**Pedestrian Amenities and Enhancements.** A Center shall, to the maximum extent feasible, incorporate the following features to ensure a high level of ambience for shoppers:

- **Very wide (8 to 15-foot clear) sidewalks, particularly adjacent to buildings, Incorporation of quality pavers and enhanced concrete treatments into pedestrian areas,**
- **Street furnishings (e.g. benches and trash receptacles)**
- **Pedestrian-scale lighting along walkways and access drives**
- **Outdoor service or seating areas**
- **Gardens, container flowers, and other supplementary landscaping**
- **Fountains and other water features**
- **Sculpture, murals, and other public art**
- **Overhead weather protection elements (e.g. arcades, canopies, awnings, umbrellas over seating, and double entries for stores)**
- **Full-time security during the center's operating hours (+)**

## 5. Central Feature or Gathering Place

A Center shall contain facilities that establish a focus for the Center, and that can also serve as a focal point for neighborhood and community activities, gatherings and meetings, and passive recreation. Such facilities shall include a pedestrian plaza, courtyard, or small park, containing a total of 6,000 square feet, with such features as seating, an information kiosk, a water feature, a clock tower, special plantings, an outdoor playground area, a gazebo, an amphitheatre or performance stage, or other similar features and amenities. Alternatively, this standard may be met by another such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the decision maker, adequately establishes a community gathering space or facility and a focus for the Center. (+)

Such facilities shall be highly visible, secure settings formed by the framework of streets, drives and walkway spines, with direct linkage and visibility to and from primary buildings within the Center. (+)

Any such facilities shall be constructed of materials that are equal to or better than the principal materials of the building and landscape. (+)



*Example of a multi-purpose central feature/gathering place with landscape and hardscape elements.*

## V. LAND USE & LOCATIONAL STANDARDS AND GUIDELINES

*The Harmony Corridor offers an opportunity for creating a major business and industrial center in northern Colorado due to its desirable location, accessibility, available infrastructure and land ownership pattern. Attracting desirable industries and businesses into the community, and in particular the Harmony Corridor, achieves an important public purpose because it promotes primary and secondary jobs and generally enhances the local economy.*

*The focus of future development activity is planned to take place in two types of major “activity centers” – the Basic Industrial and Non-Retail Employment Activity Center and the Mixed-Use Activity Center. Basic Industrial and Non-Retail Employment Activity Center are locations where either industrial uses, and/or office or institutional type land uses are permitted to locate in planned office (or business) park settings. Base industries are firms that produce goods and services which are produced for export outside of the city, and thereby import income into the city. Mixed-Use Activity Centers permit a broader range of uses including shopping centers. The distribution of these activity centers in the corridor is shown on the Land Use Map. Different types of shopping centers are defined in Appendix B.*

*The essence of both types of activity centers is a combination of different types of land uses along with urban design elements that reduce the dependence on the private automobile, encourage the utilization of alternative transportation modes, and ensure an attractive appearance.*

*Locate industries and businesses in the Basic Industrial and Non-Retail Employment Activity Centers in areas of the Harmony Corridor designated for such uses on the Land Use Map. Permitted principal uses in the Basic Industrial and Non-Retail Employment Activity Center shall be limited to:*

- **Research facilities, testing laboratories, offices and other facilities for research and development**
- **Industrial uses**
- **Hospitals, clinics, nursing and personal care facilities**
- **Regional, national, or international headquarters of a services-producing organization**
- **Vocational, business or private schools and universities**
- **Professional offices**
- **Finance, insurance and real estate services**
- **Other uses of similar character as determined by the Planning and Zoning Commission. (+)**

**Secondary and supporting uses will also be permitted in the Basic Industrial and Non-Retail Employment Activity Center, but shall occupy no more than 50 percent (50%) of the total gross area of the Office (or Business) Park, Overall Development Plan or Planned Unit Development, as applicable. If single family housing is provided, at least a generally equivalent number of multi-family dwelling units must also be provided. “Multi-family” shall mean attached single family, 2-family or multi-family dwellings. All housing must be integrated with and function with an office (or business) park. Non-residential, secondary uses shall be integrated both in function and appearance with an office (or business) park, unless a special exception is granted by the Planning and Zoning Commission. In order for such an exemption to be granted, the applicant must demonstrate to the satisfaction of the Commission that the granting of the exemption would neither be detrimental to the public good nor impact the intent and purposes of the foregoing requirement and that by reason of exceptional narrowness, small parcel size, or other special condition peculiar to a site, undue hardship would be caused by the strict application of this requirement.**

**Permitted secondary uses shall be limited to:**

- **Hotels/motels**
- **Sit-down restaurants**
- **Neighborhood Convenience Shopping Centers**
- **Child care centers**
- **Athletic clubs**
- **Single family and multi-family housing**
- **Accessory buildings and uses as defined in Section 29-456 of the Code. (+)**

Basic (and non-retail) jobs are planned to be the major economic focus of the corridor area. The standards provide for a variety of retail and services in close proximity to meet the needs of employees and business in the corridor. As the corridor develops, new housing of a mix of types and densities is anticipated to locate near jobs, shopping, parks and schools.

**Locate a broader range of land uses in the areas of the Harmony Corridor known as Mixed-Use Activity Centers as shown on the Land Use Map. The Mixed-Use Activity Center provides, in addition to the uses listed in the Basic Industrial and Non-Retail Employment Activity Center, a variety of retail and commercial uses in shopping centers. If single family housing is provided, at least a generally equivalent number of multi-family dwelling units must also be provided. “Multi-family” shall mean attached single family, 2-family or multi-family dwellings. All housing must be integrated with and function with an office (or business) park and/or shopping center. Neighborhood service centers, community shopping centers and regional shopping centers shall be limited to those locations shown on the Land Use Map. (+)**

The Plan provides for a range of retail, non-retail and residential uses to occur in the Mixed-Use Activity Centers, including shopping centers which satisfy the consumer demands of residents and employees who live and work in adjacent and surrounding neighborhoods, as well as from the community and region.

**All retail and commercial land uses, except those permitted as secondary uses in the Basic Industrial and Non-Retail Employment Activity Center, shall be located in shopping centers. All shopping centers, except neighborhood convenience shopping centers, shall be limited to locations shown on the Land Use Map. Neighborhood convenience shopping centers shall also be permitted in the Basic Industrial and Non-Retail Employment Activity Center. The general definition, scale, use and character of neighborhood service centers shall be as described in Appendix B. (+)**

Coordinated planning of a “shopping center” rather than isolated retail uses is the most effective means of avoiding “strip” commercial development.

## VI. HARMONY GATEWAY AREA

*The Harmony Gateway Area is an exceptional location due to high values the community holds regarding the Poudre River valley and the high public visibility of this entryway to the City.*

*The intent for the Gateway Area is to capture the special opportunity to integrate a mixed-use employment activity center within a landscape that expresses community values for environmental features and the larger corridor of open and rural lands at this southeast edge of the City along the river corridor and Fossil Creek Reservoir.*

*Development shall be programmed and designed with an emphasis on the landscape to maintain a sense of place derived from the river valley setting.*

*These Standards and Guidelines are to ensure that as development and redevelopment occurs as part of the Gateway Area, it fulfills the vision described in Chapter 5 of the Harmony Corridor Plan for the area.*

## *Design Standards and Guidelines*

### **1. Naturalistic Landscape Development: River Valley Character and Image**

*The intent is to create the effect of Harmony Road passing through a larger river valley landscape that spans across Harmony Road with buildings and parking lots carefully clustered and integrated unobtrusively within the landscape and not merely lining the major roadways with conventional landscaping around buildings and parking lots.*

**Landscaped Setback Dimensions.** A landscaped setback area for buildings and parking lots averaging 140 feet in depth for parking lots and 190 feet in depth for buildings shall be provided from the edge of vehicular travel lanes along Harmony Road and I-25. The landscaped setback area may include sidewalks and tree lawns. Minimum landscaped setback depth shall be 70 feet for parking lots and 95 feet for buildings. (+)

**Landscaped Setback Design.** This landscaped setback area shall be comprised of a River Valley landscape design that includes groupings of native cottonwoods and willows, and evergreens and other plant materials in conjunction with other native and xeric plantings appropriate to specific positions within the landscape plan, and shall consist of at least one tree and ten shrubs per twenty-five lineal feet of frontage. (+)

**2. Parking Lot Location and Screening.** Locating large parking lots between buildings and the landscape setback areas along Harmony Road and I-25 is encouraged to consolidate vehicular impacts of both parking and traffic on the roadways away from the internal pedestrian-friendly public space framework. (o)

If such parking lots adjacent Harmony Road and I-25 are not fully screened by berms and planting in the landscape setback area, additional screening shall be provided with the following:

- At least 30 additional shrubs per one hundred lineal feet of frontage, or
- At least 8 additional trees per one hundred lineal feet of frontage, or
- An alternative combination of trees and shrubs approved by staff as providing equal or better screening than the above; or
- Fences or site walls that replace the need for screening that such landscape plantings would provide. (+)

Off-street parking shall be consolidated into shared parking lots wherever appropriate in order to avoid interrupting pedestrian frontages in the public space framework. (+)

**3. Service and Loading Areas.** If any truck operations for servicing and loading are not fully screened from Harmony Road and I-25 by other means, they shall be fully screened by building massing or architectural wall. (+)

**4. Potential Channelized Floodway.** If the Poudre River floodway is channelized within the Harmony Road and I-25 setback area, the channel and adjacent upland areas shall be designed to complement and reinforce the overall naturalistic landscape with informal, undulating grading of

landforms, to the maximum extent feasible and within engineering requirements, not rigidly-engineered geometric grading. (+)

The programming and design of naturalistic river valley landscaping should be designed to provide consideration for maintenance activities such as irrigation, weed control, tree trimming, shrub and plant pruning, and replacement and reseeding, which consideration should be equal to the consideration given to design. (o)

**5. Incorporation of Water into Landscaped Setback.** Drainage channels and/or wetlands are strongly encouraged in landscaped areas along Harmony Road and I-25 to further reinforce the distinct landscape setting. (o)

**6. Landscaping Development: River Valley Character and Image.** Landscaping shall be developed to express xeriscape principles and characteristics consistent with Section 3.2.1 (E)(3) and include plants native to the River Valley landscape. More lush plantings that requiring significant watering, such as flower beds and lawns, shall be limited to appropriate high-use areas. (+)

## **7. Mixed-Use Employment Activity Center Within the Landscape Setting.**

### **A. Public Space Framework**

*Development of streets, buildings, parking lots and other site improvements will be arranged to form a unified mixed-use employment activity center. Within this center shall be a framework of streets and public spaces that provide for an attractive, cohesive and walkable area that reflects the unique site context.*

**A Framework of Streets.** Street-like private drives, walkway spines and a trail corridor shall be established to form sites for buildings and parking lots with the emphasis on forming a distinct overall sense of place into which buildings and parking lots fit. (+)

**On-Street Parking.** On-street parking should be maximized on streets scaled and designed to reinforce the distinct pedestrian orientation of the Gateway Area. (o)

**Trail Corridor.** Development shall provide an area for a trail corridor, which may be located within and will be counted towards the area for landscape setbacks. The trail corridor should also create linkage with the Fossil Creek and Poudre River Trails to the south and north of the Gateway Area respectively. Alignment and design shall be determined in collaboration with the City (+) and maximize the user experience. (o)

**Bus Transit.** Accommodation should be provided for bus stops and routes linking the mixed-use employment center to transit service on Harmony Road. Final transit stops and route configuration is subject to the review and approval of TransFort. (o)

B. Permitted Uses

*All individual uses permitted in the Harmony Corridor (HC) Zone District shall be permitted in the Gateway Area subject to the following minimum and maximum Secondary Use limitations. (+) The use percentages shall be measured using gross site area on land located within the Gateway Area as set forth in any development plan. The following use limitations and requirements shall be referred to collectively as the “**Land Use Limitation.**”*

**Retail/Commercial Limitation.** Retail and commercial uses shall not exceed 50% of development. (+)

**Minimum Employment Use Requirement.** Office, light industrial, and non-retail employment uses shall occupy at least 25% of development. (+)

**Minimum Residential Use Requirement.** Residential uses shall occupy at least 25% of development. (+)

**Minimum Naturalistic Landscaped Area Requirement.** Coverage of streets, buildings, and parking lots is limited to 60% of the site area on the south side of Harmony Road. The remaining 40% shall be retained as an open, landscaped area with naturalistic plantings. The following areas shall be counted in fulfillment of the minimum 40% requirement:

- Landscaped setbacks from I-25 and Harmony Road
  - Designated floodways
  - Delineated natural habitat or features
  - Stormwater detention areas
  - Trail Corridor
  - Other landscaped areas with minimum dimensions of 10,000 square feet and 30-foot width at any location.
- (+)

**Civic Uses Effect on Calculations.** Civic uses such as parks and recreation space, cultural facilities, community facilities, a trail corridor, and other public uses are not subject to the Harmony Corridor land use limitations. Such uses, if developed, may be applied toward the minimum employment or residential use requirements at the election of the Applicant. (+)

Additional uses shall be permitted: Artisan and photography studios and galleries; Limited and Unlimited indoor and outdoor recreation facilities; Dog day-care facilities; Grocery stores; Supermarkets; Exhibit halls; Funeral homes; Parking lots and garages; Small scale reception centers; Large Retail Establishments subject to individual and collective size limitations set forth below; Gasoline stations; Entertainment facilities and theaters; Day Shelters; and open air farmers’ markets. (+)

**Large Retail Establishment Size Limitations.** No individual Large Retail Establishment may exceed 100,000 square foot footprint. (+)

Total floor area of large retail establishments (more than 25,000 square feet) in the gateway area shall not exceed 250,000 square feet. (+)

*Large retail establishment* shall mean a retail establishment in a single building occupying more than twenty-five thousand (25,000) gross square feet of floor area. Movie Theaters, recreational, entertainment and indoor recreational uses, and similar shall not be classified as large retail establishments and shall not count towards this limitation. (+)

**Large Retail Establishment Exceptions.** In instances where a large retail establishment (more than 25,000 SF) is developed as part of a vertical mixed-use building, it shall not count towards the Large Retail Establishment Floor Area Limitations. (+)

**Mixed Use Dwellings.** Mixed use dwellings are encouraged to add vitality and charm to the sense of place, add interest to the buildings, and reveal and capitalize on specialized residential products uncommon in suburban markets. (o)

#### C. Buildings

**Building Grouping and Orientation – Public Space Framework.** Buildings and their entrances should be brought together along the overall public space framework. Each building should contribute to and reinforce the overall goal of creating a walkable destination with a primary orientation to the overall framework and other buildings nearby; and orientation to individual parking lots secondary. (o)

Buildings should offer attractive pedestrian-scale features and outdoor spaces to complement the streetscape. (o)

**Maximum Height.** 5 stories for commercial and mixed-use buildings and 3 stories for residential buildings, with an exception provided for 6 story mixed-used buildings if structured parking is integrated into the mixed-use building. (+)

**Building Character.** The architectural program for the Gateway Area shall emphasize high-quality building materials providing visual interest for pedestrians and that complement the colors and textures of the Poudre River Corridor (e.g., natural or cultured stone, brick, textured concrete masonry units with architectural finishes, stucco, high quality precast and prestressed architectural concrete, architectural metals, glass, timbers); and architectural lighting. (+)

#### D. Signs

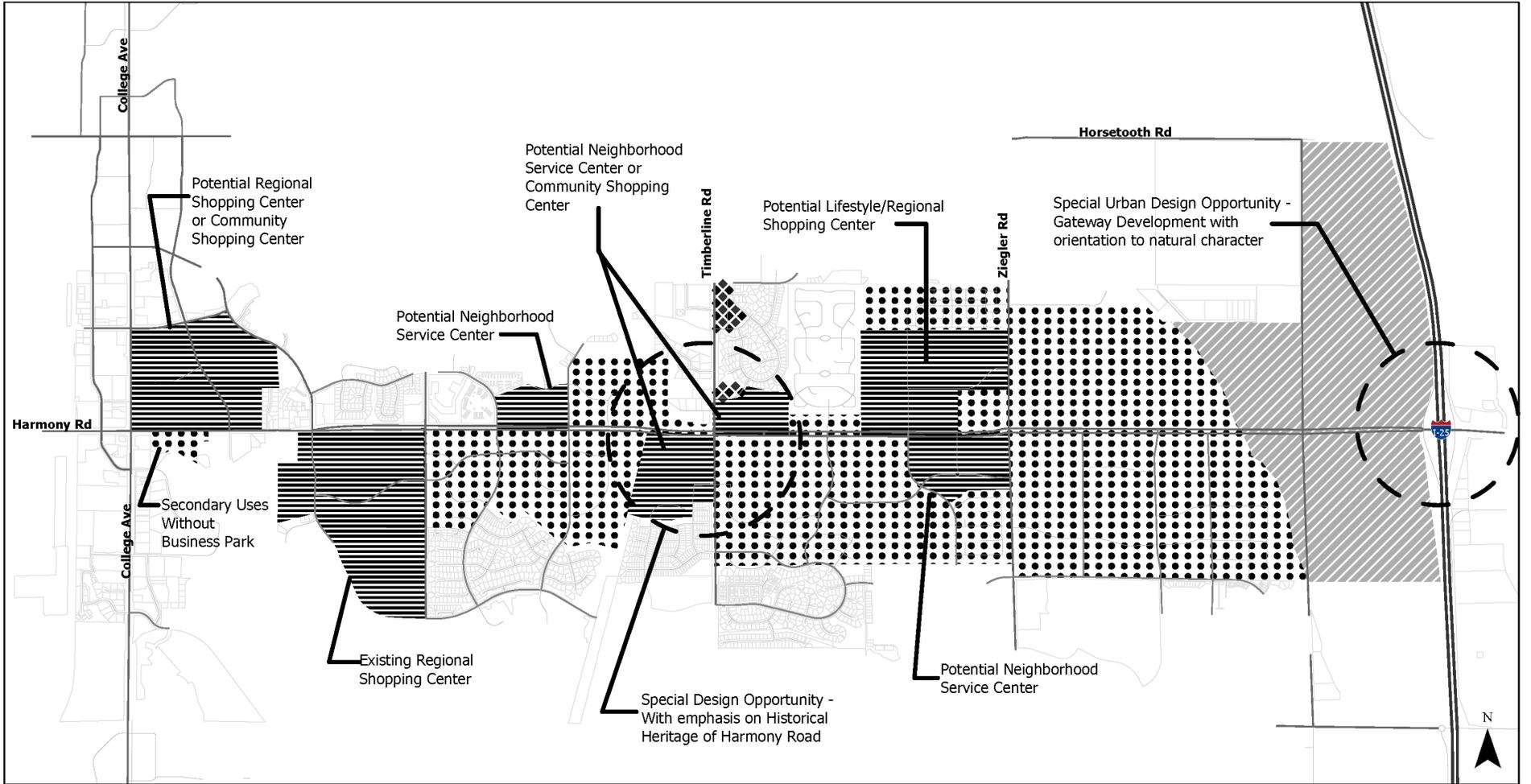
**Commercial Signs.** Signs should be designed and oriented to reduce visual clutter along I-25 and Harmony Road. (o)

Wall signs should be designed as an integral element of the architecture, with the sign shape and materials complementing the architectural style and features. (o)

Internally illuminated signs should not create glare that would distract motorists or pedestrians, nor should the degree of illumination contribute to night sky light pollution. (o)

Two types of signs are prohibited within the Harmony Gateway:

1. Off-premise advertising (billboards); and
2. Electronic Message Center (EMC) signs (+)



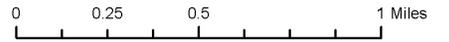
09

**Harmony Activity Centers**

- Basic Industrial and Non-Retail Activity Center
- ▨▨▨▨▨ Mixed-Use Activity Center

**Potential Shopping Center Locations Outside of Activity Center**

- ▨▨▨▨▨ Neighborhood Convenience Center
- ▨▨▨▨▨ Gateway Area



**LAND USE PLAN**

## VII. APPENDIX A— SHOPPING CENTER DEFINITIONS

The following standards and guidelines are intended to be used in the definition of proposed shopping centers and shall substitute for and otherwise replace and supersede any conflicting definitions contained in the City Code. **These definitions apply only to shopping centers located in the Harmony Corridor.**

### **HARMONY CORRIDOR NEIGHBORHOOD SERVICE CENTER**

General Definition:

A shopping center located in a complex which is planned and developed as a unit, and located within and intended to primarily serve the consumer demands of residents and employees who live and work in adjacent and surrounding neighborhoods. Typically, a neighborhood service center shall contain a grocery store or supermarket.

#### **Permitted Uses:**

- The principal uses shall be limited to grocery stores, supermarkets, personal services, business services, gasoline service stations, drug stores, standard or fast food restaurants, liquor and wine sales, clothing and accessory shops, equipment rental (not including outdoor storage), hardware stores, video stores, and uses of similar character as determined by the Planning and Zoning Commission. Secondary uses shall be limited to professional offices, banks and financial institutions, multi-family dwellings, small animal veterinary clinics, libraries, youth centers, child care centers, health services, and uses of similar character as determined by the Planning and Zoning Commission. (+)
- The hours of operation of the center shall be between 5:00 a.m. and 12:00 a.m. Extended hours may be permitted by the Planning and Zoning Commission if evidence is submitted by the applicant to demonstrate that the extended hours will not create an unreasonable disruption or intrusion upon the adjacent residential neighborhood due to exterior lighting, noise and automobile traffic. (+)

#### **Scale:**

- A neighborhood service center shall be situated on seven (7) to twenty (20) acres. (+)
    - » Generally, a neighborhood service center should occur on 10-15 acres. A center may be larger than 15 acres if necessary to allow for the siting of secondary uses that would help to create an effective transition from the adjacent residential neighborhood. (o)
- A neighborhood service center shall contain at least six (6) independent business establishments with separate public entrances. (+)

- A neighborhood service center continues the City’s tradition of having a small neighborhood shops supplementing a grocery store or supermarket. One building offering several different services or goods is not considered a neighborhood service center. (o)
- A neighborhood service center shall contain 50,000 to 120,000 square feet of gross floor area. A neighborhood service center may contain an additional 10,000 square feet of gross floor area of secondary uses (for a total of not more than 130,000 square feet of gross floor area) if necessary for the purpose of providing an effective land use transition from the adjacent residential neighborhood. (+)
  - » The scale of a neighborhood service center should be compatible with its immediate and surrounding neighborhood. The placement of secondary uses should create an effective land use transition between the more intensive retail uses in the neighborhood service center and adjacent residential uses. (o)
- No retail establishment occupying more than 25,000 square feet of gross floor area shall be permitted, except a supermarket shall be permitted that does not exceed 49,000 square feet of gross floor area. (+)

**Character:**

- Neighborhood streets, or sidewalks and bike paths shall lead into and through the neighborhood service center, so that people who live or work nearby can conveniently use the neighborhood service center. The neighborhood service center shall contain a transit stop with convenient and comfortable access to the uses in the neighborhood service center. (+)
  - » The appearance and function of the neighborhood service center shall be effectively integrated with the surrounding neighborhoods, not segregated with them. (+)
  - » A neighborhood service center should look and function as a “social and identity” center for the neighborhood. Its buildings should create pleasant and readily identifiable outdoor spaces, such as a plaza and/or major walkway, where people can meet, rest or wait. (o)
  - » Careful design and placement of buildings and uses in a Neighborhood Service Center can create an effective transition from the rest of the neighborhood. The negative effects of large buildings, noise, traffic, and exhaust should be contained within the Neighborhood Service Center. (o)

## **HARMONY CORRIDOR COMMUNITY SHOPPING CENTER**

**General Definition:**

A shopping and service center located in a complex that is planned and developed as a unit, and intended to serve consumer demands from residents and employees who live and work in surrounding neighborhoods as well as the community as a whole. A community shopping

center provides, in addition to the convenience goods of a neighborhood service center, a wider range of facilities for the sale of goods, such as (but not limited to) food, books, apparel and furniture. Multi-family residential, as well as non-retail employment generating uses (such as professional offices) may be located amongst the retail component of the center.

### **Permitted Uses:**

- The permitted uses shall be limited to those listed for neighborhood service centers, as well as discount department stores, department stores, cinemas, showroom/catalog stores, libraries, and uses of similar character as determined by the Planning and Zoning Commission. (+)

### **Scale:**

- A community shopping center shall be situated on thirteen (13) to thirty (30) acres. (+)
- A community shopping center shall contain at least ten (10) independent business establishments with separate public entrances. (+)
  - » A community shopping center continues the City's tradition of having small and medium-size shops supplementing the principal tenant(s). (o)
- A community shopping center shall contain 117,500 to 250,000 square feet of gross floor area devoted to retail, service and commercial uses, of which the gross floor area of each principal tenant(s), if any, shall not exceed 80,000 square feet. (+)
  - » The scale of the community shopping center should be compatible with its immediate and surrounding neighborhood, while allowing adequate space for needed goods and services. (o)

### **Character:**

- Local streets (or driveway entrances), or sidewalks and bike paths shall lead into and through the community shopping center so that people who live and work in the surrounding neighborhoods can avoid using arterial streets to gain access to the Center. A community shopping center shall contain a transit stop. (+)
  - » The buildings in a community shopping center should create pleasant and convenient outdoor spaces including streets, parking lots, sidewalks, plazas, and drop-off areas that facilitate pedestrian transit use. (o)
  - » A community shopping center should contain outdoor space, and possibly other facilities, which can serve as a focal point for neighborhood and community activities. Public and semi-public places may serve this role by providing meeting places, recreation opportunities, and lunch time picnic spots essential to the vitality of the community shopping center. (o)

» The primary access for non-neighborhood traffic should be from an arterial or non-residential collector street system. (o)

» Careful design and placement of buildings and uses can create an effective transition into a community shopping center with lower intensity uses, open space, landscaping, fencing, etc. used to achieve compatibility with adjacent single family neighborhoods. The negative effects of large buildings, noise, traffic, and exhaust should be contained within the community shopping center. (o)

## **HARMONY CORRIDOR REGIONAL SHOPPING CENTER**

### **General Definition:**

A shopping and service center located in a complex that is planned and developed as a unit, and intended to serve consumer demands from the community and region. The regional shopping center contains a wide selection of general merchandise, apparel, and home furnishings, as well as a variety of services and recreational facilities. Generally, one or two anchor stores are the principal tenants in a regional shopping center. But the presence of an anchor tenant is not required. Multi-family residential as well as non-retail employment generating uses (such as professional offices), may be located amongst the retail component of the regional shopping center.

### **Permitted Uses:**

- The permitted uses shall be limited to retail, service, general merchandise, apparel, home furnishings, supermarkets, full-line department stores, discount department stores, drugstores, warehouse clubs, cinemas, showroom/catalog stores, professional offices, post offices, libraries, residential and uses of similar character as determined by the Planning and Zoning Commission. (+)

### **Scale:**

- A regional shopping center shall be situated on thirty (30) to one hundred (100) acres. (+)
- A regional shopping center shall contain at least fifteen (15) independent business establishments with separate public entrances. (+)
- A regional shopping center should continue the City's tradition of having small and medium-sized shops supplementing the principal tenant(s). (o)
- A regional shopping center shall contain at least 250,000 square feet of gross floor area. (+)

**Character:**

- Local streets (or driveway entrances), sidewalks and bike paths shall lead into and through the regional shopping center so that people who live and work in the surrounding neighborhoods can avoid using arterial streets to gain access to the Center. A regional shopping center shall contain an on-site transit stop or, if necessary in the judgment of the Planning and Zoning Commission, a larger transfer facility. (+)
  - » The configuration of buildings should balance the needs of pedestrians, bicyclist, transit users and motorists. The primary focus should be vehicular access from arterial and non-residential collector streets. (o)
  - » A regional shopping center should be buffered from neighboring lower intensity land uses (especially residential uses) by careful site and architectural design and placement of uses. Neighboring residential uses should be buffered from negative effects of noise, traffic, light, and exhaust. A transition of lower intensity uses or open space should be present between a regional shopping center and adjacent residential uses. (o)
  - » A regional shopping center should contain facilities and outdoor spaces that can serve as a focal point for neighborhood and community activities. Public and semi-public uses may serve this role by providing meeting places, recreation opportunities, and lunch time picnic spots essential to the vitality of a regional shopping center. (o)

**LIFESTYLE SHOPPING CENTER****General Definition**

Lifestyle Shopping Center (hereafter sometimes referred to as a “Center”) shall mean a shopping center which is planned and developed as a unit, and intended to serve consumer demands from the community as a whole and the region, with the primary offering consisting of a mix of specialty retail stores.

The unique and high-quality site and building design of a Lifestyle Shopping Center sets it apart from community shopping centers, outlet centers, power centers, and many other regional shopping centers. Buildings and their entrances are brought together along a sidewalk network in an open air setting, and the Center includes a central gathering place for sitting outdoors, meeting, gathering, and neighborhood and community activities.

As understood and defined by the commercial real estate industry,<sup>1</sup> a “Lifestyle Shopping Center” is a relatively new format of shopping center that is not a typical regional shopping

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<sup>1</sup>The definition of “Lifestyle Shopping Center” adopted in the Harmony Corridor Plan is purposefully based on, and tied to, the commercial real estate industry’s usage and definition of the term (a.k.a. “Lifestyle Center”). Fort Collins intends to interpret and apply its definition in ways that do not significantly depart from the definition and usage of the term adopted by the International Council of Shopping Centers in 2002. In addition, terms of art unique to the commercial real estate industry used throughout these Lifestyle Shopping Center Provisions, such as “inline tenants,” “community center,” or “specialty retail,” shall be interpreted by the City in

center (e.g., a regional mall) or community shopping center. Consistent with the majority of the Lifestyle Shopping Centers built in the United States by year-end 2002, a Harmony Corridor Lifestyle Shopping Center shall have the following defining characteristics:

### Permitted Uses, Number of Uses, and Mix of Uses:

Permitted Uses—General. Subject to the limitations stated in this section below, permitted uses shall be limited to retail stores, restaurants, grocery stores, entertainment facilities and theaters. (+)

Retail Stores and Restaurants. A Center shall contain at least two types of uses, those being retail stores and sit-down restaurants. (+)

Predominance and Mix of Retail Uses. Retail stores are predominate in the mix of uses. The predominate *type* of retail stores is specialty retailers such as apparel, home furnishings/accessories, books/music, bath/body, sporting goods, and grocery stores. (o)

The majority of retail stores shall be small or medium-size retail stores, each containing less than 20,000 square feet of gross floor area. The majority of these stores will be the kind of retail stores which are typical inline occupants in regional shopping centers and regional malls. (+)

A Center shall be permitted to have no more than nine larger stores, each containing between 20,000 and 50,000 square feet of gross floor area. (+)

A Center shall also be permitted to have no more than two department stores, each containing less than 110,000 square feet of ground floor gross floor area. (+)

Large Number of Retail Stores in a Center. The minimum number of individual retail store uses (with separate entrances) in a Center shall be twenty-five (25) stores. (+)

Restaurants. A Center shall include at least two full-service (sit-down) restaurants.<sup>2</sup> Limited service restaurants<sup>3</sup> may also be included in a Center's mix of occupants, as well as snack and

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a manner that is consistent with the common meaning and usage of the terms adopted by the industry. Because hybrids of lifestyle shopping centers are certain to emerge in the years after the effective date of this Plan amendment, Fort Collins intends that the term "Lifestyle Shopping Center," as applied in the Harmony Corridor, shall retain the industry's definition and understanding of the term as it existed in 2002. Pertinent industry sources and explanations of the term relied upon by Fort Collins in preparing this definition of "Lifestyle Shopping Center" include: "Lifestyle Centers: A Defining Moment," *ICSC Research Quarterly*, Vol. 8, No. 4 (Winter 2001-2002); "Lifestyle Centers Part II: The Shopper's Verdict," *ICSC Research Quarterly*, Vol. 9, No. 4 (Winter 2002-2003); and Gunter, Gregory R., "Lifestyle Centers," *Urban Land* (Urban Land Institute, Feb. 2002).

<sup>2</sup> A full-service restaurant, as defined by the National Restaurant Association, is an establishment that provides waiter or waitress service, and patrons pay after they eat.

<sup>3</sup> A limited-service restaurant, as defined by the National Restaurant Association, is an establishment that usually does not provide table service, patrons generally order at a cash register or select food items from a food bar, and pay before they eat.

nonalcoholic beverage bars such as coffee shops, ice cream/frozen custard/yogurt stores, cookie shops, bagel/doughnut shops, and similar uses. (+)

**Mixed-Use Dwellings.** Mixed-use dwellings shall be permitted in conjunction with the retail-based mix of uses in a Center. (+)

**Other Complementary Uses Permitted As Part of a Center.** In addition to the predominant retail-based mix of uses, a Center shall also be permitted to contain other subsidiary, complementary uses including offices, financial services, and clinics, civic or cultural facilities (e.g., a branch library or museum), health/beauty services (e.g., day spas and athletic clubs), and uses of similar character. (+)

**Scale:**

- A Lifestyle Shopping Center shall be situated on forty (40) to eighty-five (85) acres. (+)
- A Lifestyle Center shall contain 200,000 to 800,000 square feet of gross floor area. (+)



## ADOPTING ORDINANCES AND RESOLUTIONS

- Resolution PZ 91-5 of the Planning and Zoning Commission of the City of Fort Collins recommending to the City Council the adoption of the Harmony Corridor Design Standards and Guidelines.
- Ordinance No. 28, 1991 of the Council of the City of Fort Collins adopting the Harmony Corridor Design Standards and Guidelines with amendments.
- Ordinance No. 187, 1994 of the Council of the City of Fort Collins amending the Harmony Corridor Plan and the Harmony Corridor Standards and Guidelines.
- Ordinance No. 29, 1995 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. 103, 2003 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. 011, 2006 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. 044, 2020 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.
- Ordinance No. XXX, 2025 of the Council of the City of Fort Collins amending the Harmony Corridor Standards and Guidelines.

The full text of these resolutions and ordinances are available for inspection in the City Clerk's office.

**File Attachments for Item:**

**13. First Reading of Ordinance No. 168, 2025, Amending Chapter 7.5 of the Code of the City of Fort Collins to Update the Capital Expansion Fees and the Transportation Expansion Fees. (Option #1 or Option #2)**

The purpose of this item is to propose revisions to the methodologies of calculating the capital expansion fees for updated fees that are set in better alignment with City land use laws and policy. Studies conducted in 2023 for Code updates were not adopted and inflationary-only fee adjustments were implemented in 2024 and 2025. At Council's request, staff has brought forward four options for adoption of the revised fees to be effective January 1, 2026:

1. Fees with continued, inflation-only adjustments ("Status Quo Option" or "Option #1");
2. Fees as proposed September 9, 2025 ("Proposed Option" or "Option #2");
3. Fees that are a phased-in implementation of the Proposed Option – two versions ("Phased-In Option" or "Option #3"); and
4. Fees that are a fractional implementation of the Proposed Option – three versions ("Fractional Option" or "Option #4").

October 21, 2025

# AGENDA ITEM SUMMARY

City Council



## STAFF

Josh Birks, Deputy Director, Sustainability Services  
 Jennifer Poznanovic, Sales Tax & Revenue Director, Financial Services

## SUBJECT

**First Reading of Ordinance No. 168, 2025, Amending Chapter 7.5 of the Code of the City of Fort Collins to Update the Capital Expansion Fees and the Transportation Expansion Fees. (Option #1 or Option #2)**

## EXECUTIVE SUMMARY

The purpose of this item is to propose revisions to the methodologies of calculating the capital expansion fees for updated fees that are set in better alignment with City land use laws and policy. Studies conducted in 2023 for Code updates were not adopted and inflationary-only fee adjustments were implemented in 2024 and 2025. At Council's request, staff has brought forward four options for adoption of the revised fees to be effective January 1, 2026:

1. Fees with continued, inflation-only adjustments ("Status Quo Option" or "Option #1");
2. Fees as proposed September 9, 2025 ("Proposed Option" or "Option #2");
3. Fees that are a phased-in implementation of the Proposed Option – two versions ("Phased-In Option" or "Option #3"); and
4. Fees that are a fractional implementation of the Proposed Option – three versions ("Fractional Option" or "Option #4").

## STAFF RECOMMENDATION

Staff recommends, as presented at the Council Work Session on September 9, 2025, the adoption of updates to the Capital Expansion Fees (CEFs) and Transportation Capital Expansion Fees (TCEFs), based on the housing unit types and estimated impacts of developments and set pursuant to the 2025 updates to the 2023 fee studies.

## BACKGROUND / DISCUSSION

### Fee History and Current State

CEFs and TCEFs, as impact fees, are one-time charges imposed on new development generating revenue which may only be used to fund growth-related capital projects. An impact fee represents new growth's proportionate share of capital facility needs. Impact fees cannot be used for improvements which solely

benefit adjacent development, existing deficiencies, and/or for maintenance. The City collects impact fees for neighborhood parks, community parks, fire protection, police, general government, and transportation.

In November 2024, staff proposed adoption of updates to impact fees determined by studies conducted by external consultants in 2023. For the comprehensive study and update of fees, the City contracted with Economic & Planning Systems (EPS) to update the CEFs and with TischlerBise to update the TCEFs. In place of adopting CEFs or TCEFs in regard to an adopted study, Council determined that inflationary adjustments were most appropriate for both the 2024 and 2025 rate updates. All CEFs and TCEFs have received inflationary-only adjustments since the most recent comprehensive studies conducted in 2017. All CEFs, except for the TCEFs, are adjusted according to the Denver-Aurora-Lakewood Consumer Price Index. The TCEFs are adjusted according to the Engineering News Record Denver Regional Construction Cost Index.

Concurrent with updates to the CEFs and TCEFs in 2023 and 2024, Utilities staff likewise updated impact fee models that were ultimately adopted in full for 2025 implementation. Utilities development fees include Water, Wastewater, and Stormwater Plant Investment Fees (PIFs) and Electric Capacity Fee (ECF). Utilities will continue updating fee models on a biennial basis and are not planned for inclusion in the 2025 capital expansion fee review.

### Realignment Objectives

The 2023 studies largely relied on an incremental expansion (or level of service) methodology, which bases the fees on the existing levels of service of the City's facilities and capital assets. The incremental expansion method is a common technique and appropriate for the City's capital growth projections due to the limitation of detailed capital improvement plans. This approach catalogs the current level of service in the city and converts it to a value per unit of service demand (e.g. service population or vehicle miles traveled).

Considering discussions from previous Council Work Sessions, staff worked throughout 2025 with EPS and TischlerBise consultants to evaluate the assumptions and variables included in the level of service approach to understand the maneuverability within the study models to best reflect the City's policy objectives. (For reference, see AIS Attachment No. 1, "2025 EPS Revised Study," and AIS Attachment No. 2, "2025 TischlerBise Revised Study.") Throughout the process, staff has been committed to maintaining a data-driven and objective approach, as provided by the existing models, and conducting a legal review of the methodologies used.

### Proposed 2023 Study Revisions

The 2023 study revisions (the "2025 Revised Studies") used an adjusted methodology to capture household size by product type, a change intended to align these impact fees with the City's Land Use Code. In both the 2025 Revised Studies for CEFs and TCEFs, household sizes have been updated using the newer data and household size by type. In general, this has led to a shift in the fee calculations that are more representative of household size based on product type. For example, for CEFs, new household sizes correlate with the fee rates, and, for TCEFs, new household size factors are used to adjust trip ends by unit size and type.

Three adjustments from the current impact fee structure were developed by staff pursuant to the adjusted study methods in the 2025 Revised Studies.

- The first adjustment is to reflect a wider variety of dwelling unit sizes to better align with the categories used by Larimer County for its impact fees, which would change the City's CEFs from the current five tiers to the proposed seven tiers. The current maximum unit size in City Code is 2,200 square feet and the proposed maximum is 3,600 square feet.
- The second adjustment is a move from one residential dwelling unit category to three categories: *single family detached*, *single family attached*, and *multifamily*. The proposed average household size

categories more accurately reflect household size across various housing unit types and sizes. Accessory dwelling units (ADU) would fall into the *multifamily* dwelling unit category. For TCEFs specifically, household size results in a methodology which would result in an increase in the calculation of vehicle trips for the *single family detached* and decreases the number of vehicle trips for both the *single family attached* and *multifamily* category. For the vehicle trips per unit calculation, the 2025 Revised Study for TCEFs included data for both the number of people and number of vehicles.

- The final proposed adjustment would be to increase the number of types of fees from six to seven. The proposal would no longer have a general government fee type, but rather two separate fee types for capital equipment and facilities. This change would calculate these impacts with more specificity than the previous, single type. Please note that, in the 2025 Revised Study for CEFs, replacement costs continued to be utilized, but were differentiated by the new fee types.

In the 2025 Revised Study for CEFs, the following would apply to fees for both community and neighborhood parks:

- Costs in the study have been updated with the most recent data for both development and land costs;
- The adjusted methodology in the study would result in an increased CEF fee rate for neighborhood parks, but also a decreased rate for community parks;
- Compared to the current rate structure, CEFs for parks would increase for single family detached and decrease for single family attached and multifamily; and
- The total park CEFs for all three housing types would be less under the 2025 Revised Study for CEFs than in the unadopted 2023 study.

Compared to current fees adjusted for inflation (“Status Quo” fees), if impact fees were set pursuant to the 2025 Revised Studies, fees would generally increase across all residential land use types and square foot categories; except for community parkland fees and some categories of the TCEFs. Community parkland fees would decrease, compared to the Status Quo fees, across all land use and square foot categories. TCEFs would likewise decrease across all multifamily categories and most of the single family attached categories, compared to the Status Quo fees.

### **Options for 2026 Impact Fee Updates**

At the September 9, 2025, Council Work Session, there was general feedback from some Councilmembers that options, in addition to the staff recommendation, may be helpful to prepare for Council’s consideration on first reading. To that end, staff has prepared the following options:

#### 1. Status Quo (“Status Quo Option” or “Option #1”)

This Option #1 would continue the current inflation-only fee updates, set for the 2024 and 2025 fees, and would retain the existing types and categories: one land use type for residential and five square footage categories. This option would not make changes to align with the City’s updated Land Use Code. It also generates relatively similar revenue as fees overall are only adjusted for inflation.

2. As Proposed September 9, 2025, (“Proposed Option” or “Option #2”)

This Option #2 was presented to Council at the Work Session on September 9, 2025. The fees, set pursuant to the 2025 Revised Studies, would move from a single residential land use type to three types, and from five square footage categories to 17 categories. The 2025 Revised Studies updated the methodology that was designed to align with the City’s Land Use Code, which was updated to address policy-making necessary to increase the mixture and availability of different residential types. This option, if adopted would generate revenue based on the estimated impacts of new development and are consistent with historical trends. Using 2024 dwelling unit counts, the overall estimate for all residential impact fee revenue would be a 3% increase (\$330k) in the first year of the new fee structure, in comparison with revenue generated under the Status Quo option (Option #1 above).

3. Phased Implementation of Studies (“Phased-In Option” or “Option #3”)

Staff has prepared the following **two versions of Option #3** (shown on AIS Attachment No. 5, Charts for “Option 3: Phased-In-Implementation”) for, a phased-in adoption of the fees pursuant to the 2025 Revised Studies: a two-year phase-in period, or

- a three-year phase-in period.

Both versions phase-in the Proposed fees over two or three years. This Option #3 delays full alignment with the Land Use Code and generates less revenue in the initial year for the two-year version and in the first two years for the three-year version.

Effective January 1, 2026, of the two-year version of Option #3 is the Status Quo fees plus 50 percent of the difference between the Proposed fees and Status Quo fees. In 2027, the fees would be fully phased in plus inflation. Effective January 1, 2026, of the three-year version of Option #3 is the Status Quo fees plus 40 percent of the difference between the Proposed fees and the Status Quo fees. In 2027, fees would be 70 percent of the difference between the Proposed fees and the Status Quo fees plus inflation. In 2028, fees would be fully phased in plus inflation.

Based on 2024 dwelling unit counts, the overall estimate for all residential impact fees is a 7% revenue loss (\$830k) in 2026 for the two-year option and 10% revenue loss (\$1.1M) in 2026 for the three-year option compared to the Status Quo fees.

4. Fractional Implementation of Studies (“Fractional Option” or “Option #4”)

Staff has prepared the following **three versions of Option #4**, (as shown on AIS Attachment No. 6, Charts for “Option 4: Fractional Implementation”) for a fractional adoption of the fees developed for the Proposed Option pursuant to the 2025 Revised Studies:

- 70% of the Proposed fees,
- 80% of the Proposed fees, or
- 90% of the Proposed fees.

This option does provide some updated alignment with the Land Use Code but does not fully address the mix of residential types. The fiscal impact of all of these versions of Option #4 is decreased fee revenues collected in comparison with Options #s 1, 2, and 3. The magnitude of the fiscal impact would differ by the version adopted, and by the length of time that the option was applied. Because a fractional approach, over all CEFs and TCEFs, would reset collections at a lower amount, the negative fiscal impact in comparison with Options #s 1, 2, and 3 would grow over time. Different revenue sources, such as other tax revenue sources and fund sources, such as the general fund, as well as reduced expenditures, would need to be identified to absorb the impacts

of a fractional approach; further, reduced expenditures may be difficult to achieve in the near-term, based on adopted plans and development processes.

Based on the 2024 dwelling unit counts, the overall estimate is a 28% revenue loss (\$3.1M) at 70%, an 18% revenue loss (\$2.0M) at 80%, and a 7% revenue loss (\$810k) at 90% compared to the Status Quo fees.

### **Implications of Options for Nonresidential Categories**

The Options #s 1-4 above have also been prepared for the nonresidential fees. For Options #2 (Proposed Option) and #3 (Phased-In Option), all nonresidential fees would generally increase in comparison with the Status Quo Option (Option #1). Where nonresidential fees would be higher if the proposal was phased-in over time; fees in those categories would be set at rates from Option #2 (Proposed Option).

For the nonresidential categories, if the 2025 Revised Studies are applied as in Options #s 2, 3, and 4, consistency between the CEFS and TCEFs would be achieved based on the application of the Institute of Transportation (ITE) land use code, which would be a change from the current approach, under which the nonresidential category of “office and other services” are set at the same rate as retail/commercial developments for CEFs.

### **TCEF Operational Implications of Fractional Fee Adoption**

- If TCEFs are updated for 2026 pursuant to Option #4 (Fractional Option), PDT could experience near- and long-term impacts to levels of service from reduced resources for capital projects for which TCEF revenues may permissible be used. To implement these impacts, if Option #4 were adopted, PDT would prioritize fulfilling the City’s obligations to developers with development reimbursements to fulfill those obligations and to maintain the TCEF Program.
- Under Option #4, negative fiscal impacts to TCEF revenue collections would decrease the overall capacity to deliver transportation capital projects, including those focused on Active Modes.
- Limited funding would also constrain the ability to advance project design work that strengthens the City’s success and competitiveness for external grants, and reduces the City’s flexibility to support projects that are not grant eligible.
- Negative fiscal impacts under Option #4 could compound existing challenges, as all transportation funding streams including federal, state, and CCIP sources, are currently being negatively affected.
- These compounding impacts compromise the timely delivery of projects identified in the City’s Active Modes Plan and Transportation Capital Projects Prioritization Study, reducing overall levels of service. It may also move away from the estimated impacts and associated costs of necessary transportation delivery.

### **Parks Operational Implications of Fractional Fee Adoption**

- If CEFs are updated for 2026 pursuant to Option #4 (Fractional Option), including neighborhood and community parks, there may be near- and long-term impacts both to planned projects as well as associated capacity to provide commensurate levels of service with new and necessary capital capacity associated with development.
- To implement these impacts, if Option #4 were adopted, Parks would prioritize fulfilling equitable access to core amenities but it could reduce public outreach, material durability or response to changing community recreation trends.
- Depending on which version of Option #4 were to be adopted, and the length of the use of that approach, there could be near- and long-term negative impacts to recreation revenue related to outdoor programming.

- The reduced revenue generated under Option #4 could also constrain the ability to advance project design work that pilots new products, meets City LEED standards or other return-on-investment decisions that have up-front costs.
- The existing challenges for a balanced total cost of ownership finance model would be compounded, if any version of Option #4 were adopted.

Note: Revenue estimates are based on 2024 dwelling unit counts and future fee revenue depends on actual development activity that occurs. For example, if more single family detached homes are built, TCEF revenue could increase. Based on the TCEF study, multifamily has less impact on vehicle miles travelled (VMT) resulting in less impact on transportation expansion demand.

## **CITY FINANCIAL IMPACTS**

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Based on 2024 dwelling unit counts, below are 2026 revenue estimates for the four options:

- Option #1 – Status Quo fees: relatively similar revenue as fees are only adjusted for inflation;
- Option #2 – fees as Proposed: 3% increase (\$330k) from the Status Quo fees;
- Option #3 - Phased-In fees: 7% revenue loss (\$830k) for the two-year option and 10% revenue loss (\$1.1M) for the three-year option compared to the Status Quo fees; and
- Option #4 – Fractional fees: 28% revenue loss (\$3.1M) at 70%, an 18% revenue loss (\$2.0M) at 80%, and a 7% revenue loss (\$810k) at 90% compared to the Status Quo fees.

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

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None.

## **PUBLIC OUTREACH**

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Council Meetings included the following:

- Council Finance Committee on February 11 and June 5, 2025
- Council Work Session on September 9, 2025

Public outreach included the following:

- Fort Collins Chamber of Commerce Local Legislative Affairs Committee (LLAC) on August 22, 2025
- Affordable Housing Board on September 8, 2025
- Economic Advisory Board on October 15, 2025

## **ATTACHMENTS**

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1. 2025 EPS Revised Study
2. 2025 TischlerBise Revised Study
3. Charts for “Option 1: Status Quo”
4. Charts for “Option 2: Proposed”
5. Charts for “Option 3: Phased-In-Implementation”
6. Charts for “Option 4: Fractional Implementation”
7. Parks Contextual Information
8. Total Cost of Development Revised Charts
9. Presentation
10. Ordinance No. 168, 2025 (Option #1)
11. Ordinance No. 168, 2025 (Option #2)



# 2023 CAPITAL EXPANSION FEE STUDY – 2025 UPDATE

DRAFT REPORT

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**Prepared for:**  
City of Fort Collins, Colorado

**Prepared by:**  
Economic & Planning Systems, Inc.

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August 28, 2025

EPS #233062

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# 1. Executive Summary

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## Introduction

This Report was prepared by Economic & Planning Systems (EPS) for the City of Fort Collins to update its Capital Expansion Fee (CEF) program. CEFs are the City's term for what are defined as impact fees under State of Colorado law. The Report documents costs and other supporting data to provide the nexus and proportionality requirements needed to adopt impact fees to comply with State of Colorado law and other case law regarding development charges. Capital expansion fee calculations are provided for the following fee categories currently levied by the City on new development:

- Neighborhood Parks
- Community Parks
- Police
- Fire Protection
- General Government

## Current Capital Expansion Fee Program

The City collects impact fees or CEFs for neighborhood parks, community parks, fire protection, police, general government, and transportation (**Table 1**). The transportation impact fee is known as the Transportation Capital Expansion Fee or TCEF. The TCEF is currently undergoing an update contained in a separate study conducted by TischlerBise.

Based on the 2017 nexus study, residential capital expansion fees are currently charged per dwelling unit with the fees varying by the size of the dwelling unit, as large units have larger average household sizes than smaller units. The current residential CEFs (including the TCEF) range from a total of \$10,108 for dwelling units up to 700 square feet to \$20,740 for units over 2,200 square feet. These fees apply to all dwelling unit types (e.g., single family and multifamily) and are applied based on the gross square feet in the building permit application.

In total, nonresidential CEFs are:

- \$13,912 per 1,000 square feet (\$13.91 per square foot) for commercial buildings;
- \$11,046 per 1,000 square feet (\$11.04 per square foot) for office and other service buildings;
- \$3,299 per 1,000 square feet (\$3.30 per square foot) for industrial buildings.

Capital expansion fees are collected typically at the time of building permit for building construction.

**Table 1. Current Capital Expansion Fees**

| Land Use Type                             | Neighborhood Park | Community Park | Fire  | Police | General Government | TCEF (Transportation) | Total           |
|-------------------------------------------|-------------------|----------------|-------|--------|--------------------|-----------------------|-----------------|
| <b>Residential (per dwelling)</b>         |                   |                |       |        |                    |                       |                 |
| Up to 700 sq. ft.                         | \$2,286           | \$3,229        | \$560 | \$313  | \$762              | \$2,958               | <b>\$10,108</b> |
| 700 - 1,200 sq. ft.                       | \$3,060           | \$4,322        | \$757 | \$424  | \$1,028            | \$5,493               | <b>\$15,084</b> |
| 1,201 - 1,700 sq. ft.                     | \$3,343           | \$4,719        | \$824 | \$461  | \$1,123            | \$7,133               | <b>\$17,603</b> |
| 1,701 - 2,200 sq. ft.                     | \$3,377           | \$4,767        | \$837 | \$467  | \$1,140            | \$8,341               | <b>\$18,929</b> |
| Over 2,200 sq. ft.                        | \$3,763           | \$5,315        | \$931 | \$521  | \$1,269            | \$8,941               | <b>\$20,740</b> |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |                   |                |       |        |                    |                       |                 |
| Commercial                                | \$0               | \$0            | \$705 | \$394  | \$1,928            | \$10,885              | <b>\$13,912</b> |
| Office and Other Services                 | \$0               | \$0            | \$705 | \$394  | \$1,928            | \$8,019               | <b>\$11,046</b> |
| Industrial                                | \$0               | \$0            | \$165 | \$92   | \$454              | \$2,588               | <b>\$3,299</b>  |

Source: City of Fort Collins; Economic & Planning Systems

## Proposed Capital Expansion Fee Program

This report documents the calculations for a new capital expansion fee program with the following proposed changes. Below are three changes that have been made to the calculation for this nexus study.

### New Residential Land Use Categories

To better align impact fees with development impacts, residential was split into three categories:

- Single Family Detached
- Single Family Attached
- Multifamily/Accessory Dwelling Unit (ADU)

Each of the above housing types can have significantly different household sizes—both in relation to the number of people living within the household and its square footage footprint. Therefore, this change will better align with the direct impact of each housing type on the City’s services.

In addition to the splitting of residential into three types, new square footage ranges were used to better align with the City code and Larimer County standards. Currently, five square footage ranges are used, as shown below.

- Up to 700 square feet
- 700 square feet to 1,200 square feet
- 1,201 square feet to 1,700 square feet

- 1,701 square feet to 2,200 square feet
- Over 2,200 square feet

The new square footage ranges differ based on product type, with seven categories for both Single Family Detached and Single Family Attached, and three categories for Multifamily/ADU (shown below).

### **Single Family Detached & Single Family Attached**

- Up to 900 square feet
- 901 square feet to 1,300 square feet
- 1,301 square feet to 1,800 square feet
- 1,801 square feet to 2,400 square feet
- 2,401 square feet to 3,000 square feet
- 3,001 square feet to 3,600 square feet
- Over 3,601 square feet

### **Multifamily/ADU**

- Up to 750 square feet
- 751 to 1,300 square feet
- Over 1,301 square feet

### **Redistribution of General Government**

A minor change is proposed for the general government category to better differentiate between general government fleet and facility costs. This study proposes that the general government category be split into two categories—General Government Facilities and General Government Fleet. This change does not have any impact on the total amount of inventory within the General Government category but rather splits the calculation into two categories based on associated costs.

### **New Nonresidential Land Use Category**

A new fee for land use comprised of offices and other services is proposed. Traditionally, office and other services impact fees have been charged at the same rate as retail/commercial developments. However, the TCEF fees have been charging office and other service impact fees at a different rate than retail/commercial developments. To create consistency between the CEF and TCEF fees, EPS is proposing that office and other services impact fees be added to the fee schedule to create more consistency with the TCEF fees.

## Proposed Capital Expansion Fees

This report provides calculations of the maximum capital expansion fees that the City may charge, supported by this nexus and proportionality analysis. The law allows City Council to adopt the full fees determined in this report, or to adopt lower fees for a variety of policy reasons determined to be in the interest of the City. The proposed maximum residential and nonresidential capital expansion fees are shown below in **Table 2**.

Updated residential fees range from \$6,780 to \$16,801 (**Table 2**). The range in residential fees is based on the average household size in each size category and dwelling unit type. Larger homes tend to have larger household sizes, creating more impact on public facilities. In Fort Collins, this is also true for single family detached homes, which generally have larger household sizes in comparison to single family attached and multifamily units.

For nonresidential fees, each fee varies according to the employment and customer/visitor generation factors for each land use type explained further in Chapter 2. Nonresidential fees range from \$1,002 to \$3,861 per 1,000 square feet.

**Table 2. Proposed Capital Expansion Fees**

| Land Use Type                             | Parks             |                | Police  | Fire    | General Government |       | Total    |
|-------------------------------------------|-------------------|----------------|---------|---------|--------------------|-------|----------|
|                                           | Neighborhood Park | Community Park |         |         | Facilities         | Fleet |          |
| <b>Single Family Detached</b>             |                   |                |         |         |                    |       |          |
| Up to 900 sq. ft.                         | \$5,060           | \$2,525        | \$671   | \$1,061 | \$1,089            | \$222 | \$10,628 |
| 901 - 1,300 sq. ft.                       | \$5,497           | \$2,744        | \$729   | \$1,153 | \$1,183            | \$241 | \$11,547 |
| 1,301 - 1,800 sq. ft.                     | \$6,133           | \$3,061        | \$813   | \$1,286 | \$1,320            | \$268 | \$12,881 |
| 1,801 - 2,400 sq. ft.                     | \$6,695           | \$3,342        | \$888   | \$1,404 | \$1,441            | \$293 | \$14,062 |
| 2,401 - 3,000 sq. ft.                     | \$7,192           | \$3,590        | \$954   | \$1,508 | \$1,548            | \$314 | \$15,106 |
| 3,001 - 3,600 sq. ft.                     | \$7,579           | \$3,782        | \$1,006 | \$1,589 | \$1,631            | \$331 | \$15,917 |
| Over 3,601 sq. ft.                        | \$7,894           | \$3,940        | \$1,048 | \$1,655 | \$1,698            | \$345 | \$16,579 |
| <b>Single Family Attached</b>             |                   |                |         |         |                    |       |          |
| Up to 900 sq. ft.                         | \$4,010           | \$2,001        | \$532   | \$841   | \$863              | \$175 | \$8,422  |
| 901 - 1,300 sq. ft.                       | \$4,625           | \$2,308        | \$614   | \$970   | \$995              | \$202 | \$9,713  |
| 1,301 - 1,800 sq. ft.                     | \$5,519           | \$2,754        | \$732   | \$1,157 | \$1,187            | \$242 | \$11,592 |
| 1,801 - 2,400 sq. ft.                     | \$6,311           | \$3,150        | \$838   | \$1,323 | \$1,358            | \$276 | \$13,256 |
| 2,401 - 3,000 sq. ft.                     | \$7,012           | \$3,499        | \$930   | \$1,470 | \$1,509            | \$307 | \$14,728 |
| 3,001 - 3,600 sq. ft.                     | \$7,556           | \$3,770        | \$1,003 | \$1,584 | \$1,626            | \$330 | \$15,868 |
| Over 3,601 sq. ft.                        | \$7,999           | \$3,992        | \$1,061 | \$1,677 | \$1,721            | \$350 | \$16,801 |
| <b>Multifamily / ADU</b>                  |                   |                |         |         |                    |       |          |
| Up to 750 sq. ft.                         | \$3,228           | \$1,611        | \$429   | \$677   | \$695              | \$141 | \$6,780  |
| 751 - 1,300 sq. ft.                       | \$4,507           | \$2,249        | \$598   | \$945   | \$970              | \$197 | \$9,465  |
| Over 1,301 sq. ft.                        | \$4,997           | \$2,494        | \$663   | \$1,048 | \$1,075            | \$219 | \$10,495 |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |                   |                |         |         |                    |       |          |
| Retail/Commercial                         | \$0               | \$0            | \$852   | \$1,346 | \$1,382            | \$281 | \$3,861  |
| Office and Other Services                 | \$0               | \$0            | \$466   | \$737   | \$756              | \$154 | \$2,112  |
| Industrial                                | \$0               | \$0            | \$221   | \$349   | \$358              | \$73  | \$1,002  |

Source: City of Fort Collins; Economic & Planning Systems

## Legal Standards for Impact Fees

Impact fees can be charged by local governments on new development to pay for capital facilities needed to serve growth. The State of Colorado has adopted a standard codified as Section 29-20-104 and 104.5 of the Colorado Revised Statutes.

The law requires local governments to “quantify the reasonable impacts of proposed development on existing capital facilities and establish the impact fee or development charge at a level no greater than necessary to defray such impacts directly related to proposed development.”<sup>1</sup> The standard that must be met within the State of Colorado requires mitigation to be “directly related” to impacts.

### Summary of Impact Fee Requirements

- **Capital Facilities** – Fees may not be used for operations or maintenance. Fees must be spent on new or expanded capital facilities, which have been further defined as directly related to a government service, with an estimated useful life of at least five years and that are required based on the charter or a general policy.
- **Existing Deficiencies** – Fees are formally collected to mitigate impacts from growth and cannot be used to address existing deficiencies. In the analysis used to establish an impact fee program, the evaluation must distinguish between the impacts of growth and the needs of existing development.
- **Capital Maintenance** – Major “capital maintenance” projects are not typically eligible to be funded with impact fees unless it can be shown that the project increases the capacity of the community to accommodate growth. In that case, only the growth-serving element of the project is eligible to be funded with impact fees.
- **Credits** – In the event a developer must construct off-site infrastructure in conjunction with their project, the local government must provide credits against impact fees for the same infrastructure, provided that the necessary infrastructure serves the larger community. Credits may not apply if a developer is required to construct such a project as a condition of approval due to the direct impact on the capital facility created by the project. Credits are managed on a case-by-case basis.
- **Timing** – The City must hold revenues in accounts dedicated to the specific use. Funds must be expended within a reasonable period or returned to the developer. The State enabling legislation does not specify the maximum length of time to be used as a “reasonable period.” This has been generally accepted or interpreted as a 10-year period.

<sup>1</sup> C.R.S. 29-1-203.5.

- **Accounting Practices** – The City must adopt stringent accounting practices as specified in the State enabling legislation. Funds generated by impact fees may not be commingled with any other funds.
- **Affordable Housing** – The law allows impact fees on affordable housing “as defined by the community” to be waived.

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## 2. Methodology

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This chapter describes common impact fee calculation techniques, the methodology used to calculate new impact fees, and important estimates and factors used in the calculations.

### Impact Fee Methodologies

There are several methods that can be used to calculate impact fees. The two most common techniques are the Plan-Based Method and the Incremental Expansion Method. The method chosen needs to be appropriate for the local circumstances as described below. Colorado law does not specify the methodology to be used; these methods are commonly used in Colorado and in other states.

#### Plan-Based Method

This method uses a community's long-range comprehensive plan, capital improvement plan, or other adopted plan identifying capital facilities and infrastructure needed to serve growth. Projects identified in these plans are costed out and included in the fee program. A growth projection is made over the time period for which the defined projects are needed or planned to be built. The fee calculation is essentially the cost of the planned project(s) divided by the forecasted amount of growth. This method is best used when detailed capital project planning has been done.

The plan-based method has limitations. First, many communities are not able to conduct capital planning with the level of detail needed in an impact fee study. It can be difficult to tie future facility needs with expected growth, and growth can be unpredictable. The fee calculations are highly sensitive to the amount of forecasted growth, as growth is the denominator in the fee calculation.

#### Incremental Expansion Method

The Incremental Expansion Method is a more frequently used method for calculating impact fees. This method is also called the "level of service" method. This technique answers the question:

*What should each new unit (increment) of development pay to maintain the City's current level of service?*

This approach takes a snapshot of the current level of service in the city and converts it typically to a value per unit of service demand (e.g., per capita or per service population). The current level of service is defined as the inventory of the City's existing facilities and capital assets, and the cost to replicate that level of service (replacement cost) as the city grows. The asset inventory or value is then converted to a cost per capita, per dwelling unit, or per nonresidential square foot that is the basis for the fee.

The Incremental Expansion Method was used in this study to calculate impact fees for Parks, Police, Fire, General Government Facilities, and General Government Fleet.

## Level of Service Definition

Using the Incremental Expansion Method, this study defines the level of service (LOS) as the replacement cost of the existing facilities and capital equipment in the City in 2023. The fee calculations document the current inventories of parks facilities and land, police facilities and fleet/equipment, fire facilities and fleet/equipment, general government facilities, and general government fleet. The LOS is converted to a cost or value per service population that is used to calculate the impact fees for each major land use type.

## Cost Allocations by Land Use Type

Many City services and related capital facilities are provided for residential and commercial (nonresidential) development. To ensure that impact fees are proportional to the impact by type of land use, it is necessary to allocate the level of service or facility costs to residential and nonresidential development. For all categories, the City's service population combined with person-occupancy factors are used to allocate costs as described in the next section.

## Service Population

Under the incremental expansion method, the impact fee is based on the cost to maintain the current infrastructure standard expressed as the replacement cost per service population. Under this method, each new increment of development pays a fee that is designed to maintain the current level of service per unit of service population (replacement cost per service population). Service population is a metric that combines the resident population plus in-commuting workers for a total “daily” or “functional” population.

Capital expansion fee calculations use service population and person-occupancy factors by land use type as the basis for allocating costs to residential and nonresidential development (except for parks, which uses residential population). The calculation of service population is shown in **Table 3**.

The City of Fort Collins estimated its population to be 174,445 people in 2023. There are an estimated 107,677 jobs in Fort Collins and an estimated 102,037 employees (workers) after adjusting for people who hold multiple jobs. In-commuters account for 57.8 percent of the job holders and because they are present in the city for only part of a day, they are weighted at 50 percent of the impact of a full-time resident. These adjustments add 29,507 of equivalent population to the population resulting in a service population of 203,952.

**Table 3. Fort Collins Service Population Calculation, 2023**

| Description                     | Factor         | 2023           | Source                          |
|---------------------------------|----------------|----------------|---------------------------------|
| <b>Service Population</b>       |                |                |                                 |
| Population                      | <b>A</b>       | 174,445        | City of Fort Collins, 2023      |
| Jobs                            |                | 107,677        | North Front Range MPO TAZ, 2023 |
| Jobs Per Employed Person        |                | 1.06           | LEHD, 2020                      |
| Employees                       |                | 102,037        | Calculation                     |
| In-Commuters                    |                | 57.8%          | LEHD, 2020                      |
| Commuting Employee Weight       |                | 50.0%          | EPS Estimate                    |
| In-Commuting Employee Impact    | <b>B</b>       | 29,507         | Calculation                     |
| <b>Total Service Population</b> | <b>= A + B</b> | <b>203,952</b> |                                 |

Source: TischlerBise; North Front Range MPO TAZ, 2023; U.S. Census LEHD; Economic & Planning Systems

## Residential Occupancy Factors

Occupancy factors are developed in this section to convert new development into increments of new service population. The occupancy factors also allocate service demand between residential and nonresidential land uses.

Fort Collins residents are estimated to spend approximately 71.3 percent of their day at home, which is equivalent to the residential service demand factor (Table 4). The other 29.7 percent of the time spent away from home is accounted for in the nonresidential occupancy factors.

**Table 4. Fort Collins Residential Service Demand Factor Calculation, 2023**

| Description                              | Factor           | 2023         | Source                                                                                           |
|------------------------------------------|------------------|--------------|--------------------------------------------------------------------------------------------------|
| <b>Residential Conditions</b>            |                  |              |                                                                                                  |
| Population                               |                  | 174,445      | City of Fort Collins, 2023                                                                       |
| Nonworking Residents                     | 52.0%            | 90,711       | LEHD, 2020                                                                                       |
| Working Residents                        | 48.0%            | 83,734       | LEHD, 2020                                                                                       |
| Out Commuter Residents                   | 50.6%            | 42,369       | LEHD, 2020                                                                                       |
| Work/Live Residents                      | 49.4%            | 41,364       | LEHD, 2020                                                                                       |
| <b>Residential Service Demand</b>        |                  |              |                                                                                                  |
| Nonworking Residents                     | 20 hours per day | 1,814,228    | person-hours per day                                                                             |
| Out Commuter Residents                   | 14 hours per day | 593,169      | person-hours per day                                                                             |
| Work/Live Residents                      | 14 hours per day | 579,102      | person-hours per day                                                                             |
| Residential Total                        | <b>A</b>         | 2,986,498    | person-hours per day                                                                             |
| Total Person-Hours per Day               | <b>B</b>         | 4,186,680    | population X 24 hours                                                                            |
| <b>Residential Service Demand Factor</b> | <b>=A/B</b>      | <b>71.3%</b> | <b>percent of day spent at home</b><br><i>(population's allocation to residential land uses)</i> |

Source: U.S. Census Longitudinal Employer-Household Dynamics (LEHD); U.S. Census; Economic & Planning Systems

## Household Size by Unit Type

To calibrate household sizes based on unit square footage and unit type, two data sources, both from the U.S. Census Bureau, were used. The 2023 American Housing Survey (AHS) for the Mountain region, as defined by the Census, was first used. This data provides a range of information including household population, occupancy status, unit type, and unit size based on a sample population. Using this information, the average household size by housing unit type and size for the Mountain Region was determined (Table 5). The overall averages were as follows: Single Family Detached was 2.64 people per household, Single Family Attached was 2.09 people per household, and Multifamily was 1.85 people per household.

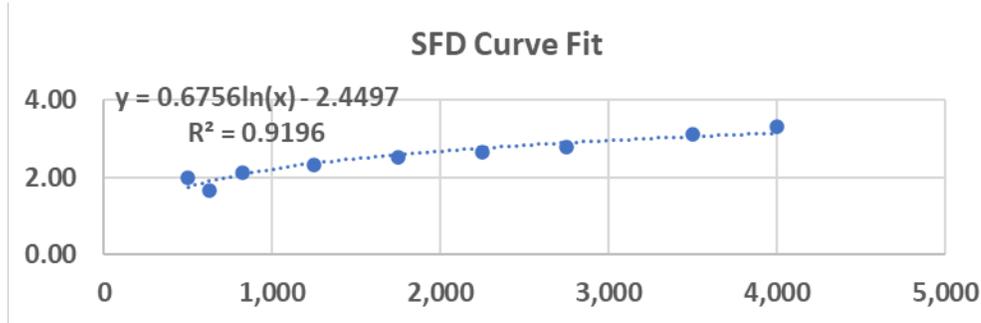
**Table 5. AHS Mountain Region Average Household Size by Type, 2023**

| Description                   | American Housing Survey, Mountain Region (Div. 8) |              |              |              |              |
|-------------------------------|---------------------------------------------------|--------------|--------------|--------------|--------------|
|                               | Code                                              | HH Pop       | Sample       | Avg. HH Size | Avg. Sq. Ft. |
| <b>All Units (Sq. Ft.)</b>    |                                                   |              |              |              |              |
| Less than 500                 | '1'                                               | 118          | 79           | 1.49         | 500          |
| 500 to 749                    | '2'                                               | 378          | 256          | 1.48         | 625          |
| 750 to 999                    | '3'                                               | 734          | 365          | 2.01         | 825          |
| 1,000 to 1,499                | '4'                                               | 1,602        | 698          | 2.30         | 1,250        |
| 1,500 to 1,999                | '5'                                               | 1,548        | 633          | 2.45         | 1,750        |
| 2,000 to 2,499                | '6'                                               | 1,253        | 479          | 2.62         | 2,250        |
| 2,500 to 2,999                | '7'                                               | 621          | 225          | 2.76         | 2,750        |
| 3,000 to 3,999                | '8'                                               | 721          | 233          | 3.09         | 3,500        |
| 4,000 or more                 | '9'                                               | <u>364</u>   | <u>109</u>   | <u>3.34</u>  | 4,000        |
| <b>Total</b>                  |                                                   | <b>7,339</b> | <b>3,077</b> | <b>2.39</b>  |              |
| <b>Single Family Detached</b> |                                                   |              |              |              |              |
| Less than 500                 | '1'                                               | 6            | 3            | 2.00         | 500          |
| 500 to 749                    | '2'                                               | 15           | 9            | 1.67         | 625          |
| 750 to 999                    | '3'                                               | 163          | 76           | 2.14         | 825          |
| 1,000 to 1,499                | '4'                                               | 854          | 366          | 2.33         | 1,250        |
| 1,500 to 1,999                | '5'                                               | 1,349        | 532          | 2.54         | 1,750        |
| 2,000 to 2,499                | '6'                                               | 1,160        | 434          | 2.67         | 2,250        |
| 2,500 to 2,999                | '7'                                               | 602          | 217          | 2.77         | 2,750        |
| 3,000 to 3,999                | '8'                                               | 698          | 223          | 3.13         | 3,500        |
| 4,000 or more                 | '9'                                               | <u>349</u>   | <u>105</u>   | <u>3.32</u>  | 4,000        |
| <b>Total</b>                  |                                                   | <b>5,196</b> | <b>1,965</b> | <b>2.64</b>  |              |
| <b>Single Family Attached</b> |                                                   |              |              |              |              |
| Less than 500                 | '1'                                               | 1            | 1            | 1.00         | 500          |
| 500 to 749                    | '2'                                               | 29           | 21           | 1.38         | 625          |
| 750 to 999                    | '3'                                               | 60           | 27           | 2.22         | 825          |
| 1,000 to 1,499                | '4'                                               | 115          | 55           | 2.09         | 1,250        |
| 1,500 to 1,999                | '5'                                               | 85           | 41           | 2.07         | 1,750        |
| 2,000 to 2,499                | '6'                                               | 59           | 25           | 2.36         | 2,250        |
| 2,500 to 2,999                | '7'                                               | 10           | 4            | 2.50         | 2,750        |
| 3,000 to 3,999                | '8'                                               | 12           | 5            | 2.40         | 3,500        |
| 4,000 or more                 | '9'                                               | <u>8</u>     | <u>2</u>     | <u>4.00</u>  | 4,000        |
| <b>Total</b>                  |                                                   | <b>379</b>   | <b>181</b>   | <b>2.09</b>  |              |
| <b>Multifamily</b>            |                                                   |              |              |              |              |
| Less than 500                 | '1'                                               | 82           | 59           | 1.39         | 500          |
| 500 to 749                    | '2'                                               | 288          | 200          | 1.44         | 625          |
| 750 to 999                    | '3'                                               | 419          | 220          | 1.90         | 825          |
| 1,000 to 1,499                | '4'                                               | 438          | 195          | 2.25         | 1,250        |
| 1,500 to 1,999                | '5'                                               | 69           | 32           | 2.16         | 1,750        |
| 2,000 to 2,499                | '6'                                               | 14           | 7            | 2.00         | 2,250        |
| 2,500 to 2,999                | '7'                                               | 2            | 1            | 2.00         | 2,750        |
| 3,000 to 3,999                | '8'                                               | 9            | 3            | 3.00         | 3,500        |
| 4,000 or more                 | '9'                                               | <u>4</u>     | <u>1</u>     | <u>4.00</u>  | 4,000        |
| <b>Total</b>                  |                                                   | <b>1,325</b> | <b>718</b>   | <b>1.85</b>  |              |

Source: 2023 American Housing Survey, Division 8 (Mountain Region), U.S. Census Bureau; Economic & Planning Systems

Next, these average household sizes need to be adjusted to match the square footage ranges used for this nexus study. To do that, a logarithmic formula based on the curve fit of the AHS data is used and then multiplied by the desired square footage. For example, to convert the average household size for Single Family Detached to “Up to 900 sq. ft.,” an average square footage of 700 square feet is selected and then included as “x” in a logarithmic formula, shown in **Figure 1**. This results in an average household size of 1.98 people per household.

**Figure 1. Single Family Detached Curve Fit**



This approach is replicated for each housing type and size using three different logarithmic formulas calculated from the AHS sample data in **Table 5**. The resulting table includes average household sizes ranging from 1.98 to 3.08 people per household for Single Family Deatched units, 1.50 to 3.00 people per household for Single Family Attached units, and 1.35 to 2.09 people per household for Multifamily units (**Table 6**).

**Table 6. Household Size Conversion**

| Description                   | Sq. Ft. | Avg. HH Size |
|-------------------------------|---------|--------------|
| <b>Single Family Detached</b> |         |              |
| Up to 900 sq. ft.             | 700     | 1.98         |
| 901 - 1,300 sq. ft.           | 901     | 2.15         |
| 1,301 - 1,800 sq. ft.         | 1,301   | 2.39         |
| 1,801 - 2,400 sq. ft.         | 1,801   | 2.61         |
| 2,401 - 3,000 sq. ft.         | 2,401   | 2.81         |
| 3,001 - 3,600 sq. ft.         | 3,001   | 2.96         |
| Over 3,601 sq. ft.            | 3,601   | 3.08         |
| <b>Single Family Attached</b> |         |              |
| Up to 900 sq. ft.             | 700     | 1.50         |
| 901 - 1,300 sq. ft.           | 901     | 1.74         |
| 1,301 - 1,800 sq. ft.         | 1,301   | 2.07         |
| 1,801 - 2,400 sq. ft.         | 1,801   | 2.37         |
| 2,401 - 3,000 sq. ft.         | 2,401   | 2.63         |
| 3,001 - 3,600 sq. ft.         | 3,001   | 2.83         |
| Over 3,601 sq. ft.            | 3,601   | 3.00         |
| <b>Multifamily</b>            |         |              |
| Up to 750 sq. ft.             | 550     | 1.35         |
| 751 - 1,300 sq. ft.           | 1,025   | 1.89         |
| Over 1,301 sq. ft.            | 1,301   | 2.09         |

Source: 2023 American Housing Survey, Divison 8 (Mountain Region), U.S. Census Bureau; Economic & Planning Systems

Now that the sample data is in the correct square footage ranges, it needs to be adjusted to align with the local geography—Fort Collins. To do that, U.S. Census Public Use Microdata Sample (PUMS) data is used. Based on 2023 PUMS data, the average household size in the Fort Collins area was 2.77 people per household (**Table 7**). For Single Family Detached units, it was 3.13 people per household; for Single Family Attached units, it was 2.58 people per household; and for Multifamily it was 2.04 people per household.

**Table 7. PUMS Average Household Size by Type, 2023**

| Description            | 2023        |
|------------------------|-------------|
| Single Family Detached | 3.13        |
| Single Family Attached | 2.58        |
| Multifamily            | <u>2.04</u> |
| <b>Total</b>           | <b>2.77</b> |

Source: U.S. Census PUMS; Economic & Planning Systems

The last step is to convert the AHS household sizes to Fort Collins household sizes by indexing the AHS data and then multiplying it by the average household size by type from the PUMS data. For example, 1.98 people per household is the average household size for Single Family Detached units that are up to 900 square feet in the AHS data (**Table 8**). This average household size is indexed against the average for the housing type (i.e., 1.98 divided by 2.64) to get an index factor of 74.7 percent. This percentage is then multiplied by the average household size for that housing type in Fort Collins (based on the PUMS data), which is 3.13 people per household. This results in an average household size of 2.34 people per household.

Within this study, the average household size is only used for the parks impact fees since it is only charged to residential uses. All other impact fees would use the impact fee factor in **Table 8**, which is calculated by taking the average household size and multiplying it by the residential service demand factor in **Table 4** (71.3 percent).

**Table 8. Index Factors and Household Size Conversion, Fort Collins**

| Description                   | AHS          |              | PUMS: PUMA 302 & 303 |                           | LEHD                 |                   | Impact Fee Factor |
|-------------------------------|--------------|--------------|----------------------|---------------------------|----------------------|-------------------|-------------------|
|                               | Sq. Ft.      | Avg. HH Size | Index                | Fort Collins Avg. HH Size | Fort Collins HH Size | % of Time in Unit |                   |
| <b>Single Family Detached</b> |              |              |                      |                           |                      |                   |                   |
| Up to 900 sq. ft.             | 700          | 1.98         | 74.7%                | 3.13                      | 2.34                 | 71.3%             | 1.67              |
| 901 - 1,300 sq. ft.           | 901          | 2.15         | 81.2%                | 3.13                      | 2.54                 | 71.3%             | 1.81              |
| 1,301 - 1,800 sq. ft.         | 1,301        | 2.39         | 90.6%                | 3.13                      | 2.84                 | 71.3%             | 2.02              |
| 1,801 - 2,400 sq. ft.         | 1,801        | 2.61         | 98.9%                | 3.13                      | 3.10                 | 71.3%             | 2.21              |
| 2,401 - 3,000 sq. ft.         | 2,401        | 2.81         | 106.2%               | 3.13                      | 3.33                 | 71.3%             | 2.37              |
| 3,001 - 3,600 sq. ft.         | 3,001        | 2.96         | 111.9%               | 3.13                      | 3.51                 | 71.3%             | 2.50              |
| Over 3,601 sq. ft.            | <u>3,601</u> | <u>3.08</u>  | 116.6%               | 3.13                      | 3.65                 | 71.3%             | 2.61              |
| <b>All SFD Units</b>          |              | <b>2.64</b>  |                      |                           |                      |                   |                   |
| <b>Single Family Attached</b> |              |              |                      |                           |                      |                   |                   |
| Up to 900 sq. ft.             | 700          | 1.50         | 71.9%                | 2.58                      | 1.86                 | 71.3%             | 1.32              |
| 901 - 1,300 sq. ft.           | 901          | 1.74         | 82.9%                | 2.58                      | 2.14                 | 71.3%             | 1.53              |
| 1,301 - 1,800 sq. ft.         | 1,301        | 2.07         | 98.9%                | 2.58                      | 2.55                 | 71.3%             | 1.82              |
| 1,801 - 2,400 sq. ft.         | 1,801        | 2.37         | 113.1%               | 2.58                      | 2.92                 | 71.3%             | 2.08              |
| 2,401 - 3,000 sq. ft.         | 2,401        | 2.63         | 125.7%               | 2.58                      | 3.25                 | 71.3%             | 2.32              |
| 3,001 - 3,600 sq. ft.         | 3,001        | 2.83         | 135.4%               | 2.58                      | 3.50                 | 71.3%             | 2.49              |
| Over 3,601 sq. ft.            | <u>3,601</u> | <u>3.00</u>  | 143.3%               | 2.58                      | 3.70                 | 71.3%             | 2.64              |
| <b>All SFA Units</b>          |              | <b>2.09</b>  |                      |                           |                      |                   |                   |
| <b>Multifamily</b>            |              |              |                      |                           |                      |                   |                   |
| Up to 750 sq. ft.             | 550          | 1.35         | 73.2%                | 2.04                      | 1.49                 | 71.3%             | 1.07              |
| 751 - 1,300 sq. ft.           | 1,025        | 1.89         | 102.2%               | 2.04                      | 2.09                 | 71.3%             | 1.49              |
| Over 1,301 sq. ft.            | <u>1,301</u> | <u>2.09</u>  | 113.4%               | 2.04                      | 2.31                 | 71.3%             | 1.65              |
| <b>All MF Units</b>           |              | <b>1.85</b>  |                      |                           |                      |                   |                   |

Source: 2023 American Housing Survey, Divison 8 (Mountain Region), U.S. Census Bureau; Economic & Planning Systems

## Nonresidential Occupancy Factors

Nonresidential occupancy factors were derived from trip rate factors, vehicle occupancy data, and employment generation factors, as shown in **Table 9**. Daily trip rates are one-half the average daily trip ends during a weekday and are sourced from the Institute of Transportation Engineers (ITE) Trip Generation Manual. Employee density figures were from the TCEF study being prepared by TischlerBise. Using these factors, service population figures were derived for three general land use categories, ranging from 0.55 for industrial uses, to 2.12 for retail and commercial uses. This method accounts for on-site employment and customers or visitors that are comprised of the resident population as well as people coming into the city for shopping, leisure, or business activities.

**Table 9. Fort Collins Nonresidential Occupancy Factors**

| Land Use Category         | Unit Sq. Ft. | ITE Code | Daily Trip Ends | Daily Trips <sup>[1]</sup> (Trip ends / 2) | Persons/Trip | Persons per 1,000 sq. ft. (8 hours/day) | Employees per 1,000 sq. ft. (8 hours/day) | Employee Hours in Day | Employee Hours |
|---------------------------|--------------|----------|-----------------|--------------------------------------------|--------------|-----------------------------------------|-------------------------------------------|-----------------------|----------------|
| <i>Factor</i>             |              |          |                 | <i>A</i>                                   | <i>B</i>     | <i>C = A * B</i>                        | <i>D</i>                                  |                       | <i>E</i>       |
| Retail/Commercial         | 1,000        | 820      | 37.75           | 18.88                                      | 1.91         | 36.11                                   | 2.12                                      | 8                     | 16.98          |
| Office and Other Services | 1,000        | 710      | 9.74            | 4.87                                       | 1.18         | 5.75                                    | 3.15                                      | 8                     | 25.17          |
| Industrial                | 1,000        | 110      | 4.87            | 2.44                                       | 1.18         | 2.87                                    | 1.57                                      | 8                     | 12.56          |

| Land Use Category         | Visitors per 1,000 sq. ft. (8 hours/day) | Visitor Hour Factor | Visitor Hours    | Total Hours      | Total Hours in Day | Service Population per day |
|---------------------------|------------------------------------------|---------------------|------------------|------------------|--------------------|----------------------------|
| <i>Factor</i>             | <i>F = C - D</i>                         | <i>G</i>            | <i>H = F * G</i> | <i>I = E + H</i> | <i>J</i>           | <i>= I / J</i>             |
| Retail/Commercial         | 33.99                                    | 1.00                | 33.99            | 50.97            | 24                 | 2.12                       |
| Office and Other Services | 2.60                                     | 1.00                | 2.60             | 27.77            | 24                 | 1.16                       |
| Industrial                | 1.30                                     | 0.50                | 0.65             | 13.21            | 24                 | 0.55                       |

Source: Economic & Planning Systems

<sup>[1]</sup>The daily trips are the daily trip ends divided by 2 so that non-residential land uses are not charged for both ends of a trip (origin and destination)

### 2025 Fee Inflationary Factor

Given that much of this study was completed in 2023 and based on 2023 inventory data from each department at the City, an inflationary factor needs to be applied to each fee category to align with 2025 costs. For capital expansion fees, this inflationary factor is based on the Mid-Year Consumer Price Index (CPI) for the Denver-Aurora-Lakewood metro region (Table 10). This increase from 2023 to 2025 is applied to each fee category.

**Table 10. Denver-Aurora-Lakewood CPI, 2005 to 2025**

| Description                   | Mid-Year CPI   |
|-------------------------------|----------------|
| <b>Denver-Aurora-Lakewood</b> |                |
| <b>2025</b>                   | <b>332.865</b> |
| 2024                          | 325.308        |
| <b>2023</b>                   | <b>316.758</b> |
| 2022                          | 300.002        |
| 2021                          | 276.290        |
| 2020                          | 271.264        |
| 2019                          | 264.147        |
| 2018                          | 260.790        |
| 2017                          | 252.760        |
| 2016                          | 245.191        |
| 2015                          | 238.086        |
| 2014                          | 235.736        |
| 2013                          | 229.142        |
| 2012                          | 222.960        |
| 2011                          | 219.055        |
| 2010                          | 210.978        |
| 2009                          | 207.444        |
| 2008                          | 208.741        |
| 2007                          | 201.258        |
| 2006                          | 196.300        |
| 2005                          | 189.200        |

Source: U.S. DOL; Bureau of Labor Statistics; Economic & Planning Systems

### 3. Neighborhood and Community Parks Capital Expansion Fees

This chapter documents the level of service, replacement cost estimates, cost allocations, and other calculations used to determine the Parks Capital Expansion Fee for neighborhood parks and community parks. Capital expansion fees are collected to fund facility construction, equipment purchases, and land acquisition. As the city grows, the space needed for these support functions also grows. Capital expansion fees will be used to maintain the current level of service, expressed as the replacement cost of its maintenance facilities, developed parkland, and land cost to replace such parkland. The City currently manages 573 acres of community parks and 422 acres of neighborhood parks.

#### Level of Service Definition

The total estimated replacement cost of parks facilities is \$359.8 million for neighborhood parks and \$179.8 million for community parks (Table 11). The replacement cost, which is split into two fee categories, is \$2,062 per residential population for neighborhood parks and \$1,031 per residential population for community parks. This value includes the replacement cost estimates for all maintenance facilities, all parkland, and the land cost estimates for all parklands.

**Table 11. Parks Cost per Service Unit, 2023**

| Description                                |                | Neighborhood Parks   | Community Parks      |
|--------------------------------------------|----------------|----------------------|----------------------|
| Total Park Replacement Cost per Acre       | <b>A</b>       | \$848,776            | \$303,196            |
| Developed Acres                            | <b>B</b>       | 422                  | 573                  |
| Existing Park Replacement Cost             | <b>= A x B</b> | \$358,183,630        | \$173,731,317        |
| Maintenance Facility Cost per Acre of Park | <b>C</b>       | \$3,765              | \$10,558             |
| Developed Acres                            | <b>D</b>       | 422                  | 573                  |
| Maintenance Facility Need                  | <b>= C x D</b> | \$1,589,000          | \$6,050,000          |
| <b>Total Park Replacement Cost</b>         |                | <b>\$359,772,630</b> | <b>\$179,781,317</b> |
| <b>Cost per Residential Population</b>     | <b>174,445</b> | <b>\$2,062</b>       | <b>\$1,031</b>       |

Source: City of Fort Collins; Economic & Planning Systems

To determine the total park replacement cost per acre for neighborhood parks and community parks, initial total cost of four neighborhood parks and two community parks was collected from the Parks and Recreation Department. These costs were normalized using a total cost per acre and then inflated to 2023 dollars using the Denver-Aurora-Lakewood CPI. This resulted in a total replacement cost per acre for neighborhood parks of \$846,151 per acre and a total replacement cost per acre for community parks of \$301,815 per acre (Table 12).

**Table 12. Parks Replacement Cost per Acre, 2023**

| Description               | Base Cost          |                     |                     |              |                     | 2023 Inflated Cost  |              |                     |
|---------------------------|--------------------|---------------------|---------------------|--------------|---------------------|---------------------|--------------|---------------------|
|                           | Land & Water Cost  | Development Cost    | Total Cost          | Acres        | Total Cost per Acre | Total Cost          | Acres        | Total Cost per Acre |
| <b>Neighborhood Parks</b> |                    |                     |                     |              |                     |                     |              |                     |
| Dovetail Park (2022)      | \$550,000          | \$4,030,000         | \$4,580,000         | 6.1          | \$750,820           | \$4,835,807         | 6.1          | \$792,755           |
| Traverse Park (2020)      | \$1,330,000        | \$3,130,000         | \$4,460,000         | 5.6          | \$796,429           | \$5,207,992         | 5.6          | \$929,999           |
| Sugar Beet (2018)         | \$590,000          | \$2,490,000         | \$3,080,000         | 5.3          | \$581,132           | \$3,740,997         | 5.3          | \$705,849           |
| Crescent Park (2017)      | <u>\$1,250,000</u> | <u>\$4,090,000</u>  | <u>\$5,340,000</u>  | <u>7.2</u>   | <u>\$741,667</u>    | <u>\$6,692,070</u>  | <u>7.2</u>   | <u>\$929,454</u>    |
| <b>Weighted Average</b>   | <b>\$3,720,000</b> | <b>\$13,740,000</b> | <b>\$17,460,000</b> | <b>24.2</b>  | <b>\$721,488</b>    | <b>\$20,476,866</b> | <b>24.2</b>  | <b>\$846,151</b>    |
| <b>Community Parks</b>    |                    |                     |                     |              |                     |                     |              |                     |
| Twin Silo (2016)          | \$2,110,000        | \$14,720,000        | \$16,830,000        | 53.6         | \$313,875           | \$21,742,385        | 53.6         | \$405,490           |
| Spring Canyon (2006)      | <u>\$1,170,000</u> | <u>\$14,650,000</u> | <u>\$15,820,000</u> | <u>103.0</u> | <u>\$153,592</u>    | <u>\$25,527,823</u> | <u>103.0</u> | <u>\$247,843</u>    |
| <b>Weighted Average</b>   | <b>\$3,280,000</b> | <b>\$29,370,000</b> | <b>\$32,650,000</b> | <b>156.6</b> | <b>\$208,466</b>    | <b>\$47,270,208</b> | <b>156.6</b> | <b>\$301,815</b>    |

Note: Total cost includes land and development.  
 Source: City of Fort Collins; Economic & Planning Systems

To determine the development cost of the maintenance facilities, East Shop maintenance facility development costs were used to estimate a replacement cost per acre based on community and neighborhood park acres served by each facility. These costs were inflated to 2023 dollars using the Denver-Aurora-Lakewood CPI. As previously determined by the City, the cost allocation of maintenance facilities is 80 percent for community parks and 20 percent for neighborhood parks. This results in a community park average cost per acre of \$10,595 and a neighborhood park average cost per acre of \$3,777 (Table 13).

**Table 13. Parks Maintenance Facility per Capita Cost, 2023**

| Description                              | Base Replacement Cost | 2023 Inflated Replacement Cost |
|------------------------------------------|-----------------------|--------------------------------|
| <b>Maintenance Facilities</b>            |                       |                                |
| <b>East Shop (2022)</b>                  | <b>\$7,260,000</b>    | <b>\$7,665,000</b>             |
| Community Park Allocation (80%)          | \$5,750,000           | \$6,071,000                    |
| Community Park Acres                     | 573                   | 573                            |
| Maintenance Facility Cost per Acre       | \$10,035              | \$10,595                       |
| Neighborhood Park Allocation (20%)       | \$1,510,000           | \$1,594,000                    |
| Neighborhood Park Acres                  | 422                   | 422                            |
| Maintenance Facility Cost per Acre       | \$3,578               | \$3,777                        |
| <b>Overall Maintenance Facility Need</b> |                       |                                |
| Community Park Average Cost per Acre     | \$10,035              | <b>\$10,595</b>                |
| Neighborhood Park Average Cost per Acre  | \$3,578               | <b>\$3,777</b>                 |

Source: City of Fort Collins; Economic & Planning Systems

## Residential Capital Expansion Fee Calculation

The replacement cost per service population is multiplied by the household sizes based on each housing unit size range and housing unit type. Park fees are charged only on residential development and full household size factors are used. This results in a 2023 fee, which is then inflated to 2025 dollars using the Denver-Aurora-Lakewood CPI. For Single Family Detached units, fees range from \$5,060 to \$7,894 per unit (Table 14). For Single Family Attached units, fees range from \$4,010 to \$7,999 per unit. For Multifamily/ADU, fees range from \$3,228 to \$4,997 per unit.

**Table 14. Neighborhood Parks Residential Capital Expansion Fee, 2025**

| Description                        | Avg. HH Size | 2023 Fee per unit | 2025 Fee per unit |
|------------------------------------|--------------|-------------------|-------------------|
| <b>Cost per Service Population</b> |              | <b>\$2,056</b>    |                   |
| <b>Single Family Detached</b>      |              |                   |                   |
| Up to 900 sq. ft.                  | 2.34         | \$4,815           | \$5,060           |
| 901 - 1,300 sq. ft.                | 2.54         | \$5,231           | \$5,497           |
| 1,301 - 1,800 sq. ft.              | 2.84         | \$5,836           | \$6,133           |
| 1,801 - 2,400 sq. ft.              | 3.10         | \$6,371           | \$6,695           |
| 2,401 - 3,000 sq. ft.              | 3.33         | \$6,844           | \$7,192           |
| 3,001 - 3,600 sq. ft.              | 3.51         | \$7,212           | \$7,579           |
| Over 3,601 sq. ft.                 | 3.65         | \$7,512           | \$7,894           |
| <b>Single Family Attached</b>      |              |                   |                   |
| Up to 900 sq. ft.                  | 1.86         | \$3,816           | \$4,010           |
| 901 - 1,300 sq. ft.                | 2.14         | \$4,401           | \$4,625           |
| 1,301 - 1,800 sq. ft.              | 2.55         | \$5,252           | \$5,519           |
| 1,801 - 2,400 sq. ft.              | 2.92         | \$6,006           | \$6,311           |
| 2,401 - 3,000 sq. ft.              | 3.25         | \$6,673           | \$7,012           |
| 3,001 - 3,600 sq. ft.              | 3.50         | \$7,190           | \$7,556           |
| Over 3,601 sq. ft.                 | 3.70         | \$7,612           | \$7,999           |
| <b>Multifamily / ADU</b>           |              |                   |                   |
| Up to 750 sq. ft.                  | 1.49         | \$3,072           | \$3,228           |
| 751 - 1,300 sq. ft.                | 2.09         | \$4,289           | \$4,507           |
| Over 1,301 sq. ft.                 | 2.31         | \$4,755           | \$4,997           |

Source: Larimer County Assessor; U.S. Census PUMS; Economic & Planning Systems

For the community parks impact fee, the same methodology as neighborhood parks is followed. For Single Family Detached units, fees range from \$2,525 to \$3,940 per unit (Table 15). For Single Family Attached units, fees range from \$2,001 to \$3,992 per unit. For Multifamily/ADU, fees range from \$1,611 to \$2,494 per unit.

**Table 15. Community Parks Residential Capital Expansion Fee, 2025**

| Description                        | Avg. HH Size | 2023 Fee per unit | 2025 Fee per unit |
|------------------------------------|--------------|-------------------|-------------------|
| <b>Cost per Service Population</b> |              | <b>\$1,026</b>    |                   |
| <b>Single Family Detached</b>      |              |                   |                   |
| Up to 900 sq. ft.                  | 2.34         | \$2,403           | \$2,525           |
| 901 - 1,300 sq. ft.                | 2.54         | \$2,611           | \$2,744           |
| 1,301 - 1,800 sq. ft.              | 2.84         | \$2,913           | \$3,061           |
| 1,801 - 2,400 sq. ft.              | 3.10         | \$3,180           | \$3,342           |
| 2,401 - 3,000 sq. ft.              | 3.33         | \$3,416           | \$3,590           |
| 3,001 - 3,600 sq. ft.              | 3.51         | \$3,599           | \$3,782           |
| Over 3,601 sq. ft.                 | 3.65         | \$3,749           | \$3,940           |
| <b>Single Family Attached</b>      |              |                   |                   |
| Up to 900 sq. ft.                  | 1.86         | \$1,904           | \$2,001           |
| 901 - 1,300 sq. ft.                | 2.14         | \$2,196           | \$2,308           |
| 1,301 - 1,800 sq. ft.              | 2.55         | \$2,621           | \$2,754           |
| 1,801 - 2,400 sq. ft.              | 2.92         | \$2,998           | \$3,150           |
| 2,401 - 3,000 sq. ft.              | 3.25         | \$3,330           | \$3,499           |
| 3,001 - 3,600 sq. ft.              | 3.50         | \$3,588           | \$3,770           |
| Over 3,601 sq. ft.                 | 3.70         | \$3,799           | \$3,992           |
| <b>Multifamily / ADU</b>           |              |                   |                   |
| Up to 750 sq. ft.                  | 1.49         | \$1,533           | \$1,611           |
| 751 - 1,300 sq. ft.                | 2.09         | \$2,140           | \$2,249           |
| Over 1,301 sq. ft.                 | 2.31         | \$2,373           | \$2,494           |

Source: Larimer County Assessor; U.S. Census PUMS; Economic & Planning Systems

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## 4. Police Capital Expansion Fee

This chapter documents the level of service, replacement cost estimates, cost allocations, and other calculations used to determine the Police Capital Expansion Fee. Fees are collected to fund facility expansions, fleet replacement, and equipment replacement. These fees will be used to maintain the current level of service, expressed as the replacement cost of police facilities, fleet, and capital equipment. The police department currently has three primary facilities and 430 fleet vehicles.

### Level of Service Definition

The total replacement cost of police facilities, fleet, and equipment is \$78 million, resulting in a replacement cost of \$382.40 per service population (Table 16). This value accounts for debt owed and an estimated 90 percent capacity factor of police facilities based on current utilization.

**Table 16. Police Inventory and Replacement Cost per Capita, 2023**

| Description                        | Quantity               | Cost Factor        | Capacity Factor | Replacement Cost     |
|------------------------------------|------------------------|--------------------|-----------------|----------------------|
| <b>Police Facilities</b>           |                        | <b>Per Sq. Ft.</b> |                 |                      |
| Police Facilities                  | 3                      | \$517              | 90%             | \$58,099,026         |
| IT Capital Equipment               | --                     | --                 |                 | <u>18,414,943</u>    |
| <b>Subtotal</b>                    |                        | <b>\$517</b>       |                 | <b>\$76,513,969</b>  |
| <b>Police Fleet Inventory</b>      |                        | <b>Per Unit</b>    |                 |                      |
| Admin Vehicle                      | 29                     | \$33,916           |                 | \$983,559            |
| Drug Task Force                    | 11                     | 31,842             |                 | 350,258              |
| Equipment                          | 4                      | 209,137            |                 | 836,549              |
| Investigation                      | 83                     | 37,400             |                 | 3,104,223            |
| Mobile Command Vehicle             | 1                      | 440,929            |                 | 440,929              |
| Patrol                             | 296                    | 41,644             |                 | 12,326,696           |
| Public Safety                      | <u>6</u>               | <u>97,887</u>      |                 | <u>587,323</u>       |
| <b>Subtotal</b>                    | <b>430</b>             | <b>\$43,325</b>    |                 | <b>\$18,629,537</b>  |
| <b>Debt</b>                        |                        |                    |                 | <b>Principal</b>     |
| 2012 COPS                          |                        |                    |                 | -\$7,430,000         |
| 2019 COPS                          |                        |                    |                 | -6,604,740           |
| Vehicle Equipment                  |                        |                    |                 | <u>-3,118,078</u>    |
| <b>Subtotal</b>                    |                        |                    |                 | <b>-\$17,152,818</b> |
| <b>Total</b>                       |                        |                    |                 | <b>\$77,990,689</b>  |
| <b>Cost per Service Population</b> | Functional Population: | 203,952            |                 | <b>\$382.40</b>      |

Source: City of Fort Collins; Economic & Planning Systems

## Residential Capital Expansion Fee Calculation

Capital expansion fees for police were calculated using a cost per service population factor that is then multiplied by a residential occupancy factor based on housing unit size and type. This fee is then inflated to 2025 dollars. For Single Family Detached units, this results in a fee ranging from \$671 to \$1,048 per unit (Table 17). For Single Family Attached units, this results in a fee ranging from \$532 to \$1,061 per unit. For Multifamily/ADU, this results in a fee ranging from \$429 to \$663 per unit.

**Table 17. Police Residential Capital Expansion Fee, 2025**

| Description                        | Factor | 2023 Fee<br><i>per unit</i> | 2025 Fee<br><i>per unit</i> |
|------------------------------------|--------|-----------------------------|-----------------------------|
| <b>Cost per Service Population</b> |        | <b>\$382.40</b>             |                             |
| <b>Single Family Detached</b>      |        |                             |                             |
| Up to 900 sq. ft.                  | 1.67   | \$639                       | \$671                       |
| 901 - 1,300 sq. ft.                | 1.81   | \$694                       | \$729                       |
| 1,301 - 1,800 sq. ft.              | 2.02   | \$774                       | \$813                       |
| 1,801 - 2,400 sq. ft.              | 2.21   | \$845                       | \$888                       |
| 2,401 - 3,000 sq. ft.              | 2.37   | \$908                       | \$954                       |
| 3,001 - 3,600 sq. ft.              | 2.50   | \$957                       | \$1,006                     |
| Over 3,601 sq. ft.                 | 2.61   | \$997                       | \$1,048                     |
| <b>Single Family Attached</b>      |        |                             |                             |
| Up to 900 sq. ft.                  | 1.32   | \$506                       | \$532                       |
| 901 - 1,300 sq. ft.                | 1.53   | \$584                       | \$614                       |
| 1,301 - 1,800 sq. ft.              | 1.82   | \$697                       | \$732                       |
| 1,801 - 2,400 sq. ft.              | 2.08   | \$797                       | \$838                       |
| 2,401 - 3,000 sq. ft.              | 2.32   | \$885                       | \$930                       |
| 3,001 - 3,600 sq. ft.              | 2.49   | \$954                       | \$1,003                     |
| Over 3,601 sq. ft.                 | 2.64   | \$1,010                     | \$1,061                     |
| <b>Multifamily / ADU</b>           |        |                             |                             |
| Up to 750 sq. ft.                  | 1.07   | \$408                       | \$429                       |
| 751 - 1,300 sq. ft.                | 1.49   | \$569                       | \$598                       |
| Over 1,301 sq. ft.                 | 1.65   | \$631                       | \$663                       |

Source: Larimer County Assessor; U.S. Census PUMS; Economic & Planning Systems

## Nonresidential Capital Expansion Fee

Using the previously derived service population and occupancy factors, the proposed nonresidential capital expansion fee was calculated for three major land uses. This fee is then inflated to 2025 dollars. Proposed capital expansion fees range from \$0.221 per square foot for industrial uses to \$0.852 per square foot for retail/commercial uses (Table 18).

**Table 18. Police Nonresidential Capital Expansion Fee, 2025**

| Description                        | Service Pop.<br><i>per 1,000 sq. ft.</i> | 2023 Fee<br><i>per 1,000 sq. ft.</i> | 2025 Fee<br><i>per 1,000 sq. ft.</i> | 2017 Fee<br><i>per 1,000 sq. ft.</i> |
|------------------------------------|------------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| <b>Cost per Service Population</b> |                                          | <b>\$382.40</b>                      |                                      |                                      |
| <b>Nonresidential</b>              |                                          |                                      |                                      |                                      |
| Retail/Commercial                  | 2.12                                     | \$811                                | \$852                                | \$394                                |
| Office                             | 1.16                                     | \$444                                | \$466                                | \$394                                |
| Industrial                         | 0.55                                     | \$210                                | \$221                                | \$92                                 |

Source: Economic & Planning Systems

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## 5. Fire Protection Capital Expansion Fee

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This chapter documents the current Fire Protection Capital Expansion fee structure, replacement cost estimates, cost allocations, and other factors used to calculate the proposed Fire Protection Capital Expansion Fees. The Poudre Fire Authority (PFA) consists of 11 staffed fire stations, two volunteer fire stations, one headquarters, and one training facility that serves a variety of emergency response needs. These include fire suppression, emergency medical response, hazardous materials response, technical rescue, fire prevention, public outreach and education, and wildland preparedness planning and response. PFA is the overarching authority that serves a large portion of Larimer County including Fort Collins. The Poudre Valley Fire Protection District (PVFPD) collects separate impact fees for its service area outside of the City of Fort Collins.

### Level of Service Definition

The total replacement cost of Fire Protection facilities, fleet, and equipment is \$145 million (**Table 19**). The total replacement cost is for the entire PFA district including areas outside of Fort Collins. The asset inventory needs to be allocated to Fort Collins for its CEF calculation, which is shown in **Table 20**.

**Table 19. Fire Protection Inventory and Replacement Cost per Capita, 2023**

| Description                      | Factor         | Cost Factor             | Replacement Cost     |
|----------------------------------|----------------|-------------------------|----------------------|
| <b>Fire Facilities</b>           | <b>Sq. Ft.</b> | <b>Cost per Sq. Ft.</b> |                      |
| Burn Building (Training)         | 1,560          | \$650                   | \$1,014,000          |
| Fire Stations                    | 111,630        | 650                     | 77,546,966           |
| Vacant Land (Future Station #18) | --             | --                      | 675,000              |
| Fit Tower Training               | 3,764          | 650                     | 2,446,600            |
| Offices                          | 25,974         | 650                     | 17,714,407           |
| Training Center A                | <u>13,970</u>  | <u>650</u>              | <u>9,778,798</u>     |
| <b>Subtotal</b>                  | <b>156,898</b> | <b>\$650</b>            | <b>\$109,175,771</b> |
| <b>Fire Fleet Inventory</b>      | <b>Units</b>   | <b>Cost per Unit</b>    |                      |
| Fleet                            | 22             | \$44,214                | \$972,713            |
| Battalion Chiefs                 | 8              | 41,552                  | 332,413              |
| Frontline Apparatus              | 45             | 465,978                 | 20,968,995           |
| Reserves                         | 5              | 760,000                 | 3,800,000            |
| Training                         | 13             | 196,521                 | 2,554,774            |
| Support                          | 6              | 28,570                  | 171,420              |
| Antiques                         | 3              | 38,499                  | 115,496              |
| Lawn Mowers                      | 25             | 5,960                   | 149,000              |
| Equipment                        | 92             | 48,541                  | 4,465,734            |
| Misc.                            | <u>15</u>      | <u>154,276</u>          | <u>2,314,139</u>     |
| <b>Subtotal</b>                  | <b>189</b>     | <b>\$189,654</b>        | <b>\$35,844,684</b>  |
| <b>Total</b>                     |                |                         | <b>\$145,020,455</b> |

Source: City of Fort Collins; Poudre Fire Authority; Economic & Planning Systems

The City of Fort Collins generates approximately 85 percent of all PFA service calls. The replacement cost attributable to the City is therefore \$123.3 million, or \$604.32 per service population (Table 20).

**Table 20. Fire Protection Asset Cost by Service Area, 2023**

| Description             | Call Volume   | Total Replacement Cost | Functional Population | Cost per Service Population |
|-------------------------|---------------|------------------------|-----------------------|-----------------------------|
|                         |               | <i>A</i>               | <i>B</i>              | <i>= A / B</i>              |
| Total                   | 100.00%       | \$145,020,455          |                       |                             |
| <b>PFA Fort Collins</b> | <b>84.99%</b> | <b>\$123,252,885</b>   | <b>203,952</b>        | <b>\$604.32</b>             |

Source: City of Fort Collins; Poudre Valley Fire Authority; Economic & Planning Systems

## Residential Capital Expansion Fee Calculation

The capital expansion fee for residential units is calculated using a cost per service population that is then multiplied by a residential occupancy factor based on housing unit size and type. This fee is then inflated to 2025 dollars. For Single Family Detached units, the CEF ranges from \$1,061 to \$1,655 per unit (Table 21). For Single Family Attached units, the CEF ranges from \$841 to \$1,677 per unit. For Multifamily/ADU, the CEF ranges from \$677 to \$1,048 per unit.

**Table 21. Fire Residential Capital Expansion Fee, 2025**

| Description                        | Factor          | 2023 Fee<br><i>per unit</i> | 2025 Fee<br><i>per unit</i> |
|------------------------------------|-----------------|-----------------------------|-----------------------------|
| <b>Cost per Service Population</b> | <b>\$604.32</b> |                             |                             |
| <b>Single Family Detached</b>      |                 |                             |                             |
| Up to 900 sq. ft.                  | 1.67            | \$1,010                     | \$1,061                     |
| 901 - 1,300 sq. ft.                | 1.81            | \$1,097                     | \$1,153                     |
| 1,301 - 1,800 sq. ft.              | 2.02            | \$1,224                     | \$1,286                     |
| 1,801 - 2,400 sq. ft.              | 2.21            | \$1,336                     | \$1,404                     |
| 2,401 - 3,000 sq. ft.              | 2.37            | \$1,435                     | \$1,508                     |
| 3,001 - 3,600 sq. ft.              | 2.50            | \$1,512                     | \$1,589                     |
| Over 3,601 sq. ft.                 | 2.61            | \$1,575                     | \$1,655                     |
| <b>Single Family Attached</b>      |                 |                             |                             |
| Up to 900 sq. ft.                  | 1.32            | \$800                       | \$841                       |
| 901 - 1,300 sq. ft.                | 1.53            | \$923                       | \$970                       |
| 1,301 - 1,800 sq. ft.              | 1.82            | \$1,101                     | \$1,157                     |
| 1,801 - 2,400 sq. ft.              | 2.08            | \$1,259                     | \$1,323                     |
| 2,401 - 3,000 sq. ft.              | 2.32            | \$1,399                     | \$1,470                     |
| 3,001 - 3,600 sq. ft.              | 2.49            | \$1,507                     | \$1,584                     |
| Over 3,601 sq. ft.                 | 2.64            | \$1,596                     | \$1,677                     |
| <b>Multifamily / ADU</b>           |                 |                             |                             |
| Up to 750 sq. ft.                  | 1.07            | \$644                       | \$677                       |
| 751 - 1,300 sq. ft.                | 1.49            | \$899                       | \$945                       |
| Over 1,301 sq. ft.                 | 1.65            | \$997                       | \$1,048                     |

Source: Larimer County Assessor; U.S. Census PUMS; Economic & Planning Systems

## Nonresidential Capital Expansion Fee

Using the previously derived service population and occupancy factors, the proposed nonresidential capital expansion fee was calculated for three major land uses. This fee is then inflated to 2025 dollars. Proposed fees range from \$0.349 per square foot for industrial uses to \$1.346 per square foot for retail/commercial uses (Table 22).

**Table 22. Fire Protection Nonresidential Capital Expansion Fee, 2025**

| Description                        | Service Pop.<br><i>per 1,000 sq. ft.</i> | 2023 Fee<br><i>per 1,000 sq. ft.</i> | 2025 Fee<br><i>per 1,000 sq. ft.</i> | 2017 Fee<br><i>per 1,000 sq. ft.</i> |
|------------------------------------|------------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| <b>Cost per Service Population</b> |                                          | \$604.32                             |                                      |                                      |
| <b>Nonresidential</b>              |                                          |                                      |                                      |                                      |
| Retail/Commercial                  | 2.12                                     | \$1,281                              | \$1,346                              | \$705                                |
| Office                             | 1.16                                     | \$701                                | \$737                                | \$705                                |
| Industrial                         | 0.55                                     | \$332                                | \$349                                | \$165                                |

Source: Economic & Planning Systems

## 6. General Government Facilities Capital Expansion Fee

This chapter documents the level of service, replacement cost estimates, cost allocations, and other calculations used to determine the General Government Capital Expansion Fee. These fees are collected to fund facility expansions for general government purposes such as office space for City staff, facilities maintenance buildings, and courts and justice functions. As the city grows, the space needs for these support functions also grows. Capital expansion fees will be used to maintain the current level of service, expressed as the replacement cost of its major facilities.

### Level of Service Definition

The total replacement cost of general government facilities is estimated at \$126.5 million (**Table 23**). The replacement cost for general government facilities is \$620.23 per service population. This value includes all facilities owned by the City of Fort Collins including City Hall and other administrative buildings, streets and traffic operations, and IT equipment.

**Table 23. General Government Facilities Inventory and Replacement Cost, 2023**

| Description                        | Factor                 | Cost Factor        | Replacement Cost     |
|------------------------------------|------------------------|--------------------|----------------------|
| <b>Facilities</b>                  | <b>SF</b>              | <b>Cost per SF</b> |                      |
| 281 North College                  | 37,603                 | \$513              | \$20,145,339         |
| City Hall                          | 31,553                 | 583                | 19,708,068           |
| 215 N Mason Office                 | 72,000                 | 518                | 38,562,800           |
| 300 LaPorte (OPS Services)         | 26,564                 | 540                | 14,344,560           |
| Streets Building                   | 51,314                 | 513                | 28,141,722           |
| Traffic Operations Building        | 9,500                  | 540                | 5,554,440            |
| Fleet / FACs Warehouse - Loomis    | 10,122                 | 432                | 4,394,754            |
| IT Equipment                       | --                     | --                 | <u>9,706,551</u>     |
| <b>Subtotal</b>                    | <b>238,656</b>         | <b>\$525</b>       | <b>\$140,558,234</b> |
| <b>Debt</b>                        |                        |                    | <b>Principal</b>     |
| 2012 COPS                          |                        |                    | -\$280,000           |
| 2019 COPS                          |                        |                    | <u>-13,780,260</u>   |
| <b>Subtotal</b>                    |                        |                    | <b>-\$14,060,260</b> |
| <b>Total</b>                       |                        |                    | <b>\$126,497,974</b> |
| <b>Cost per Service Population</b> | Functional Population: | 203,952            | <b>\$620.23</b>      |

Source: City of Fort Collins; Economic & Planning Systems

## Residential Capital Expansion Fee Calculation

Residential capital expansion fees for general government facilities are calculated using a cost per service population factor that is then multiplied by a residential occupancy factor based on housing unit size and type. This fee is then inflated to 2025 dollars. For a Single Family Detached unit, this fee ranges from \$1,089 to \$1,698 per unit (Table 24). For a Single Family Attached unit, this fee ranges from \$863 to \$1,721 per unit. For Multifamily/ADU, this fee ranges from \$695 to \$1,075 per unit.

**Table 24. General Government Facilities Residential Capital Expansion Fee, 2025**

| Description                        | Factor          | 2023 Fee<br><i>per unit</i> | 2025 Fee<br><i>per unit</i> |
|------------------------------------|-----------------|-----------------------------|-----------------------------|
| <b>Cost per Service Population</b> | <b>\$620.23</b> |                             |                             |
| <b>Single Family Detached</b>      |                 |                             |                             |
| Up to 900 sq. ft.                  | 1.67            | \$1,036                     | \$1,089                     |
| 901 - 1,300 sq. ft.                | 1.81            | \$1,126                     | \$1,183                     |
| 1,301 - 1,800 sq. ft.              | 2.02            | \$1,256                     | \$1,320                     |
| 1,801 - 2,400 sq. ft.              | 2.21            | \$1,371                     | \$1,441                     |
| 2,401 - 3,000 sq. ft.              | 2.37            | \$1,473                     | \$1,548                     |
| 3,001 - 3,600 sq. ft.              | 2.50            | \$1,552                     | \$1,631                     |
| Over 3,601 sq. ft.                 | 2.61            | \$1,616                     | \$1,698                     |
| <b>Single Family Attached</b>      |                 |                             |                             |
| Up to 900 sq. ft.                  | 1.32            | \$821                       | \$863                       |
| 901 - 1,300 sq. ft.                | 1.53            | \$947                       | \$995                       |
| 1,301 - 1,800 sq. ft.              | 1.82            | \$1,130                     | \$1,187                     |
| 1,801 - 2,400 sq. ft.              | 2.08            | \$1,292                     | \$1,358                     |
| 2,401 - 3,000 sq. ft.              | 2.32            | \$1,436                     | \$1,509                     |
| 3,001 - 3,600 sq. ft.              | 2.49            | \$1,547                     | \$1,626                     |
| Over 3,601 sq. ft.                 | 2.64            | \$1,638                     | \$1,721                     |
| <b>Multifamily / ADU</b>           |                 |                             |                             |
| Up to 750 sq. ft.                  | 1.07            | \$661                       | \$695                       |
| 751 - 1,300 sq. ft.                | 1.49            | \$923                       | \$970                       |
| Over 1,301 sq. ft.                 | 1.65            | \$1,023                     | \$1,075                     |

Source: Larimer County Assessor; U.S. Census PUMS; Economic & Planning Systems

## Nonresidential Impact Fee

Using the previously derived service population and occupancy factors, the proposed nonresidential impact fee was calculated for three major land uses. This fee is then inflated to 2025 dollars. Proposed capital expansion fees range from \$0.358 per square foot for industrial uses to \$1.382 per square foot for retail/commercial uses (Table 25).

**Table 25. General Government Facilities Nonresidential Capital Expansion Fee, 2025**

| Description                        | Service Pop.<br><i>per 1,000 sq. ft.</i> | 2023 Fee<br><i>per 1,000 sq. ft.</i> | 2025 Fee<br><i>per 1,000 sq. ft.</i> | 2017 Fee<br><i>per 1,000 sq. ft.</i> |
|------------------------------------|------------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| <b>Cost per Service Population</b> |                                          | \$620.23                             |                                      |                                      |
| <b>Nonresidential</b>              |                                          |                                      |                                      |                                      |
| Retail/Commercial                  | 2.12                                     | \$1,315                              | \$1,382                              | \$1,928                              |
| Office                             | 1.16                                     | \$719                                | \$756                                | \$1,928                              |
| Industrial                         | 0.55                                     | \$341                                | \$358                                | \$454                                |

Source: Economic & Planning Systems

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## 7. General Government Fleet Capital Expansion Fee

This chapter documents the level of service, replacement cost estimates, cost allocations, and other calculations used to determine the General Government Fleet Capital Expansion Fee. These fees are collected to fund expansions for City fleet and equipment. As the city grows, the need for these support functions also grows. Capital expansion fees will be used to maintain the current level of service, expressed as the replacement cost of its major fleet.

### Level of Service Definition

The total replacement cost of general government fleet is estimated at \$25.7 million (Table 26). The replacement cost for general government is \$126.01 per service population. This value includes general governmental vehicles, miscellaneous maintenance equipment, and heavy equipment.

**Table 26. General Government Fleet Inventory and Replacement Cost, 2023**

| Description                        | Factor                 | Cost Factor          | Replacement Cost    |
|------------------------------------|------------------------|----------------------|---------------------|
| <b>Fleet</b>                       | <b>Quantity</b>        | <b>Cost per Unit</b> |                     |
| Heavy Equipment                    | 180                    | \$112,554            | \$20,259,649        |
| Misc. Maintenance Equipment        | 67                     | 43,531               | 2,916,571           |
| Vehicles, Trucks, and Trailers     | <u>96</u>              | <u>52,782</u>        | <u>5,067,109</u>    |
| <b>Subtotal</b>                    | <b>343</b>             | <b>\$82,342</b>      | <b>\$28,243,329</b> |
| <b>Debt</b>                        |                        |                      | <b>Principal</b>    |
| Vehicle Equipment                  |                        |                      | <u>-\$2,543,294</u> |
| <b>Subtotal</b>                    |                        |                      | <b>-\$2,543,294</b> |
| <b>Total</b>                       |                        |                      | <b>\$25,700,035</b> |
| <b>Cost per Service Population</b> | Functional Population: | 203,952              | <b>\$126.01</b>     |

Source: City of Fort Collins; Economic & Planning Systems

## Residential Capital Expansion Fee Calculation

Residential capital expansion fees for general government fleet are calculated using a cost per service population factor that is then multiplied by a residential occupancy factor based on housing unit size and type. This fee is then inflated to 2025 dollars. For a Single Family Detached unit, this fee ranges from \$222 to \$345 per unit (Table 27). For a Single Family Attached unit, this fee ranges from \$175 to \$350 per unit. For Multifamily/ADU, this fee ranges from \$141 to \$219 per unit.

**Table 27. General Government Fleet Residential Capital Expansion Fee, 2025**

| Description                                 | Factor | 2023 Fee<br><i>per unit</i> | 2025 Fee<br><i>per unit</i> |
|---------------------------------------------|--------|-----------------------------|-----------------------------|
| <b>Cost per Service Population \$126.01</b> |        |                             |                             |
| <b>Single Family Detached</b>               |        |                             |                             |
| Up to 900 sq. ft.                           | 1.67   | \$211                       | \$222                       |
| 901 - 1,300 sq. ft.                         | 1.81   | \$229                       | \$241                       |
| 1,301 - 1,800 sq. ft.                       | 2.02   | \$255                       | \$268                       |
| 1,801 - 2,400 sq. ft.                       | 2.21   | \$279                       | \$293                       |
| 2,401 - 3,000 sq. ft.                       | 2.37   | \$299                       | \$314                       |
| 3,001 - 3,600 sq. ft.                       | 2.50   | \$315                       | \$331                       |
| Over 3,601 sq. ft.                          | 2.61   | \$328                       | \$345                       |
| <b>Single Family Attached</b>               |        |                             |                             |
| Up to 900 sq. ft.                           | 1.32   | \$167                       | \$175                       |
| 901 - 1,300 sq. ft.                         | 1.53   | \$192                       | \$202                       |
| 1,301 - 1,800 sq. ft.                       | 1.82   | \$230                       | \$242                       |
| 1,801 - 2,400 sq. ft.                       | 2.08   | \$263                       | \$276                       |
| 2,401 - 3,000 sq. ft.                       | 2.32   | \$292                       | \$307                       |
| 3,001 - 3,600 sq. ft.                       | 2.49   | \$314                       | \$330                       |
| Over 3,601 sq. ft.                          | 2.64   | \$333                       | \$350                       |
| <b>Multifamily / ADU</b>                    |        |                             |                             |
| Up to 750 sq. ft.                           | 1.07   | \$134                       | \$141                       |
| 751 - 1,300 sq. ft.                         | 1.49   | \$187                       | \$197                       |
| Over 1,301 sq. ft.                          | 1.65   | \$208                       | \$219                       |

Source: Larimer County Assessor; U.S. Census PUMS; Economic & Planning Systems

## Nonresidential Impact Fee

Using the previously derived service population and occupancy factors, the proposed nonresidential impact fee was calculated for three major land uses. This fee is then inflated to 2025 dollars. Proposed capital expansion fees range from \$0.073 per square foot for industrial uses to \$0.281 per square foot for retail/commercial uses (Table 28).

**Table 28. General Government Fleet Nonresidential Capital Expansion Fee, 2025**

| Description                        | Service Pop.<br><i>per 1,000 sq. ft.</i> | 2023 Fee<br><i>per 1,000 sq. ft.</i> | 2025 Fee<br><i>per 1,000 sq. ft.</i> | 2017 Fee<br><i>per 1,000 sq. ft.</i> |
|------------------------------------|------------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| <b>Cost per Service Population</b> |                                          | \$126.01                             |                                      |                                      |
| <b>Nonresidential</b>              |                                          |                                      |                                      |                                      |
| Retail/Commercial                  | 2.12                                     | \$267                                | \$281                                | \$1,928                              |
| Office                             | 1.16                                     | \$146                                | \$154                                | \$1,928                              |
| Industrial                         | 0.55                                     | \$69                                 | \$73                                 | \$454                                |

Source: Economic & Planning Systems



# Transportation Capital Expansion Fee Study

***Submitted to:***  
***City of Fort Collins, Colorado***

**August 21, 2025**

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## Transportation Capital Expansion Fee Study

### City of Fort Collins, Colorado

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**EXECUTIVE SUMMARY**

The City of Fort Collins currently collects Transportation Capital Expansion Fee (TCEF) based on a 2017 study completed by TischlerBise. The City has retained TischlerBise to update its TCEF program.

The updated TCEF study uses a combination of incremental expansion and plan-based methodologies to provide improvements for all modes of travel. Figure 1 provides an overview of the methodology and cost components used in the Fort Collins study.

**Figure 1. TCEF Methods and Cost Components**

| Types of Improvement       | Cost Allocation               | Service Area | Cost Recovery | Incremental Expansion | Plan-Based                                  |
|----------------------------|-------------------------------|--------------|---------------|-----------------------|---------------------------------------------|
| Capacity Roadway Expansion | Vehicle Miles of Travel (VMT) | Citywide     | -             | Roadway Capacity      | -                                           |
| Active Modes               | Person and Jobs               | Citywide     | -             | -                     | Bike Lanes, Ped/Bike Intersections, Signals |

**Transportation Capital Expansion Fees by Type of Land Use**

As documented in this report, the City of Fort Collins has complied with applicable legal precedents and Colorado’s Impact Fee enabling legislation (discussed below). The TCEF schedule is proportionate and reasonably related to the cost of capital improvements needed to accommodate new development. Specific costs have been identified using local data and current dollars. With input from City staff, TischlerBise determined demand indicators for transportation capacity and calculated proportionate share factors to allocate costs by type of development. The TCEF methodology also identifies the extent to which new development is entitled to various types of credits to avoid potential double payment of growth-related capital costs.

Figure 2 shows the maximum supportable TCEF schedules. For residential development, updated amounts are based on a revised fee schedule structure. The updated structure adjusts the size groupings to be consistent with the Larimer County TCEF fee schedule and adds three housing types (single family detached, single family attached, and multifamily). Assessing the TCEF by housing type (along with square footage) improves the proportionality and equity of the fee program.

For nonresidential development, TCEFs are stated per thousand square feet of floor area, using three broad categories. The TCEF schedule for nonresidential development is designed to provide a reasonable fee amount for general types of development.

Active modes improvements and expansions were included in the 2017 analysis. There has been further emphasis on active modes and to provide further clarity the maximum supportable fee schedule is broken down by roadway capacity and active modes.

Lastly, given that much of this study was completed in 2023 and based on the inventory of data at that time, an inflationary factor is applied to align with 2025 costs. Consistent with the City’s annual inflation adjustment applied during the interim years between TCEF study updates, the inflationary factor applied

to the results is the Engineering News-Record (ENR) Denver Construction Cost Index (CCI). Between August 2023 and August 2025, the CCI has decreased by 1.9 percent. The negative inflation (or deflation) factor has been incorporated to account for the overall decrease in infrastructure construction costs during the study period.

Figure 2. Maximum Supportable TCEF

| Square Feet of Finished Living Space              | Roadway Capacity | Active Modes | Maximum Supportable Fee | Current Fees | Increase/Decrease |
|---------------------------------------------------|------------------|--------------|-------------------------|--------------|-------------------|
| <b>Single Family Detached (per dwelling unit)</b> |                  |              |                         |              |                   |
| less than 900                                     | \$3,307          | \$729        | \$4,036                 | \$2,958      | \$1,078           |
| 901 to 1,300                                      | \$5,374          | \$791        | \$6,165                 | \$5,493      | \$672             |
| 1,301 to 1,800                                    | \$6,934          | \$885        | \$7,819                 | \$7,133      | \$686             |
| 1,801 to 2,400                                    | \$8,323          | \$965        | \$9,288                 | \$8,341      | \$947             |
| 2,401 to 3,000                                    | \$9,472          | \$1,037      | \$10,509                | \$8,941      | \$1,568           |
| 3,001 to 3,600                                    | \$10,384         | \$1,093      | \$11,477                | \$8,941      | \$2,536           |
| over 3,601                                        | \$11,143         | \$1,137      | \$12,280                | \$8,941      | \$3,339           |
| <b>Single Family Attached (per dwelling unit)</b> |                  |              |                         |              |                   |
| less than 900                                     | \$2,524          | \$579        | \$3,103                 | \$2,958      | \$145             |
| 901 to 1,300                                      | \$4,105          | \$666        | \$4,771                 | \$5,493      | (\$722)           |
| 1,301 to 1,800                                    | \$5,291          | \$795        | \$6,086                 | \$7,133      | (\$1,047)         |
| 1,801 to 2,400                                    | \$6,351          | \$909        | \$7,260                 | \$8,341      | (\$1,081)         |
| 2,401 to 3,000                                    | \$7,232          | \$1,012      | \$8,244                 | \$8,941      | (\$697)           |
| 3,001 to 3,600                                    | \$7,926          | \$1,090      | \$9,016                 | \$8,941      | \$75              |
| over 3,601                                        | \$8,509          | \$1,153      | \$9,662                 | \$8,941      | \$721             |
| <b>Multifamily/ADU (per dwelling unit)</b>        |                  |              |                         |              |                   |
| Up to 750                                         | \$1,559          | \$464        | \$2,023                 | \$2,958      | (\$935)           |
| 751 to 1,300                                      | \$2,538          | \$650        | \$3,188                 | \$5,493      | (\$2,305)         |
| Over 1,300                                        | \$3,276          | \$719        | \$3,995                 | \$7,133      | (\$3,138)         |
| <b>Nonresidential (per 1,000 square feet)</b>     |                  |              |                         |              |                   |
| Commercial                                        | \$10,859         | \$795        | \$11,654                | \$10,885     | \$769             |
| Office & Other Services                           | \$6,341          | \$1,217      | \$7,558                 | \$8,019      | (\$461)           |
| Industrial                                        | \$2,849          | \$1,068      | \$3,917                 | \$2,588      | \$1,329           |

## GENERAL IMPACT FEE REQUIREMENTS

For local governments, the first step in evaluating funding options for transportation improvements is to determine basic options and requirements established by state law. Some states have more conservative legal parameters that basically restrict local government to specifically authorized actions. In contrast, “home-rule” states grant local governments broader powers that may or may not be precluded or preempted by state statutes depending on the circumstances and on the state’s particular laws. Home rule municipalities in Colorado, like Fort Collins, have the authority to impose impact fees based on both their home rule power granted in the Colorado Constitution and the impact fee enabling legislation enacted in 2001 by the Colorado General Assembly.

Impact fees (also known as capital expansion fees) are one-time payments imposed on new development that must be used solely to fund growth-related capital projects, typically called “system improvements”. An impact fee represents new growth’s proportionate share of capital facility needs. In contrast to project-level improvements, impact fees fund infrastructure that will benefit multiple development projects, or even the entire service area, as long as there is a reasonable relationship between the new development and the need for the growth-related infrastructure. Project-level improvements, typically specified in a development agreement, are usually limited to transportation improvements near a proposed development, such as ingress/egress lanes.

According to Colorado Revised Statute Section 29-20-104.5, impact fees must be legislatively adopted at a level no greater than necessary to defray impacts generally applicable to a broad class of property. The purpose of impact fees is to defray capital costs directly related to proposed development. The statutes of other states allow impact fee schedules to include administrative costs related to impact fees and the preparation of capital improvement plans, but this is not specifically authorized in Colorado’s statute. Impact fees do have limitations, and should not be regarded as the total solution for infrastructure funding. Rather, they are one component of a comprehensive portfolio to ensure adequate provision of public facilities. Because system improvements are larger and more costly, they may require bond financing and/or funding from other revenue sources. To be funded by impact fees, Section 29-20-104.5 requires that the capital improvements must have a useful life of at least five years. By law, impact fees can only be used for capital improvements, not operating or maintenance costs. Also, development impact fees cannot be used to repair or correct existing deficiencies in existing infrastructure.

### Impact Fee Methodologies

In contrast to project-level improvements, impact fees fund growth-related infrastructure that will benefit multiple development projects, or the entire jurisdiction (referred to as system improvements). There are three general methods for calculating one-time charges for public facilities needed to accommodate new development. The choice of a particular method depends primarily on the timing of infrastructure construction (past, concurrent, or future) and service characteristics of the facility type being addressed. Each method has advantages and disadvantages in a particular situation, and can be used simultaneously for different cost components.

Reduced to its simplest terms, the process of calculating infrastructure costs for new development involves two main steps: (1) determining the cost of development-related capital improvements and (2) allocating those costs equitably to various types of development. In practice, TCEF calculations can become quite complicated because of many variables involved in defining the relationship between development and the need for facilities within the designated service area. The following sections discuss three basic methods.

**COST RECOVERY (PAST IMPROVEMENTS)**

The rationale for recoupment, often called cost recovery, is that new development is paying for its share of the useful life and remaining capacity of facilities already built, or land already purchased, from which new growth will benefit. This methodology is often used for utility systems that must provide adequate capacity before new development can take place.

**INCREMENTAL EXPANSION (CONCURRENT IMPROVEMENTS)**

The incremental expansion method documents current level-of-service (LOS) standards for each type of public facility, using both quantitative and qualitative measures. New development is only paying its proportionate share for growth-related infrastructure needed to maintain current standards. Revenue will be used to expand or provide additional facilities, as needed to keep pace with new development.

**PLAN-BASED (FUTURE IMPROVEMENTS)**

The plan-based method allocates costs for a specified set of improvements to a specified amount of development. Improvements are typically identified in a capital improvements plan and development potential is identified by land use assumptions. There are two options for determining the cost per service unit: 1) total cost of a public facility can be divided by total service units (average cost), or 2) the growth-share of the capital facility cost can be divided by the net increase in service units over the planning timeframe (marginal cost).

**CREDITS**

Regardless of the methodology, a consideration of “credits” is integral to a legally defensible impact fee study. There are two types of “credits” with specific characteristics, both of which should be addressed in studies and ordinances.

First, a revenue credit might be necessary if there is a double payment situation and other revenues are contributing to the capital costs of infrastructure to be funded by TCEF revenue. This type of credit is integrated into the TCEF calculation, thus reducing the gross amount. In contrast to some studies that only provide general costs, with credits at the back-end of the analysis, Fort Collins’s transportation TCEF update uses growth shares to provide an up-front reduction in total costs. Also, the update provides TCEF revenue projections to verify that new development will fully fund the growth cost of future infrastructure (i.e., only TCEF revenue will pay for growth costs).

Second, a site-specific credit or developer reimbursement might be necessary for dedication of land or construction of system improvements to be funded by TCEF revenue. This type of credit is addressed in the administration and implementation of the TCEF program.

## TRANSPORTATION CAPITAL EXPANSION FEE – ROADWAY CAPACITY COMPONENT

The City of Fort Collins Transportation Capital Expansion Fees (TCEF) are calculated using an incremental approach for roadway capacity improvements. Transportation improvements that provide additional vehicular capacity, account for approximately 89 percent of the growth-related cost in the analysis while active modes represent 11 percent.

The roadway capacity component of the TCEF is derived from custom trip generation rates (see Appendix A – Land Use Assumptions), trip rate adjustment factors, and the capital cost per vehicle miles of travel (VMT). The latter is a function of average trip length, trip-length weighting factor by type of development, and the growth cost of transportation improvements.

### Existing Levels of Service for Transportation

There are currently 497 lane miles of arterial streets in the City of Fort Collins. The steps to calculate the current level of service for the City’s arterial street network involve calibrating existing development to the system network. To do so, development units by type are multiplied by adjusted vehicle trip ends per development unit. The factors used to calculate the current level of service expressed in vehicle miles of travel (VMT) are discussed below, and shown in Figure 5 after the discussion.

#### VEHICLE MILES OF TRAVEL

VMT is a measurement unit equal to one vehicle traveling one mile<sup>1</sup>. In the aggregate, VMT is the product of vehicle trips multiplied by the average trip length. For the TCEF update, the average trip length is calibrated to lane miles of existing City arterials within Fort Collins.

#### TRIP GENERATION RATES

The TCEF update is based on average weekday vehicle trip ends (AWVTE). For residential development, trip rates are customized using demographic data for Fort Collins, as documented in Appendix A – Land Use Assumptions. For nonresidential development, trip generation rates are from the reference book Trip Generation published by the Institute of Transportation Engineers (ITE 11<sup>th</sup> Edition, 2021). A vehicle trip end represents a vehicle either entering or exiting a development (as if a traffic counter were placed across a driveway). To calculate transportation fees, trip generation rates require an adjustment factor to avoid double counting each trip at both the origin and destination points. Therefore, the basic trip adjustment factor is 50 percent for industrial, institutional, and office development. As discussed further below, the TCEF methodology includes additional adjustments to make the fees proportionate to the infrastructure demand for particular types of development.

<sup>1</sup> Typical VMT calculations for development-specific traffic studies, along with most transportation models of an entire urban area, are derived from traffic counts on particular road segments multiplied by the length of that road segment. For the purpose of the TCEF study, VMT calculations are based on attraction (inbound) trips to development located in the service area, with trip length limited to the road network considered to be system improvements (arterials and collectors). This refinement eliminates pass-through or external- external trips, and travel on roads that are not system improvements (e.g., state highways).

**ADJUSTMENT FOR PASS-BY TRIPS**

For retail development, the trip adjustment factor is less than 50 percent because such development attract vehicles as they pass by on arterial roads. For example, when someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For the average shopping center, ITE indicates that 25 percent of the vehicles that enter are passing by on their way to some other primary destination. The remaining 75 percent of attraction trips have the commercial site as their primary destination. Because attraction trips are half of all trips, the trip adjustment factor is 75 percent multiplied by 50 percent, or approximately 38 percent of the trip ends.

**TRIP LENGTH WEIGHTING FACTOR BY TYPE OF LAND USE**

The transportation fee methodology includes a percentage adjustment, or weighting factor, to account for trip length variation by type of land use. TischlerBise derived the weighting factors using household survey results provided by North Front Range Metropolitan Planning Organization (NRFMPO, 2010). As shown in Figure 3, trips associated with residential development are approximately 110 percent of the average trip length. Conversely, trips associated with commercial development (i.e., retail and restaurants) are approximately 66 percent of the average trip length while other nonresidential development typically accounts for trips that are 100 percent of the average for all trips.

**Figure 3. Average Trip Length by Trip Purpose in North Front Range**

| Type of Development                 | Trip Purpose                             | Trips        | Average Miles Per Trip | Weighting Factor |             |
|-------------------------------------|------------------------------------------|--------------|------------------------|------------------|-------------|
| 1-Residential                       | All other at home activities             | 4,920        | 5.30                   | 3.469            |             |
| 1-Residential                       | Dropped off passenger                    | 566          | 4.36                   | 0.328            |             |
| 1-Residential                       | Picked up passenger                      | 557          | 3.47                   | 0.257            |             |
| 1-Residential                       | Indoor recreation/entertainment          | 516          | 4.80                   | 0.330            |             |
| 1-Residential                       | Change transportation mode               | 354          | 9.37                   | 0.441            |             |
| 1-Residential                       | Outdoor recreation/entertainment         | 254          | 6.60                   | 0.223            |             |
| 1-Residential                       | Service private vehicle                  | 160          | 5.44                   | 0.116            |             |
| 1-Residential                       | Working at home                          | 127          | 4.06                   | 0.069            |             |
| 1-Residential                       | Loop Trip and Other travel related       | 55           | 2.71                   | 0.020            |             |
| 1-Residential                       | School at home                           | 7            | 2.03                   | 0.002            |             |
| <b>1-Residential Total</b>          |                                          | <b>7,516</b> |                        | <b>5.255</b>     | <b>1.10</b> |
| 2-Retail/Restaurant                 | Routine shopping                         | 1,236        | 2.76                   | 1.571            |             |
| 2-Retail/Restaurant                 | Eat meal outside home                    | 577          | 3.10                   | 0.824            |             |
| 2-Retail/Restaurant                 | Other                                    | 180          | 5.37                   | 0.445            |             |
| 2-Retail/Restaurant                 | Major purchase / specialty item          | 91           | 6.15                   | 0.258            |             |
| 2-Retail/Restaurant                 | Drive through                            | 88           | 1.80                   | 0.073            |             |
| <b>2-Retail/Restaurant Total</b>    |                                          | <b>2,172</b> |                        | <b>3.170</b>     | <b>0.66</b> |
| 3-Other Nonresidential              | Attend a class                           | 790          | 2.59                   | 0.756            |             |
| 3-Other Nonresidential              | Work/business related                    | 618          | 8.48                   | 1.937            |             |
| 3-Other Nonresidential              | Errands (bank, dry cleaning, etc.)       | 475          | 2.34                   | 0.411            |             |
| 3-Other Nonresidential              | Personal business (attorney, accountant) | 241          | 5.50                   | 0.490            |             |
| 3-Other Nonresidential              | Health care                              | 224          | 6.39                   | 0.529            |             |
| 3-Other Nonresidential              | Civic/religious                          | 196          | 5.13                   | 0.372            |             |
| 3-Other Nonresidential              | Other activities at school               | 92           | 3.72                   | 0.126            |             |
| 3-Other Nonresidential              | All other activities at work             | 70           | 5.82                   | 0.151            |             |
| <b>3-Other Nonresidential Total</b> |                                          | <b>2,706</b> |                        | <b>4.771</b>     | <b>1.00</b> |
|                                     |                                          | <b>TOTAL</b> | <b>12,394</b>          | <b>4.784</b>     |             |

Data Source: Table R-27, NRFMPO Household Survey, 2010. Analysis excludes "Visit friends/relatives" because the average distance of 22.43 miles traveled is an outlier, approximately four times the overall average. "Work/job" travel was also excluded because trip origins and destinations can not be allocated between residential and type of nonresidential development.

**LANE CAPACITY**

The TCEF roadway capacity component is based on established daily per lane capacities for arterial roads. According to City staff, arterial roads were established to have a daily per lane capacity of 7,700, assuming 12 feet travel lanes, with no additional shoulder width, in an urban area.

**AVERAGE VEHICLE TRIP LENGTH**

The City of Fort Collins recently completed a travel diary study which surveyed residents on their daily travel including modes, distance, and purpose. Based on the results of the study, the average vehicle trip length in Fort Collins is 4.90 miles.

**ORIGIN & DESTINATION TRIP ANALYSIS**

Lastly, there is a demand on Fort Collins transportation network that is not associated with any development within city limits. Specifically, there are vehicle trips that originate and end outside of Fort Collins. The nature of these trips means there is a demand that is not Fort Collins growth-related thus not eligible for TCEF funding. Therefore, TischlerBise partnered with transportation engineers at Felsburg Holt & Ullevig to identify the thru-trips (external – external) in Fort Collins. Based on analysis of the Fort Collins travel demand model, seven percent of trips were identified as external – external. As a result, a seven percent reduction is included in the demand calculation.

**Figure 4. Origin & Destination Trip Analysis**

| Origin/Destination | Internal | External |
|--------------------|----------|----------|
| Internal           | 50%      | 15%      |
| External           | 28%      | 7%       |

Source: Felsburg Holt & Ullevig analysis of Fort Collins travel demand model

**Development Prototypes and Projected Vehicle Miles of Travel**

The relationship between the amount of development within Fort Collins and vehicle miles of travel (VMT) is documented in Figure 5. In the table below DU means dwelling unit; KSF means 1,000 square feet of nonresidential development; Institute of Transportation Engineers is abbreviated ITE; VTE means vehicle trip ends. Trip generation rates by bedroom range are documented in Appendix A – Land Use Assumptions.

Projected development over the next ten years and the corresponding need for additional lane miles is shown in the lower section of Figure 5. Fort Collins has a current infrastructure standard of 1.62 arterial lane miles per 10,000 VMT. Based on the detailed demand factors and projected growth, VMT is projected to increase from 3.06 million to 3.5 million over the next ten years (or 14 percent). To accommodate projected development over the next ten years, Fort Collins will need 57.6 additional lane miles of complete streets to maintain current levels of service.

Figure 5. Projected VMT Increase to Development within Fort Collins

| <i>Development Type</i>            | <i>Weekday VTE</i>    | <i>Development Unit</i> | <i>Primary Trip Adjustment</i> | <i>Trip Length Wtg Factor</i> |                         |               |                |                         |  |
|------------------------------------|-----------------------|-------------------------|--------------------------------|-------------------------------|-------------------------|---------------|----------------|-------------------------|--|
| Single Family Units                | 9.48                  | DU                      | 58%                            | 1.10                          |                         |               |                |                         |  |
| Multifamily Units                  | 6.12                  | DU                      | 58%                            | 1.10                          |                         |               |                |                         |  |
| Commercial                         | 37.01                 | KSF                     | 38%                            | 0.66                          |                         |               |                |                         |  |
| Office & Other Services            | 10.84                 | KSF                     | 50%                            | 1.00                          |                         |               |                |                         |  |
| Industrial                         | 4.87                  | KSF                     | 50%                            | 1.00                          |                         |               |                |                         |  |
| Avg Trip Length (miles) [1]        | 4.90                  |                         |                                |                               |                         |               |                |                         |  |
| Vehicle Capacity Per Lane          | 7,700                 |                         |                                |                               |                         |               |                |                         |  |
|                                    |                       |                         |                                |                               | <i>5-Year Increment</i> |               |                |                         |  |
| <b>Fort Collins Travel Model</b>   | <b>Base Year 2023</b> | <b>1 2024</b>           | <b>2 2025</b>                  | <b>3 2026</b>                 | <b>4 2027</b>           | <b>5 2028</b> | <b>10 2033</b> | <b>10-Year Increase</b> |  |
| Single Family Units                | 47,183                | 47,769                  | 48,354                         | 49,009                        | 49,663                  | 50,318        | 54,271         | 7,087                   |  |
| Multifamily Units                  | 25,406                | 26,087                  | 26,768                         | 27,529                        | 28,291                  | 29,052        | 33,649         | 8,243                   |  |
| Commercial KSF                     | 10,024                | 10,060                  | 10,097                         | 10,135                        | 10,173                  | 10,211        | 10,393         | 370                     |  |
| Office & Other Services KSF        | 21,999                | 22,215                  | 22,430                         | 22,627                        | 22,823                  | 23,019        | 23,950         | 1,951                   |  |
| Industrial KSF                     | 10,944                | 10,979                  | 11,014                         | 11,049                        | 11,083                  | 11,117        | 11,378         | 434                     |  |
| Single Family Trips                | 259,433               | 262,651                 | 265,870                        | 269,469                       | 273,068                 | 276,667       | 298,402        | 38,969                  |  |
| Multifamily Trips                  | 90,183                | 92,599                  | 95,015                         | 97,718                        | 100,420                 | 103,123       | 119,442        | 29,259                  |  |
| Commercial Trips                   | 140,970               | 141,485                 | 142,000                        | 142,535                       | 143,071                 | 143,607       | 146,169        | 5,199                   |  |
| Office & Other Services Trips      | 119,232               | 120,403                 | 121,573                        | 122,637                       | 123,700                 | 124,764       | 129,808        | 10,576                  |  |
| Industrial Trips                   | 26,650                | 26,735                  | 26,820                         | 26,904                        | 26,987                  | 27,071        | 27,706         | 1,057                   |  |
| Total Inbound Vehicle Trips        | 636,467               | 643,873                 | 651,278                        | 659,263                       | 667,247                 | 675,231       | 721,527        | 85,060                  |  |
| Vehicle Miles of Travel (VMT)      | 3,055,146             | 3,093,335               | 3,131,525                      | 3,172,844                     | 3,214,163               | 3,255,483     | 3,496,709      | 441,563                 |  |
| Arterial Lane Miles                | 497                   | 502.0                   | 507.0                          | 512.4                         | 517.8                   | 523.2         | 554.6          | 57.6                    |  |
| <b>Ten-Year VMT Increase =&gt;</b> |                       |                         |                                |                               |                         |               |                | <b>14%</b>              |  |

### Capital Cost per Vehicle Miles of Travel

As indicated by the travel demand model above, there is a need for 57.6 new lane miles to continue providing the current level of service to projected future demand. Furthermore, seven percent of the demand on the Fort Collins transportation network is from external – external trips. As a result, 53.2 miles is attributed to future growth in Fort Collins (57.6 lane miles x [1 - 0.07] = 53.2 lane miles).

Additionally, Fort Collins staff estimates the construction cost of a new lane mile being \$2,000,500. By combining the projected need in lane miles and cost per lane mile results in a growth-related capital cost per \$107.5 million. Over the next ten years, there is a projected increase of 441,563 VMT. Comparing the growth-related capital cost and growth in VMT, the study finds a capital cost of \$243.38 per VMT (\$107,468,000 / 441,563 VMT = \$243.38 per VMT, rounded).

**Figure 6. Capital Cost per VMT**

|                                                         |                 |
|---------------------------------------------------------|-----------------|
| 10-Year Need in Roadway Lane Miles                      | 57.6            |
| Lane Miles Attributed to External - External Trips (7%) | 4.0             |
| <b>Fort Collins 10-Year Growth-Related Lane Miles</b>   | <b>53.6</b>     |
|                                                         |                 |
| Construction Cost per Lane Mile                         | \$2,005,000     |
| Fort Collins Growth-Related Construction Cost           | \$107,468,000   |
| 10-Year Increase in Vehicle Miles Traveled (VMT)        | 441,563         |
| <b>Capital Cost per VMT</b>                             | <b>\$243.38</b> |

### Vehicle Trip Ends by Housing Type and Square Footage of Unit

The TCEF update includes adjusting the size groupings and adding three housing types into the residential fee schedule. The adjustment to size groupings is to be consistent with Larimer County’s TCEF program along with improving the demand estimate for smaller and larger sized homes. The City is pursuing assessing the TCEF by housing type as well to further the proportionality of the fee and address equity concerns. Figure 7 summarizes the vehicle trip end rates for single family detached, single family attached, and multifamily development by square footage. Details on the calculations to estimate the vehicle trip ends can be found in Appendix A – Land Use Assumptions.

**Figure 7. Vehicle Trip Ends for Residential Development**

| Vehicle Trip Ends per Unit           |             |             |                                      |             |
|--------------------------------------|-------------|-------------|--------------------------------------|-------------|
| Square Feet of Finished Living Space | SF Detached | SF Attached | Square Feet of Finished Living Space | Multifamily |
| less than 900                        | 4.43        | 3.38        | Up to 750                            | 2.09        |
| 901 to 1,300                         | 7.20        | 5.50        | 751 to 1,300                         | 3.40        |
| 1,301 to 1,800                       | 9.29        | 7.09        | Over 1,300                           | 4.39        |
| 1,801 to 2,400                       | 11.15       | 8.51        |                                      |             |
| 2,401 to 3,000                       | 12.69       | 9.69        |                                      |             |
| 3,001 to 3,600                       | 13.91       | 10.62       |                                      |             |
| over 3,601                           | 14.93       | 11.40       |                                      |             |

Source: American Community Survey, Public Use Microdata; [Trip Generation](#), Institute of Transportation Engineers, 11th Edition (2021); TischlerBise analysis

## Revenue Credit Evaluation

A credit for other revenues is only necessary if there is potential double payment for system improvements. In Fort Collins, Road & Bridge Fund property taxes and gas tax revenue will be used for maintenance of existing facilities, correcting existing deficiencies, and for capital projects that are not TCEF system improvements. As shown later in Figure 9, TCEF revenue over the next ten years mitigates the growth-related share of the roadway capacity needs. Thus, there is no potential double payment from other revenues to fund the growth cost of roadway capacity projects.

Importantly, seven percent of the future need is attributed to external – external trips which represents \$8 million. This is not attributed to Fort Collins development, thus, it is not eligible for TCEF funding nor is a credit necessary for the revenue. Fort Collins will have to identify other revenues (i.e., grants) to support this external cost.

## Inflation Adjustment

Lastly, given that much of this study was completed in 2023 and based on the inventory of data at that time, an inflationary factor is applied to align with 2025 costs. Consistent with the City’s annual inflation adjustment applied during the interim years between TCEF study updates, the inflationary factor applied to the results is the Engineering News-Record (ENR) Denver Construction Cost Index (CCI). Between August 2023 and August 2025, the CCI has decreased by 1.9 percent. The negative inflation (or deflation) factor has been incorporated to account for the overall change in infrastructure costs during the study period. Details on the CCI index can be found at the end of this report.

## Input Variables for TCEF – Roadway Capacity

A summary of inputs for the roadway capacity component of the TCEF program are detailed in Figure 8. Residential fees are based on the housing type (single family detached, single family attached, and multifamily/ADU) and square footage of the dwelling unit. While there are three nonresidential development types in the fee schedule (consistent with the current Fort Collins TCEF schedule) which are assessed the fee based on 1,000 square feet of development.

Shown in Figure 8, unadjusted TCEF amount is found by multiplying the cost per VMT and VMT demand factor by land use type. The inflation factor (-1.90 percent) is applied to the unadjusted amount to find the maximum supportable fee. For example, the roadway component for a 2,200 square foot single family detached housing unit is \$8,323 (34.86 VMT per unit x \$243.38 per VMT x [1 - .019] = \$8,323 per unit).

The fees represent the highest supportable amount for each type of applicable land use and represent new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in TCEF revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 8. Maximum Supportable TCEF – Roadway Capacity

| Fee Component      | Cost per VMT    |
|--------------------|-----------------|
| Roadway Capacity   | \$243.38        |
| <b>Gross Total</b> | <b>\$243.38</b> |
| <b>Net Total</b>   | <b>\$243.38</b> |

| Square Feet of Finished Living Space              | VMT per Unit | Unadjusted TCEF (2025) | 2023 Inflation Factor | Maximum Supportable Fee |
|---------------------------------------------------|--------------|------------------------|-----------------------|-------------------------|
| <b>Single Family Detached (per dwelling unit)</b> |              |                        |                       |                         |
| less than 900                                     | 13.85        | \$3,371                | -1.90%                | \$3,307                 |
| 901 to 1,300                                      | 22.51        | \$5,478                | -1.90%                | \$5,374                 |
| 1,301 to 1,800                                    | 29.04        | \$7,068                | -1.90%                | \$6,934                 |
| 1,801 to 2,400                                    | 34.86        | \$8,484                | -1.90%                | \$8,323                 |
| 2,401 to 3,000                                    | 39.67        | \$9,655                | -1.90%                | \$9,472                 |
| 3,001 to 3,600                                    | 43.49        | \$10,585               | -1.90%                | \$10,384                |
| over 3,601                                        | 46.67        | \$11,359               | -1.90%                | \$11,143                |
| <b>Single Family Attached (per dwelling unit)</b> |              |                        |                       |                         |
| less than 900                                     | 10.57        | \$2,573                | -1.90%                | \$2,524                 |
| 901 to 1,300                                      | 17.19        | \$4,184                | -1.90%                | \$4,105                 |
| 1,301 to 1,800                                    | 22.16        | \$5,393                | -1.90%                | \$5,291                 |
| 1,801 to 2,400                                    | 26.60        | \$6,474                | -1.90%                | \$6,351                 |
| 2,401 to 3,000                                    | 30.29        | \$7,372                | -1.90%                | \$7,232                 |
| 3,001 to 3,600                                    | 33.20        | \$8,080                | -1.90%                | \$7,926                 |
| over 3,601                                        | 35.64        | \$8,674                | -1.90%                | \$8,509                 |
| <b>Multifamily/ADU (per dwelling unit)</b>        |              |                        |                       |                         |
| Up to 750                                         | 6.53         | \$1,589                | -1.90%                | \$1,559                 |
| 751 to 1,300                                      | 10.63        | \$2,587                | -1.90%                | \$2,538                 |
| Over 1,300                                        | 13.72        | \$3,339                | -1.90%                | \$3,276                 |

| Development Type                              | VMT per KSF | Unadjusted TCEF (2025) | 2023 Inflation Factor | Maximum Supportable Fee |
|-----------------------------------------------|-------------|------------------------|-----------------------|-------------------------|
| <b>Nonresidential (per 1,000 square feet)</b> |             |                        |                       |                         |
| Commercial                                    | 45.48       | \$11,069               | -1.90%                | \$10,859                |
| Office & Other Services                       | 26.56       | \$6,464                | -1.90%                | \$6,341                 |
| Industrial                                    | 11.93       | \$2,904                | -1.90%                | \$2,849                 |

### Revenue Projection from the Maximum Supportable Fee Amounts

This section summarizes the potential cash flow to the City of Fort Collin if the TCEF is implemented at the maximum supportable amounts. The cash flow projections are based on the assumptions detailed in this chapter and the development projections discussed in Appendix A – Land Use Assumptions.

At the top of Figure 9, the cost of growth over the next ten years is listed. The summary provides an indication of the TCEF revenue generated by new development. Since the residential fee schedule structure has been adjusted to account for housing type and square footage, the fee amounts used in the revenue projections are based on VMT averages for single family and multifamily units in Fort Collins. Shown at the bottom of the figure, the maximum supportable TCEF is estimated to generate \$106 million in revenue compared to the inflation adjusted growth-related cost of \$106 million and a total cost of \$115.5 million. The remaining funding gap represents the external – external share of future demand on the transportation network.

**Figure 9. Projected Revenue from Maximum Supportable TCEF – Roadway Capacity**

**Infrastructure Costs for Transportation Facilities**

|                           | Total Cost           | Growth Cost          | Inflation Adj. Cost  |
|---------------------------|----------------------|----------------------|----------------------|
| Roadway Capacity          | \$115,488,000        | \$107,468,000        | \$105,426,108        |
| <b>Total Expenditures</b> | <b>\$115,488,000</b> | <b>\$107,468,000</b> | <b>\$105,426,108</b> |

**Projected Development Impact Fee Revenue**

|                   |      | Single Family<br>\$9,472<br>per unit | Multifamily<br>\$2,538<br>per unit | Commercial<br>\$10,859<br>per KSF | Office<br>\$6,341<br>per KSF | Industrial<br>\$2,849<br>per KSF                               |
|-------------------|------|--------------------------------------|------------------------------------|-----------------------------------|------------------------------|----------------------------------------------------------------|
| Year              |      | Housing Units                        | Housing Units                      | KSF                               | KSF                          | KSF                                                            |
| Base              | 2023 | 47,183                               | 25,406                             | 10,024                            | 21,999                       | 10,944                                                         |
| 1                 | 2024 | 47,769                               | 26,087                             | 10,060                            | 22,215                       | 10,979                                                         |
| 2                 | 2025 | 48,354                               | 26,768                             | 10,097                            | 22,430                       | 11,014                                                         |
| 3                 | 2026 | 49,009                               | 27,529                             | 10,135                            | 22,627                       | 11,049                                                         |
| 4                 | 2027 | 49,663                               | 28,291                             | 10,173                            | 22,823                       | 11,083                                                         |
| 5                 | 2028 | 50,318                               | 29,052                             | 10,211                            | 23,019                       | 11,117                                                         |
| 6                 | 2029 | 50,972                               | 29,813                             | 10,249                            | 23,215                       | 11,152                                                         |
| 7                 | 2030 | 51,627                               | 30,575                             | 10,287                            | 23,412                       | 11,186                                                         |
| 8                 | 2031 | 52,508                               | 31,599                             | 10,323                            | 23,591                       | 11,250                                                         |
| 9                 | 2032 | 53,389                               | 32,624                             | 10,358                            | 23,770                       | 11,314                                                         |
| 10                | 2033 | 54,271                               | 33,649                             | 10,393                            | 23,950                       | 11,378                                                         |
| Ten-Year Increase |      | 7,087                                | 8,243                              | 370                               | 1,951                        | 434                                                            |
| Projected Revenue |      | \$67,131,272                         | \$20,920,437                       | \$4,014,456                       | \$12,373,080                 | \$1,236,356                                                    |
|                   |      |                                      |                                    |                                   |                              | <b>Projected Revenue</b> <u><b>\$105,676,000</b></u>           |
|                   |      |                                      |                                    |                                   |                              | <b>Total Expenditures</b> <u><b>\$115,488,000</b></u>          |
|                   |      |                                      |                                    |                                   |                              | <b>Non-Impact Fee Funding</b> <u><u><b>\$9,812,000</b></u></u> |

**TRANSPORTATION CAPITAL EXPANSION FEE – ACTIVE MODES COMPONENT**

The City of Fort Collins TCEF are calculated using a plan-based approach for active mode expansions. Transportation improvements that provide additional vehicular capacity, account for approximately 89 percent of the growth-related cost in the analysis while active modes represent 11 percent.

The active modes component of the TCEF is based on the demand from residential and nonresidential development and is allocated based on the percentage of commuters who walk or bike to work. Person per housing unit and employee density factors are then applied to find the proportionate demand from the development types.

**Active Modes Capital Plan**

The 2022 Active Modes Plan is the guiding document for the capital expansion plans for bike and pedestrian infrastructure in Fort Collins. The Plan identified High, Medium, and Low priority/readiness projects needed in the coming future to address existing demand and future demand from development. Since the TCEF study examines infrastructure needs over the next ten years, City staff has advised that the high and medium project lists are a realistic plan over that planning horizon. Between the two lists there are 200 projects ranging from small spot treatments addressing signage and side paths to extensive separated bike lane expansion projects. Pages from the Plan listing the projects are provided in the appendix of this report.<sup>2</sup> Overall, the capital plans for active mode expansion totals \$93,789,000 (adjusting for inflation) over the next ten years.

**Persons per Housing Unit by Housing Type and Square Footage**

The TCEF update includes adjusting the size groupings and adding three housing types into the residential fee schedule. The adjustment to size groupings is to be consistent with Larimer County’s TCEF program along with improving the demand estimate for smaller and larger sized homes. The City is pursuing assessing the TCEF by housing type as well to further the proportionality of the fee and address equity concerns. Figure 10 summarizes the persons per housing unit (PPHU) for single family detached, single family attached, and multifamily development by square footage. Details on the calculations to estimate the PPHU can be found in Appendix A – Land Use Assumptions.

**Figure 10. Persons per Housing Unit for Residential Development**

| Persons per Housing Unit        |             |             |                                 |             |
|---------------------------------|-------------|-------------|---------------------------------|-------------|
| Square Footage per Housing Unit | SF Detached | SF Attached | Square Footage per Housing Unit | Multifamily |
| 900 and less                    | 2.34        | 1.86        | Up to 750                       | 1.49        |
| 901 to 1,300                    | 2.54        | 2.14        | 751 to 1,300                    | 2.09        |
| 1,301 to 1,800                  | 2.84        | 2.55        | Over 1,300                      | 2.31        |
| 1,801 to 2,400                  | 3.10        | 2.92        |                                 |             |
| 2,401 to 3,000                  | 3.33        | 3.25        |                                 |             |
| 3,001 to 3,600                  | 3.51        | 3.50        |                                 |             |
| over 3,601                      | 3.65        | 3.70        |                                 |             |

Source: 2023 American Housing Survey, Division 8 (Mountain Region), U.S. Census Bureau; Economic & Planning Systems

<sup>2</sup> The Active Modes Plan can be found at <https://www.fcgov.com/fcmoves/active-modes-plan>.

### Active Modes Capital Plan Cost Analysis

Based on the projected growth in demand on the Fort Collins transportation network, 14 percent (\$13.1 million) of the total capital cost of the High and Medium priority projects in the Active Modes Plan is attributed to development over the next ten years. As shown in Figure 11, the cost is allocated to residential and nonresidential demand based on the data from the Travel Diary Study Report (2022). From the survey, 22 percent of commuters in Fort Collins use active modes to travel to work. This factor is used to allocate the active modes capital cost to nonresidential demand while the remaining 78 percent is allocated to residential demand. The allocated costs are compared to the 10-year projected increase in population and jobs to find capital cost per unit factors. For example, the capital cost per person is \$317.46 ( $\$13,130,508 \times 78 \text{ percent} / 32,262 \text{ population increase} = \$317.46 \text{ per person}$ ).

**Figure 11. Active Modes Cost Analysis**

|                                          |                     |  |
|------------------------------------------|---------------------|--|
| High and Medium Priority Projects (2022) | \$87,554,000        |  |
| Inflation Since 2022 (ENR CCI)           | 7.12%               |  |
| <b>Current Estimated Cost</b>            | <b>\$93,789,345</b> |  |

|                                                 |                     |  |
|-------------------------------------------------|---------------------|--|
| Current Estimated Cost                          | \$93,789,345        |  |
| Growth-Share of Project List                    | 14%                 |  |
| <b>Growth-Related Cost of Active Modes Plan</b> | <b>\$13,130,508</b> |  |

|                                    | <i>Residential</i> | <i>Nonresidential</i> |
|------------------------------------|--------------------|-----------------------|
| Proportionate Share [1]            | 78.0%              | 22.0%                 |
| Attributed Capital Cost            | \$10,241,796       | \$2,888,712           |
| 10-Year Population/Jobs Increase   | 32,262             | 7,580                 |
| <b>Capital Cost per Person/Job</b> | <b>\$317.46</b>    | <b>\$381.12</b>       |

[1] Source: Fort Collins Travel Diary Study Report (2022)

### Revenue Credit Evaluation

A credit for other revenues is only necessary if there is potential double payment for system improvements. In Fort Collins, there are general revenues and grants for maintenance of existing facilities and addressing existing demand. However, there are no other revenues available to address future demand on active mode infrastructure. As shown later in Figure 13, TCEF revenue over the next ten years mitigates the growth-related share of the active modes plan. Thus, there is no potential double payment from other revenues to fund the growth cost of active modes projects.

### Inflation Adjustment

Lastly, given that much of this study was completed in 2023 and based on the inventory of data at that time, an inflationary factor is applied to align with 2025 costs. Consistent with the City’s annual inflation adjustment applied during the interim years between TCEF study updates, the inflationary factor applied to the results is the Engineering News-Record (ENR) Denver Construction Cost Index (CCI). Between August 2023 and August 2025, the CCI has decreased by 1.9 percent. The negative inflation (or deflation) factor has been incorporated to account for the overall change in infrastructure costs during the study period. Details on the CCI index can be found at the end of this report.

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### Input Variables for TCEF – Active Modes

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A summary of inputs for the active modes component of the TCEF program is detailed in Figure 12. Residential fees are based on the housing type and the square footage of the dwelling unit. While there are three nonresidential development types in the fee schedule (consistent with the current Fort Collins TCEF schedule).

Shown in Figure 12, the unadjusted TCEF amount is found by multiplying the cost per person/job and demand factor by land use type. The inflation factor (-1.90 percent) is applied to the unadjusted amount to find the maximum supportable fee. For example, the active modes component for a 2,200 square foot single family detached housing unit is \$965 (3.10 persons per unit x \$317.46 per person x [1 - .019] = \$965 per unit).

The fees represent the highest supportable amount for each type of applicable land use and represent new growth’s fair share of the cost for capital facilities. The City may adopt fees that are less than the amounts shown. However, a reduction in TCEF revenue will necessitate an increase in other revenues, a decrease in planned capital expenditures, and/or a decrease in levels of service.

Figure 12. Maximum Supportable TCEF – Active Modes

| Fee Component      | Cost per Person | Cost per Job    |
|--------------------|-----------------|-----------------|
| Active Modes       | \$317.46        | \$381.12        |
| <b>Gross Total</b> | <b>\$317.46</b> | <b>\$381.12</b> |
| <b>Net Total</b>   | <b>\$317.46</b> | <b>\$381.12</b> |

| Square Feet of Finished Living Space              | Persons per Unit | Unadjusted TCEF (2025) | 2023 Inflation Factor | Maximum Supportable Fee |
|---------------------------------------------------|------------------|------------------------|-----------------------|-------------------------|
| <b>Single Family Detached (per dwelling unit)</b> |                  |                        |                       |                         |
| less than 900                                     | 2.34             | \$743                  | -1.90%                | \$729                   |
| 901 to 1,300                                      | 2.54             | \$806                  | -1.90%                | \$791                   |
| 1,301 to 1,800                                    | 2.84             | \$902                  | -1.90%                | \$885                   |
| 1,801 to 2,400                                    | 3.10             | \$984                  | -1.90%                | \$965                   |
| 2,401 to 3,000                                    | 3.33             | \$1,057                | -1.90%                | \$1,037                 |
| 3,001 to 3,600                                    | 3.51             | \$1,114                | -1.90%                | \$1,093                 |
| over 3,601                                        | 3.65             | \$1,159                | -1.90%                | \$1,137                 |
| <b>Single Family Attached (per dwelling unit)</b> |                  |                        |                       |                         |
| less than 900                                     | 1.86             | \$590                  | -1.90%                | \$579                   |
| 901 to 1,300                                      | 2.14             | \$679                  | -1.90%                | \$666                   |
| 1,301 to 1,800                                    | 2.55             | \$810                  | -1.90%                | \$795                   |
| 1,801 to 2,400                                    | 2.92             | \$927                  | -1.90%                | \$909                   |
| 2,401 to 3,000                                    | 3.25             | \$1,032                | -1.90%                | \$1,012                 |
| 3,001 to 3,600                                    | 3.50             | \$1,111                | -1.90%                | \$1,090                 |
| over 3,601                                        | 3.70             | \$1,175                | -1.90%                | \$1,153                 |
| <b>Multifamily/ADU (per dwelling unit)</b>        |                  |                        |                       |                         |
| Up to 750                                         | 1.49             | \$473                  | -1.90%                | \$464                   |
| 751 to 1,300                                      | 2.09             | \$663                  | -1.90%                | \$650                   |
| Over 1,300                                        | 2.31             | \$733                  | -1.90%                | \$719                   |

| Development Type                              | Jobs per KSF | Unadjusted TCEF (2025) | 2023 Inflation Factor | Maximum Supportable Fee |
|-----------------------------------------------|--------------|------------------------|-----------------------|-------------------------|
| <b>Nonresidential (per 1,000 square feet)</b> |              |                        |                       |                         |
| Commercial                                    | 2.12         | \$810                  | -1.90%                | \$795                   |
| Office & Other Services                       | 3.26         | \$1,241                | -1.90%                | \$1,217                 |
| Industrial                                    | 2.86         | \$1,089                | -1.90%                | \$1,068                 |

**Revenue Projection from the Maximum Supportable Fee Amounts**

This section summarizes the potential cash flow to the City of Fort Collins if the TCEF is implemented at the maximum supportable amounts. The cash flow projections are based on the assumptions detailed in this chapter and the development projections discussed in Appendix A – Land Use Assumptions.

At the top of Figure 13, the cost of growth over the next ten years is listed. The summary provides an indication of the TCEF revenue generated by new development. Since the residential fee schedule structure has been adjusted to account for housing type and square footage, the fee amounts used in the revenue projections are based on persons per housing unit averages for single family and multifamily units in Fort Collins. Shown at the bottom of the figure, the maximum supportable TCEF is estimated to generate \$13 million in revenue while there is a growth-related cost of \$13 million, offsetting all growth-related costs. The remaining funding gap represents the existing demand in Fort Collins and will be funded through other revenues.

**Figure 13. Projected Revenue from Maximum Supportable TCEF – Active Modes Component**

|                           | Total Cost          | Growth Cost         | Inflation Adj. Cost |
|---------------------------|---------------------|---------------------|---------------------|
| Active Modes              | \$93,789,345        | \$13,130,508        | \$12,881,029        |
| <b>Total Expenditures</b> | <b>\$93,789,345</b> | <b>\$13,130,508</b> | <b>\$12,881,029</b> |

**Projected Development Impact Fee Revenue**

|                               |      | Single Family<br>\$791<br>per unit | Multifamily<br>\$539<br>per unit | Commercial<br>\$795<br>per KSF | Office<br>\$1,217<br>per KSF | Industrial<br>\$1,068<br>per KSF |
|-------------------------------|------|------------------------------------|----------------------------------|--------------------------------|------------------------------|----------------------------------|
| Year                          |      | Housing Units                      | Housing Units                    | KSF                            | KSF                          | KSF                              |
| Base                          | 2023 | 47,183                             | 25,406                           | 10,024                         | 21,999                       | 10,944                           |
| 1                             | 2024 | 47,769                             | 26,087                           | 10,060                         | 22,215                       | 10,979                           |
| 2                             | 2025 | 48,354                             | 26,768                           | 10,097                         | 22,430                       | 11,014                           |
| 3                             | 2026 | 49,009                             | 27,529                           | 10,135                         | 22,627                       | 11,049                           |
| 4                             | 2027 | 49,663                             | 28,291                           | 10,173                         | 22,823                       | 11,083                           |
| 5                             | 2028 | 50,318                             | 29,052                           | 10,211                         | 23,019                       | 11,117                           |
| 6                             | 2029 | 50,972                             | 29,813                           | 10,249                         | 23,215                       | 11,152                           |
| 7                             | 2030 | 51,627                             | 30,575                           | 10,287                         | 23,412                       | 11,186                           |
| 8                             | 2031 | 52,508                             | 31,599                           | 10,323                         | 23,591                       | 11,250                           |
| 9                             | 2032 | 53,389                             | 32,624                           | 10,358                         | 23,770                       | 11,314                           |
| 10                            | 2033 | 54,271                             | 33,649                           | 10,393                         | 23,950                       | 11,378                           |
| Ten-Year Increase             |      | 7,087                              | 8,243                            | 370                            | 1,951                        | 434                              |
| Projected Revenue             |      | \$5,606,282                        | \$4,441,025                      | \$293,903                      | \$2,374,710                  | \$463,471                        |
| <b>Projected Revenue</b>      |      |                                    |                                  |                                |                              | <b>\$13,179,000</b>              |
| <b>Total Expenditures</b>     |      |                                    |                                  |                                |                              | <b>\$93,789,000</b>              |
| <b>Non-Impact Fee Funding</b> |      |                                    |                                  |                                |                              | <b>\$80,610,000</b>              |

**INFLATION ADJUSTMENT FACTOR**

The City of Fort Collins annually updates the TCEF fee schedule to account for inflation in construction costs. The inflationary factor used is the Engineering News-Record (ENR) Denver Construction Cost Index (CCI). The CCI compares the historical cost of construction labor, steel, cement, and lumber. Given that much of this study was completed in 2023 and based on the inventory of data at that time, an inflationary factor is applied to align with 2025 costs. Between August 2023 and August 2025, the CCI has decreased by 1.9 percent (  $[9,190 / 9,368] - 1 = -0.019$ ). The negative inflation (or deflation) factor has been incorporated to account for the overall change in infrastructure costs during the study period.

**Figure 14. Inflation Adjustment Factor**

| Inflation Factor | August '23 | August '24 | August '25 | Change |
|------------------|------------|------------|------------|--------|
| Denver CCI Index | 9,368      | 9,543      | 9,190      | -1.90% |

Source: Engineering News-Record

## IMPLEMENTATION AND ADMINISTRATION

Development impact fees (in this case TCEF) should be periodically evaluated and updated to reflect recent data. Fort Collins has consistently annually updated the TCEF schedule based on local inflation data. If cost estimates or demand indicators change significantly, the City should redo the fee calculations.

Colorado’s enabling legislation allows local governments to “waive an impact fee or other similar development charge on the development of low- or moderate-income housing, or affordable employee housing, as defined by the local government.”

### Credits and Reimbursements

A general requirement that is common to impact fee methodologies is the evaluation of credits. A revenue credit may be necessary to avoid potential double payment situations arising from one-time impact fees plus on-going payment of other revenues that may also fund growth-related capital improvements. The determination of revenue credits is dependent upon the impact fee methodology used in the cost analysis and local government policies.

Policies and procedures related to site-specific credits should be addressed in the resolution or ordinance that establishes the impact fees. Project-level improvements, required as part of the development approval process, are not eligible for credits against impact fees. If a developer constructs a system improvement included in the fee calculations, it will be necessary to either reimburse the developer or provide a credit against the fees due from that particular development. The latter option is more difficult to administer because it creates unique fees for specific geographic areas.

Based on national experience, TischlerBise typically recommends reimbursement agreements with developers that construct system improvements. The reimbursement agreement should be limited to a payback period of no more than ten years and the City should not pay interest on the outstanding balance. The developer must provide sufficient documentation of the actual cost incurred for the system improvement. The City should only agree to pay the lesser of the actual construction cost or the estimated cost used in the impact fee analysis. If the City pays more than the cost used in the fee analysis, there will be insufficient fee revenue for other capital improvements. Reimbursement agreements should only obligate the City to reimburse developers annually according to actual fee collections from the applicable Benefit District.

### Citywide Service Area

The TCEF service area is defined as the entire incorporated area within Fort Collins. The infrastructure funded through the TCEF is citywide benefiting and can be attributed to demand throughout the city.

### Expenditure Guidelines

Fort Collins will distinguish system improvements (funded by transportation capital expansion fees) from project-level improvements, such as local streets within a residential subdivision. TischlerBise recommends limiting transportation fee expenditures to arterials and collectors, and should be

consistent with Fort Collins City Code. System improvements that are eligible for transportation fee funding could include:

- Constructing an arterial or collector street.
- A carrying-capacity enhancement to existing arterials or collectors, such reconstruction to add greater street width, including additional vehicular travel lanes, bike lanes, and/or shoulders.
- Adding turn lanes, traffic signals, or roundabouts at the intersection of a State Highway with a City arterial or collector, or a City arterial with another City arterial or collector.

### Development Categories

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Proposed transportation fees for residential development are by square feet of finished living space, excluding unfinished basement, attic, and garage floor area. Appendix A provides further documentation of demographic data by size threshold.

The three general nonresidential development categories in the proposed TCEF schedule can be used for all new construction within the Service Area. Nonresidential development categories represent general groups of land uses that share similar average weekday vehicle trip generation rates, as documented in Appendix A.

- “Industrial” includes the processing or production of goods, along with warehousing, transportation, communications, and utilities.
- “Commercial” includes retail development and eating/drinking places, along with entertainment uses often located in a shopping center (i.e., movie theater).
- “Office & Other Services” includes offices, health care and personal services, business services (i.e., banks) and lodging. Public and quasi-public buildings that provide educational, social assistance, or religious services are also included in this category.

**APPENDIX A – LAND USE ASSUMPTIONS**

Development-related capital expansion fees often use per capita standards and persons per housing unit or persons per household to derive proportionate share fee amounts. Housing types have varying household sizes and, consequently, a varying demand on City infrastructure and services. Thus, it is important to differentiate between housing types and size.

When persons per housing unit (PPHU) is used in the development impact fee calculations, infrastructure standards are derived using year-round population. In contrast, when persons per household (PPHH) is used in the development impact fee calculations, the fee methodology assumes all housing units will be occupied, thus requiring seasonal or peak population to be used when deriving infrastructure standards. Thus, TischlerBise recommends that fees for residential development in Fort Collins be imposed according to persons per housing unit.

Based on housing characteristics, TischlerBise recommends using two housing unit categories for the TCEF study: (1) Single Family and (2) Multifamily. Each housing type has different characteristics which results in a different demand on City facilities and services. Figure 15 shows the US Census American Community Survey 2021 5-Year Estimates data for the City of Fort Collins. Single family units have a household size of 2.54 persons and multifamily units have a household size of 1.73 persons

**Figure 15. Fort Collins Persons per Housing Unit**

| Units in Structure | Persons        | Households | Persons per Household | Housing Units | Persons per Housing Unit | Housing Mix | Vacancy Rate |
|--------------------|----------------|------------|-----------------------|---------------|--------------------------|-------------|--------------|
| Single Family      | 115,988        | 44,342     | 2.62                  | 45,625        | 2.54                     | 65%         | 3%           |
| Multifamily        | 42,457         | 22,862     | 1.86                  | 24,496        | 1.73                     | 35%         | 7%           |
| Subtotal           | 158,445        | 67,204     | 2.36                  | 70,121        | 2.26                     |             | 4%           |
| Group Quarters     | 8,197          |            |                       |               |                          |             |              |
| <b>TOTAL</b>       | <b>166,642</b> |            |                       |               |                          |             |              |

Source: U.S. Census Bureau, 2021 5-Year Estimate American Community Survey  
Single unit includes detached and attached (i.e. townhouse) and mobile homes

**Base Year Population and Housing Units**

The City of Fort Collins has provided its own 2023 base year household population estimate which is what will be used to calculate base year housing units.

**Figure 16. Base Year Household Population**

| Fort Collins, CO         | Base Year 2023 |
|--------------------------|----------------|
| Household Population [1] | 164,053        |

[1] Source: City of Fort Collins Population Estimate

In 2023, there are an estimated 72,590 housing units in Fort Collins. The housing mix and PPHU factors in Figure 15 are applied to the household population to estimate single family and multifamily units. Overall, single family housing is 65 percent of the total, while multifamily is 35 percent.

**Figure 17. Base Year Housing Units**

| Fort Collins, CO | 2023<br>Housing Units [1] |
|------------------|---------------------------|
| Single Family    | 47,183                    |
| Multifamily      | 25,406                    |
| Total            | 72,590                    |

[1] Source: City of Fort Collins Population Estimate; PPHU Factors

However, recent trends over the last three years show multifamily housing growing at a greater rate than single family at 54 percent vs 46 percent of total housing growth respectively as shown in Figure 18. This is the trend that will be used for housing and population growth projections.

**Figure 18. Building Permit History**

| Fort Collins, CO | 2020-2023<br>Building Permits | Percent of<br>Total |
|------------------|-------------------------------|---------------------|
| Single Family    | 1,104                         | 46%                 |
| Multifamily      | 1,284                         | 54%                 |
| Total            | 2,388                         |                     |

Source: City of Fort Collins

In 2023, the household population in Fort Collins is estimated to be 164,053. To estimate the total residents, the group quarters population of 10,392 is applied to the household population. As a result, the 2023 population is estimated at 174,445 residents and will be used for housing and population projections.

**Figure 19. Base Year Population**

| Fort Collins, CO | 2023<br>Household<br>Population | 2023<br>Group Quarters<br>Population | 2023<br>Total<br>Population |
|------------------|---------------------------------|--------------------------------------|-----------------------------|
| Population       | 164,053                         | 10,392                               | 174,445                     |

Source: City of Fort Collins Population Estimate

### Population and Housing Unit Projections

From the 2023 base year housing unit totals, there is a projected increase of 21 percent in housing stock over the next ten years. Following the trend that there is more multifamily development (54 percent) than single family development (46 percent), there is an estimated 8,243 multifamily units and 7,087 single family units projected. Population growth is assumed to continue with housing development based on the PPHU factors by housing type. As a result, there is a projected increase of 32,262 residents over the next ten years. This is an 18.5 percent increase from the base year, slightly lower than housing development at 21 percent since there is a shift in multifamily development and smaller household sizes.

**Figure 20. Residential Development Projections**

| City of Fort Collins, CO | Base Year 2023 | 2024    | 2025    | 2026    | 2027    | 2028    | 2029    | 2030    | 2031    | 2032    | 2033    | Total Increase |
|--------------------------|----------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|----------------|
| Population [1]           | 174,445        | 177,109 | 179,774 | 182,753 | 185,733 | 188,713 | 191,693 | 194,673 | 198,684 | 202,696 | 206,707 | 32,262         |
| <i>Percent Increase</i>  |                | 1.5%    | 1.5%    | 1.7%    | 1.6%    | 1.6%    | 1.6%    | 1.6%    | 2.1%    | 2.0%    | 2.0%    | 18.5%          |
| <b>Housing Units [2]</b> |                |         |         |         |         |         |         |         |         |         |         |                |
| Single Family            | 47,183         | 47,769  | 48,354  | 49,009  | 49,663  | 50,318  | 50,972  | 51,627  | 52,508  | 53,389  | 54,271  | 7,087          |
| Multifamily              | 25,406         | 26,087  | 26,768  | 27,529  | 28,291  | 29,052  | 29,813  | 30,575  | 31,599  | 32,624  | 33,649  | 8,243          |
| Total                    | 72,590         | 73,856  | 75,122  | 76,538  | 77,954  | 79,370  | 80,786  | 82,202  | 84,108  | 86,014  | 87,920  | 15,330         |

[1] Source: City of Fort Collins Population Estimate; Population growth is projected based on housing development and PPHU factors by type of home

[2] Source: Housing growth is projected based on housing development and PPHU factors

**Current Employment and Nonresidential Floor Area**

The impact fee study will include nonresidential development as well. Job estimates are from North Front Range MPO Traffic TAZ database. The model forecasts employment growth for the entire city from 2020 to 2045 in five-year increments. To find the total employment in the base year, 2023, a straight-line approach from 2020 to 2025 was used. Listed in Figure 21, 107,677 jobs are estimated in the City of Fort Collins. Nearly half the employment is in the office industry. However, retail, industrial, and institutional industries have a significant presence as well.

**Figure 21. Base Year Employment by Industry**

| Employment Industries | Base Year 2023 | Percent of Total |
|-----------------------|----------------|------------------|
| Industrial            | 17,181         | 16%              |
| Institutional         | 17,433         | 16%              |
| Retail                | 21,282         | 20%              |
| Office                | 51,782         | 48%              |
| Total Jobs            | 107,677        | 100%             |

Source: North Front Range MPO TAZ employment database

The base year nonresidential floor area for the industry sectors is calculated with the Institution of Transportation Engineers’ (ITE) square feet per employee averages, Figure 22. For industrial the Light Industrial factors are used; for institutional the Hospital factors are used; for retail the Shopping Center factors are used; for office the General Office factors are used.

**Figure 22. Institute of Transportation Engineers (ITE) Employment Density Factors**

| Employment Industry | ITE Code | Land Use         | Demand Unit | Emp Per Dmd Unit | Sq Ft Per Emp |
|---------------------|----------|------------------|-------------|------------------|---------------|
| Industrial          | 110      | Light Industrial | 1,000 Sq Ft | 1.57             | 637           |
| Institutional       | 610      | Hospital         | 1,000 Sq Ft | 2.86             | 350           |
| Retail              | 820      | Shopping Center  | 1,000 Sq Ft | 2.12             | 471           |
| Office              | 710      | General Office   | 1,000 Sq Ft | 3.26             | 307           |

Source: *Trip Generation*, Institute of Transportation Engineers, 11th Edition (2021)

By combining the base year job totals and the ITE square feet per employee factors, the nonresidential floor area is calculated in Figure 23. There is an estimated total of 43 million square feet of nonresidential floor area in Fort Collins. The office and industrial industries account for almost two-thirds of the total floor area at 37 percent and 25 percent respectively, while retail accounts for 23 percent and institutional accounts for 14 percent of the total.

**Figure 23. Base Year Nonresidential Floor Area**

| Employment Industries | Base Year Jobs [1] | Sq. Ft. per Job [2] | Base Year Floor Area (Sq. Ft.) |
|-----------------------|--------------------|---------------------|--------------------------------|
| Industrial            | 17,181             | 637                 | 10,944,355                     |
| Institutional         | 17,433             | 350                 | 6,101,592                      |
| Retail                | 21,282             | 471                 | 10,023,588                     |
| Office                | 51,782             | 307                 | 15,896,963                     |
| <b>Total</b>          | <b>107,677</b>     |                     | <b>42,966,498</b>              |

[1] Source: North Front Range MPO TAZ employment database

[2] Source: Trip Generation, Institute of Transportation Engineers, 11th Edition (2021)

### Employment and Nonresidential Floor Area Projections

Based on the TAZ employment database, over the ten-year projection period, it is estimated that there will be an increase of 7,580 jobs. The majority of the increase comes from the office sector (58 percent); however, the institutional sector (23 percent) has a significant impact as well. The nonresidential floor area projections are calculated by applying the ITE square feet per employee factors to the job growth. In the next ten years, the nonresidential floor area is projected to increase by 2.8 million square feet, a 6 percent increase from the base year. The office and institutional sectors have the greatest increase.

**Figure 24. Employment and Nonresidential Floor Area Projections**

| City of Fort Collins, CO                                 | Base Year 2023 | 2024           | 2025           | 2026           | 2027           | 2028           | 2029           | 2030           | 2031           | 2032           | 2033           | Total Increase |
|----------------------------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Jobs [1]</b>                                          |                |                |                |                |                |                |                |                |                |                |                |                |
| Industrial                                               | 17,181         | 17,236         | 17,291         | 17,345         | 17,399         | 17,453         | 17,507         | 17,560         | 17,661         | 17,762         | 17,862         | 681            |
| Institutional                                            | 17,433         | 17,621         | 17,809         | 17,980         | 18,152         | 18,323         | 18,495         | 18,666         | 18,832         | 18,999         | 19,165         | 1,732          |
| Retail                                                   | 21,282         | 21,359         | 21,437         | 21,518         | 21,599         | 21,680         | 21,760         | 21,841         | 21,916         | 21,991         | 22,066         | 785            |
| Office                                                   | 51,782         | 52,271         | 52,760         | 53,204         | 53,648         | 54,091         | 54,535         | 54,979         | 55,374         | 55,768         | 56,163         | 4,381          |
| <b>Total Jobs</b>                                        | <b>107,677</b> | <b>108,487</b> | <b>109,297</b> | <b>110,047</b> | <b>110,797</b> | <b>111,547</b> | <b>112,297</b> | <b>113,047</b> | <b>113,784</b> | <b>114,520</b> | <b>115,257</b> | <b>7,580</b>   |
| <b>Nonresidential Floor Area (1,000 square feet) [2]</b> |                |                |                |                |                |                |                |                |                |                |                |                |
| Industrial                                               | 10,944         | 10,979         | 11,014         | 11,049         | 11,083         | 11,117         | 11,152         | 11,186         | 11,250         | 11,314         | 11,378         | 434            |
| Institutional                                            | 6,102          | 6,167          | 6,233          | 6,293          | 6,353          | 6,413          | 6,473          | 6,533          | 6,591          | 6,650          | 6,708          | 606            |
| Retail                                                   | 10,024         | 10,060         | 10,097         | 10,135         | 10,173         | 10,211         | 10,249         | 10,287         | 10,323         | 10,358         | 10,393         | 370            |
| Office                                                   | 15,897         | 16,047         | 16,197         | 16,334         | 16,470         | 16,606         | 16,742         | 16,879         | 17,000         | 17,121         | 17,242         | 1,345          |
| <b>Total Floor Area</b>                                  | <b>42,966</b>  | <b>43,254</b>  | <b>43,542</b>  | <b>43,810</b>  | <b>44,079</b>  | <b>44,348</b>  | <b>44,616</b>  | <b>44,885</b>  | <b>45,164</b>  | <b>45,443</b>  | <b>45,721</b>  | <b>2,755</b>   |

[1] Source: North Front Range MPO TAZ employment database

[2] Source: Trip Generation, Institute of Transportation Engineers, 11th Edition (2021)

## Vehicle Trip Generation

The following provides details on the vehicle trip generation rates used in the vehicle miles of travel (VMT) rates for development types and projections for needed roadway expansion. Additionally, details on the VMT factors can be found in the body of the report.

### RESIDENTIAL TRIP GENERATION BY HOUSING UNIT SIZE (SQ. FT.)

As an alternative to simply using average trip generation rates for residential development by housing type, TischlerBise has derived custom trip rates using demographic data for Fort Collins. Key inputs needed for the analysis (i.e., average number of persons and vehicles available per housing unit) are available from the U.S. Census Bureau’s American Community Survey (ACS).

As previously shown in Figure 15, Fort Collins averages 2.26 residents per housing unit. Single family includes detached and attached dwellings and manufactured housing. Duplexes and apartments are combined as multifamily. The average number of persons per housing unit in Fort Collins will be compared to national averages derived from traffic studies tabulated by the Institute of Transportation Engineers (ITE). Trip generation rates are also dependent upon the average number of vehicles available per dwelling. Figure 25 indicates vehicles available by housing type within Fort Collins. As expected, single family housing has more vehicles available per dwelling (1.95) than multifamily housing (1.67).

**Figure 25. Vehicles Available per Housing Unit**

| Tenure          | Vehicles Available [1] | Single Family [2] | Multifamily [2] | Total  | Vehicles per Household |
|-----------------|------------------------|-------------------|-----------------|--------|------------------------|
| Owner-occupied  | 74,579                 | 33,116            | 2,493           | 35,609 | 2.09                   |
| Renter-occupied | 55,237                 | 11,226            | 20,369          | 31,595 | 1.75                   |
| Total           | 129,816                | 44,342            | 22,862          | 67,204 | 1.93                   |

| Housing Type  | Vehicles Available | Housing Units [3] | Vehicles per Housing Unit |
|---------------|--------------------|-------------------|---------------------------|
| Single Family | 88,984             | 45,625            | 1.95                      |
| Multifamily   | 40,832             | 24,496            | 1.67                      |
| Total         | 129,816            | 70,121            | 1.85                      |

[1] Vehicles available by tenure from Table B25046, American Community Survey, 2021

[2] Households by tenure and units in structure from Table B25032, ACS, 2021

[3] Housing units from Table B25024, ACS, 2021

Custom tabulations of demographic data by bedroom range can be created from individual survey responses provided by the U.S. Census Bureau, in files known as Public Use Microdata Samples (PUMS). Because PUMS files are available for areas of roughly 100,000 persons, Fort Collins is included in Public Use Microdata Area (PUMA) 103 that covers the northern portion of Larimer County. At the top of Figure 26 with yellow shading indicates the survey results, which yield the unadjusted number of persons and vehicles available per dwelling. These multipliers are adjusted to match the control totals for Fort Collins, as documented in Figure 15 and Figure 25.

In comparison to the national averages based on ITE traffic studies, Fort Collins has fewer persons per dwelling, but a greater number of vehicles available per dwelling. Rather than rely on one methodology,

the recommended multipliers shown below with grey shading and bold numbers are an average of trip rates based on persons and vehicles available (all types of housing units combined). In Fort Collins, the average housing unit is estimated to yield an 8.40 average weekday vehicle trip ends (AWVTE).

**Figure 26. Average Weekday Vehicle Trips Ends by Bedroom Range**

**Fort Collins 2021 Data**

| Bedroom Range | Persons <sup>1</sup> | Vehicles Available <sup>1</sup> | Housing Units <sup>1</sup> | Housing Mix | Unadjusted Persons/HU | Adjusted Persons/HU <sup>2</sup> | Unadjusted VehAvl/HU | Adjusted VehAvl/HU <sup>2</sup> |
|---------------|----------------------|---------------------------------|----------------------------|-------------|-----------------------|----------------------------------|----------------------|---------------------------------|
| 0-1           | 457                  | 386                             | 388                        | 8.6%        | 1.18                  | 1.17                             | 0.99                 | 0.97                            |
| 2             | 1,885                | 1,678                           | 1,117                      | 24.6%       | 1.69                  | 1.68                             | 1.50                 | 1.47                            |
| 3             | 3,585                | 3,217                           | 1,542                      | 34.0%       | 2.32                  | 2.30                             | 2.09                 | 2.05                            |
| 4+            | 4,410                | 3,630                           | 1,487                      | 32.8%       | 2.97                  | 2.94                             | 2.44                 | 2.39                            |
| Total         | 10,337               | 8,911                           | 4,534                      |             | 2.28                  | 2.26                             | 1.97                 | 1.93                            |

**National Averages According to ITE (Trip Generation Manual, 11th Edition, 2021)**

| ITE Code | AWVTE per Person | AWVTE per Vehicle Available | AWVTE per Household | Housing Mix | Persons per Household | Veh Avl per Household |
|----------|------------------|-----------------------------|---------------------|-------------|-----------------------|-----------------------|
| 221 Apt  | 1.84             | 5.10                        | 4.54                | 35%         | 2.47                  | 0.89                  |
| 210 SFD  | 2.65             | 6.36                        | 9.43                | 65%         | 3.56                  | 1.48                  |
| Wgtd Avg | 2.37             | 5.92                        | 7.72                |             | 3.18                  | 1.27                  |

**Recommended AWVTE per Dwelling Unit by Bedroom Range**

| Bedroom Range | AWVTE per HU Based on Persons <sup>3</sup> | AWVTE per HU Based on Vehicles Available <sup>4</sup> | AWVTE per Housing Unit <sup>5</sup> |
|---------------|--------------------------------------------|-------------------------------------------------------|-------------------------------------|
| 0-1           | 2.77                                       | 5.74                                                  | <b>4.26</b>                         |
| 2             | 3.98                                       | 8.70                                                  | <b>6.34</b>                         |
| 3             | 5.45                                       | 12.14                                                 | <b>8.80</b>                         |
| 4+            | 6.97                                       | 14.15                                                 | <b>10.56</b>                        |
| Total         | 5.36                                       | 11.43                                                 | <b>8.40</b>                         |

1. American Community Survey, Public Use Microdata Sample for CO PUMA 00103 (2017-2021 5-Year).
2. Adjusted multipliers are scaled to make the average PUMS values match control totals for Fort Collins, based on American Community Survey (2017-2021 5-Year).
3. Adjusted persons per housing unit multiplied by national weighted average trip rate per person.
4. Adjusted vehicles available per housing unit multiplied by national weighted average trip rate per vehicle available.
5. Average of trip rates based on persons and vehicles available per housing unit.

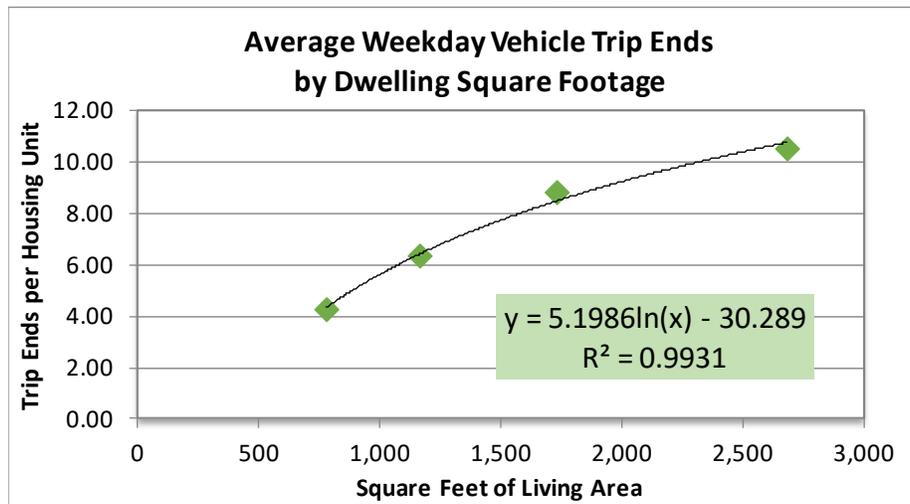
**AWVTE per Dwelling by House Type**

| ITE Code  | AWVTE per HU Based on Persons <sup>3</sup> | AWVTE per HU Based on Vehicles Available <sup>4</sup> | AWVTE per Housing Unit <sup>5</sup> | Fort Collins Persons/HU | Fort Collins VehAvl/HU |
|-----------|--------------------------------------------|-------------------------------------------------------|-------------------------------------|-------------------------|------------------------|
| 221 Apt   | 4.10                                       | 9.89                                                  | 7.00                                | 1.73                    | 1.67                   |
| 210 SFD   | 6.02                                       | 11.54                                                 | 8.78                                | 2.54                    | 1.95                   |
| All Types | 5.36                                       | 11.44                                                 | 8.40                                | 2.26                    | 1.93                   |

To derive average weekday vehicle trip ends by dwelling size, TischlerBise matched trip generation rates and average floor area, by bedroom range, as shown in Figure 27. Floor area averages were calculated with certificate of occupancies issued from 2020 through 2022. The logarithmic trend line formula is derived from the four actual averages in Fort Collins. The trend line is then used to derive estimated trip ends by dwelling size thresholds. For example, the vehicle trip ends for a housing unit less than 900 square feet is 3.77.

**Figure 27. Residential Vehicle Trip Ends by Dwelling Size**

| Actual Averages per Hsg Unit                                                                                                                                                                                                                                        |             |           | Fitted-Curve Values |           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------|---------------------|-----------|
| Bedrooms                                                                                                                                                                                                                                                            | Square Feet | Trip Ends | Sq Ft Range         | Trip Ends |
| 0-1                                                                                                                                                                                                                                                                 | 781         | 4.26      | less than 900       | 3.77      |
| 2                                                                                                                                                                                                                                                                   | 1,162       | 6.34      | 901 to 1,300        | 6.12      |
| 3                                                                                                                                                                                                                                                                   | 1,729       | 8.80      | 1,301 to 1,800      | 7.90      |
| 4+                                                                                                                                                                                                                                                                  | 2,684       | 10.56     | 1,801 to 2,400      | 9.48      |
| Unit size ranges are based on current fee schedule and consistent with residential certificates of occupancy issued from 2020-2022. Average weekday vehicle trip ends per housing unit are derived from 2021 ACS PUMS data for the area that includes Fort Collins. |             |           | 2,401 to 3,000      | 10.79     |
|                                                                                                                                                                                                                                                                     |             |           | 3,001 to 3,600      | 11.83     |
|                                                                                                                                                                                                                                                                     |             |           | over 3,601          | 12.70     |



Importantly, the vehicle trip ends in Figure 27 are for all housings units in Fort Collins. The City is pursuing assessing the TCEF by housing types, along with square footage. Thus, further analysis is required and completed below.

Custom vehicle trip end rates for all existing single family and multifamily units in Fort Collins are listed in Figure 28. The calibrating factor for the housing types are found by comparing the trip rates by to the overall average in Fort Collins. As a result, single family housing units are 118 percent of the city average and multifamily housing units are 56 percent of the city average. These calibrating factors are applied to the citywide trip rates size groupings to estimate the trips rates for single family detached and multifamily units.

**Figure 28. Single Family Detached and Multifamily Calibrating Factor**

| Housing Type  | Local Trip Ends per Unit [1] | Calibrating Factor |
|---------------|------------------------------|--------------------|
| Single Family | 12.70                        | 118%               |
| Multifamily   | 6.00                         | 56%                |

Fort Collins Average 10.80

[1] Source: US Census American Community Survey; Trip Generation, Institute of Transportation Engineers, 11th Edition (2021); TischlerBise analysis

Furthermore, to calculate the single family attached trip end rates the ITE national averages for single family detached and single family attached are compared. Shown in Figure 29, single family attached units generate 76 percent of the single family detached units. This factor is applied to single family detached trip rates by size to estimate trip rates for single family attached units.

**Figure 29. Single Family Attached Calibrating Factor**

| ITE Code | Land Use Group         | Wkdy Trip Ends Per Dmd Unit | SF Attached Calibrating Factor |
|----------|------------------------|-----------------------------|--------------------------------|
| 210      | Single-Family Detached | 9.43                        | <b>76%</b>                     |
| 215      | Single-Family Attached | 7.20                        |                                |

Source: Trip Generation, Institute of Transportation Engineers, 11th Edition (2021)

Figure 30 summarizes the vehicle trip ends for single family detached, single family attached, and multifamily units by square footage by multiplying the citywide averages with the calibrating factors.

**Figure 30. Vehicle Trip Ends by Housing Type and Square Footage**

| Vehicle Trip Ends per Unit           |             |             |                                      |             |
|--------------------------------------|-------------|-------------|--------------------------------------|-------------|
| Square Feet of Finished Living Space | SF Detached | SF Attached | Square Feet of Finished Living Space | Multifamily |
| less than 900                        | 4.43        | 3.38        | Up to 750                            | 2.09        |
| 901 to 1,300                         | 7.20        | 5.50        | 751 to 1,300                         | 3.40        |
| 1,301 to 1,800                       | 9.29        | 7.09        | Over 1,300                           | 4.39        |
| 1,801 to 2,400                       | 11.15       | 8.51        |                                      |             |
| 2,401 to 3,000                       | 12.69       | 9.69        |                                      |             |
| 3,001 to 3,600                       | 13.91       | 10.62       |                                      |             |
| over 3,601                           | 14.93       | 11.40       |                                      |             |

Source: American Community Survey, Public Use Microdata; Trip Generation, Institute of Transportation Engineers, 11th Edition (2021); TischlerBise analysis

**RESIDENTIAL VEHICLE TRIPS ADJUSTMENT FACTORS**

A vehicle trip end is the out-bound or in-bound leg of a vehicle trip. As a result, so to not double count trips, a standard 50 percent adjustment is applied to trip ends to calculate a vehicle trip. For example, the out-bound trip from a person’s home to work is attributed to the housing unit and the trip from work back home is attributed to the employer.

However, an additional adjustment is necessary to capture City residents’ work bound trips that are outside of the city. The trip adjustment factor includes two components. According to the National Household Travel Survey (2009), home-based work trips are typically 31 percent of out-bound trips (which are 50 percent of all trip ends). Also, utilizing the most recent data from the Census Bureau's web application "OnTheMap", 51 percent of Fort Collins workers travel outside the city for work. In combination, these factors account for 8 percent of additional production trips ( $0.31 \times 0.50 \times 0.51 = 0.08$ ). Shown in Figure 31, the total adjustment factor for residential housing units includes attraction trips (50 percent of trip ends) plus the journey-to-work commuting adjustment (8 percent of production trips) for a total of 58 percent.

**Figure 31. Residential Trip Adjustment Factor for Commuters**

|                                                  |            |
|--------------------------------------------------|------------|
| Employed Fort Collins Residents (2019)           | 73,469     |
| Residents Working in the City (2019)             | 36,223     |
| Residents Commuting Outside of the City for Work | 37,246     |
| Percent Commuting Out of the City                | 51%        |
| <b>Additional Production Trips</b>               | <b>8%</b>  |
| <hr/>                                            |            |
| <b>Standard Trip Adjustment Factor</b>           | <b>50%</b> |
| <b>Residential Trip Adjustment Factor</b>        | <b>58%</b> |

Source: U.S. Census, OnTheMap Application, 2019

**NONRESIDENTIAL VEHICLE TRIPS**

Vehicle trip generation for nonresidential land uses are calculated by using ITE’s average daily trip end rates and adjustment factors found in their recently published 11<sup>th</sup> edition of *Trip Generation*. To estimate the trip generation in Fort Collins, the weekday trip end per 1,000 square feet factors highlighted in Figure 32 are used.

**Figure 32. Institute of Transportation Engineers Nonresidential Factors**

| Employment Industry | ITE Code | Land Use         | Demand Unit | Wkdy Trip Ends Per Dmd Unit | Wkdy Trip Ends Per Employee |
|---------------------|----------|------------------|-------------|-----------------------------|-----------------------------|
| Industrial          | 110      | Light Industrial | 1,000 Sq Ft | 4.87                        | 3.10                        |
| Retail              | 820      | Shopping Center  | 1,000 Sq Ft | 37.01                       | 17.42                       |
| Office              | 710      | General Office   | 1,000 Sq Ft | 10.84                       | 3.33                        |

Source: *Trip Generation*, Institute of Transportation Engineers, 11th Edition (2021)

For retail development, the trip adjustment factor is less than 50 percent because such development attracts vehicles as they pass by on arterial roads. For example, when someone stops at a convenience store on the way home from work, the convenience store is not the primary destination. For the average shopping center, ITE indicates that 25 percent of the vehicles that enter are passing by on their way to some other primary destination. The remaining 75 percent of attraction trips have the commercial site as their primary destination. Because attraction trips are half of all trips, the trip adjustment factor is 75 percent multiplied by 50 percent, or approximately 38 percent of the trip ends.

**Persons per Housing Unit by Housing Type and Square Footage**

In a parallel study, Economic & Planning Systems (EPS) is preparing an update to other capital expansion fees for the City of Fort Collins. In that effort, EPS has estimated the PPHU for the expanded size groupings and housing types based on an analysis of the 2023 American Housing Survey Mountain Region and calibrated it for Fort Collins. Figure 33 summarizes those PPHU factors.

**Figure 33. Persons per Housing Unit by Housing Type and Square Footage**

| Persons per Housing Unit        |             |             |                                 |             |
|---------------------------------|-------------|-------------|---------------------------------|-------------|
| Square Footage per Housing Unit | SF Detached | SF Attached | Square Footage per Housing Unit | Multifamily |
| 900 and less                    | 2.34        | 1.86        | Up to 750                       | 1.49        |
| 901 to 1,300                    | 2.54        | 2.14        | 751 to 1,300                    | 2.09        |
| 1,301 to 1,800                  | 2.84        | 2.55        | Over 1,300                      | 2.31        |
| 1,801 to 2,400                  | 3.10        | 2.92        |                                 |             |
| 2,401 to 3,000                  | 3.33        | 3.25        |                                 |             |
| 3,001 to 3,600                  | 3.51        | 3.50        |                                 |             |
| over 3,601                      | 3.65        | 3.70        |                                 |             |

Source: 2023 American Housing Survey, Division 8 (Mountain Region), U.S. Census Bureau; Economic & Planning Systems

**APPENDIX B – ACTIVE MODES PROJECT LISTS**

Below are pages from the Fort Collins Active Modes Plan (2022) listing the high and medium priority/readiness projects.

Figure 34. High Priority/Readiness Projects

Fort Collins Active Modes Plan | Chapter 7: Implementing The Vision

### High Priority/Readiness Projects

In the near term, to achieve the goals of improving safety and increasing mode share, the focus is placed on quick wins—projects that can be readily implemented and will have immediate impact.

| Project Focus | PID | Street        | Cross-Street or Extents | Treatment                 | Length (mi)        | Outcomes Score | Imple. Score | Cost Opinion (2022) |
|---------------|-----|---------------|-------------------------|---------------------------|--------------------|----------------|--------------|---------------------|
| Pedestrian    | 7   | Drake         | Timberline              | Signal Operations         | Spot               | 44             | 8            | \$ 206,000          |
|               |     |               | Lemay                   | Geometric Redesign        | Spot               |                |              |                     |
|               |     | Shields St    | Shields                 | Signal Operations         | Spot               |                |              |                     |
|               |     |               | Casa Grande             | Signal Operations         | Spot               |                |              |                     |
| Pedestrian    | 46  | Harmony Rd    | Mason                   | Signal Operations         | Spot               | 44             | 8            | \$ 206,000          |
|               |     |               | Boardwalk               | Signal Operations         | Spot               |                |              |                     |
|               |     |               | Lemay                   | Signal Operations         | Spot               |                |              |                     |
|               |     |               | Starflower              | Geometric Redesign        | Spot               |                |              |                     |
| Pedestrian    | 1   | College Ave   | Willow                  | Signal Operations         | Spot               | 44             | 7            | \$ 109,000          |
|               |     |               | Laporte                 | Signal Operations         | Spot               |                |              |                     |
|               |     |               | Mountain                | Signal Operations         | Spot               |                |              |                     |
|               |     |               | Olive                   | Signal Operations         | Spot               |                |              |                     |
|               |     |               | Magnolia                | Signal Operations         | Spot               |                |              |                     |
| Pedestrian    | 4   | Mulberry St   | College                 | Signal Operations         | Spot               | 44             | 7            | \$ 453,000          |
|               |     |               | Mason                   | Signal Operations         | Spot               |                |              |                     |
|               |     |               | Loomis                  | Geometric Redesign        | Spot               |                |              |                     |
|               |     |               | Shields                 | Signal Operations         | Spot               |                |              |                     |
|               |     |               | Taft Hill               | Signal Operations         | Spot               |                |              |                     |
|               |     |               | Whitcomb / Canyon       | Geometric Redesign        | Spot               |                |              |                     |
| Pedestrian    | 11  | Willow St     | Linden                  | High-Visibility Crosswalk | Spot               | 46             | 3            | \$ 50,000           |
|               |     |               | Lincoln                 | Beacon / RRFB             | Spot               |                |              |                     |
| Pedestrian    | 29  | Taft Hill Rd  | Prospect                | Signal Operations         | Spot               | 40             | 8            | \$ 153,000          |
|               |     |               | Valley Forge            | Geometric Redesign        | Spot               |                |              |                     |
| Pedestrian    | 3   | College Ave   | Monroe                  | Signal Operations         | Spot               | 42             | 6            | \$ 303,000          |
|               |     |               | Rutgers                 | Geometric Redesign        | Spot               |                |              |                     |
|               |     |               | Columbia                | Geometric Redesign        | Spot               |                |              |                     |
| Pedestrian    | 9*  | Elizabeth St  | Shields St              | Plum                      | Geometric Redesign | 44             | 4            | \$ 600,000          |
|               |     |               | Shields                 | Geometric Redesign        | Spot               |                |              |                     |
|               |     |               | Taft Hill               | Geometric Redesign        | Spot               |                |              |                     |
|               |     |               | Constitution            | Geometric Redesign        | Spot               |                |              |                     |
| Bicycle       | 61  | Taft Hill Rd  | Glenmoor                | Signals                   | Spot               | 45             | 2            | \$ 600,000          |
| Pedestrian    | 2   | College Ave   | Laurel                  | Signal Operations         | Spot               | 44             | 3            | \$ 343,000          |
|               |     |               | Prospect                | Geometric Redesign        | Spot               |                |              |                     |
|               |     |               | Mason Trail             | Prospect                  | Geometric Redesign |                |              |                     |
| Pedestrian    | 10  | Mason St      | Mountain                | Signal Operations         | Spot               | 38             | 7            | \$ 6,000            |
|               |     |               | Olive                   | Signal Operations         | Spot               |                |              |                     |
| Bicycle       | 51  | W Prospect Rd | Sheely Dr               | Signals                   | Spot               | 40             | 5            | \$ 600,000          |
| Bicycle       | 33  | E Magnolia St | Remington St            | Signs & Markings          | Spot               | 40             | 4            | \$ 3,000            |

\*Project Includes a partner such as Colorado DOT, Larimer County, or Colorado State University

Figure 35. High Priority/Readiness Projects cont.

Fort Collins Active Modes Plan | Chapter 7: Implementing The Vision

| Project Focus | PID | Street                                            | Cross-Street or Extents          | Treatment                               | Length (mi) | Outcomes Score | Imple. Score | Cost Opinion (2022) |
|---------------|-----|---------------------------------------------------|----------------------------------|-----------------------------------------|-------------|----------------|--------------|---------------------|
| Pedestrian    | 5   | Mulberry St                                       | Stover                           | Beacon / RRFB                           | Spot        | 40             | 4            | \$ 1,302,000        |
|               |     |                                                   | Remington                        | Median / Diverter                       | Spot        |                |              |                     |
|               |     |                                                   | Peterson                         | New Crossing                            | Spot        |                |              |                     |
| Bicycle       | 30  | Mountain Ave, Lincoln Ave                         | N Howes St - Willow St           | Buffered Bike Lane, Separated Bike Lane | 0.5         | 38             | 6            | \$ 193,000          |
| Pedestrian    | 31  | Harmony Rd                                        | Corbett                          | Geometric Redesign                      | Spot        | 37             | 7            | \$ 200,000          |
|               |     |                                                   | Timberline                       | Signal Operations                       | Spot        |                |              |                     |
| Bicycle       | 52  | W Lake St                                         | S Shields St - S Mason St        | Separated Bike Lane                     | 1.2         | 39             | 5            | \$ 251,000          |
| Bicycle       | 50  | E Vine Dr                                         | Jerome St                        | Signals                                 | Spot        | 42             | 2            | \$ 600,000          |
| Pedestrian    | 22  | Lemay Ave                                         | Prospect                         | Signal Operations                       | Spot        | 36             | 7            | \$ 100,000          |
|               |     |                                                   | Stuart                           | Signal Operations                       | Spot        |                |              |                     |
| Bicycle       | 39  | S Shields St                                      | W Mulberry St - Davidson Dr      | Separated Bike Lane                     | 1.6         | 38             | 5            | \$ 1,489,000        |
| Bicycle       | 32  | Magnolia St                                       | S Sherwood St - Whedbee St       | Bike Boulevard                          | 0.8         | 37             | 5            | \$ 29,000           |
| Bicycle       | 41  | S Shields St                                      | W Lake St                        | Two-Way Sidepath                        | Spot        | 34             | 8            | \$ 29,000           |
| Pedestrian    | 21  | Lemay                                             | Mulberry                         | Geometric Redesign                      | Spot        | 39             | 3            | \$ 150,000          |
| Bicycle       | 2   | E Elizabeth St                                    | S College Ave                    | Intersection redesign                   | Spot        | 37             | 4            | \$ 585,000          |
| Bicycle       | 7   | S Taft Hill Rd                                    | W Elizabeth St - W Horsetooth Rd | Separated Bike Lane                     | 2.5         | 34             | 7            | \$ 707,000          |
| Bicycle       | 52  | City Park Ave                                     | W Mulberry St                    | Signals                                 | Spot        | 35             | 6            | \$ 600,000          |
| Bicycle       | 6   | S Taft Hill Rd                                    | Laporte Ave - W Elizabeth St     | Separated Bike Lane                     | 1.1         | 34             | 6            | \$ 279,000          |
| Bicycle       | 12  | Birch St                                          | S Shields St                     | Signs & Markings                        | Spot        | 34             | 6            | \$ 3,000            |
| Bicycle       | 28  | Jefferson St                                      | N College Ave - E Mountain Ave   | Separated Bike Lane                     | 0.5         | 35             | 5            | \$ 116,000          |
| Pedestrian    | 40  | Shields                                           | Stuart                           | Geometric Redesign                      | Spot        | 36             | 4            | \$ 150,000          |
| Pedestrian    | 15  | Mason                                             | Maple                            | Geometric Redesign                      | Spot        | 38             | 2            | \$ 150,000          |
| Bicycle       | 35  | Birch St, Crestmore Pl, Skyline Dr                | Orchard Pl - City Park Ave       | Bike Boulevard                          | 1.4         | 32             | 7            | \$ 6,000            |
| Bicycle       | 36  | Glenmoor Dr, W Plum St                            | S Taft Hill Rd - Skyline Dr      | Bike Boulevard                          | 1.1         | 32             | 7            | \$ 3,000            |
| Bicycle       | 50  | Springfield Dr                                    | Castlerock Dr - S Shields St     | Bike Boulevard                          | 0.6         | 32             | 7            | \$ 6,000            |
| Bicycle       | 12  | S Shields St                                      | W Mountain Ave - W Mulberry St   | Separated Bike Lane                     | 2.2         | 31             | 7            | \$ 111,000          |
| Pedestrian    | 67  | Horsetooth                                        | Platte                           | Median / Diverter                       | Spot        | 33             | 6            | \$ 234,000          |
|               |     |                                                   | Auntie Stone                     | Median / Diverter                       |             |                |              |                     |
| Bicycle       | 47  | Castlerock Dr, Lake St, Skyline Dr, Clearview Ave | S Taft Hill Rd - W Elizabeth St  | Bike Boulevard                          | 3.5         | 34             | 5            | \$ 5,000            |
| Bicycle       | 58* | Gillette Dr                                       | Phemister Rd - W Drake Rd        | Separated Bike Lane                     | 3.0         | 34             | 5            | \$ 135,000          |
| Bicycle       | 76  | E Horsetooth Rd                                   | S Lemay Ave - Ziegler Rd         | Separated Bike Lane                     | 0.7         | 34             | 5            | \$ 561,000          |
| Bicycle       | 11  | Conifer St                                        | N College Ave                    | Intersection redesign                   | Spot        | 34             | 5            | \$ 585,000          |
| Bicycle       | 57  | Centre Ave                                        | S Shields St - Phemister Rd      | Separated Bike Lane                     | 1.0         | 35             | 4            | \$ 347,000          |
| Bicycle       | 40  | S Shields St                                      | Davidson Dr - Hilldale Dr        | Separated Bike Lane                     | 0.1         | 32             | 6            | \$ 777,000          |

\*Project includes a partner such as Colorado DOT, Larimer County, or Colorado State University

Figure 36. High Priority/Readiness Projects cont.

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| Project Focus | PID | Street             | Cross-Street or Extents         | Treatment                 | Length (mi) | Outcomes Score | Imple. Score | Cost Opinion (2022) |
|---------------|-----|--------------------|---------------------------------|---------------------------|-------------|----------------|--------------|---------------------|
| Bicycle       | 11  | Laporte Ave        | Fishback Ave - N Washington Ave | Bike Lane                 | 1.7         | 33             | 5            | \$ 61,000           |
| Bicycle       | 104 | Boardwalk Dr       | JFK - Harmony                   | Buffered Bike Lane        | 0.3         | 33             | 5            | \$ 51,000           |
| Pedestrian    | 72  | Riverside Ave      | Prospect Rd                     | Geometric Redesign        | Spot        | 33             | 5            | \$ 150,000          |
| Bicycle       | 64  | Drake Rd           | S Taft Hill Rd - Tulane Dr      | Separated Bike Lane       | 0.3         | 34             | 3            | \$ 1,312,000        |
| Bicycle       | 74  | W Horsetooth Rd    | Richmond Dr - S Mason St        | Sidepath (both sides)     | 0.8         | 34             | 3            | \$ 2,594,000        |
| Bicycle       | 51* | W Pitkin St        | S Shields St - S College Ave    | Separated Bike Lane       | 0.7         | 33             | 4            | \$ 1,314,000        |
| Pedestrian    | 13  | Magnolia           | Sherwood                        | Geometric Redesign        | Spot        | 33             | 3            | \$ 903,000          |
|               |     |                    | Loomis                          | Geometric Redesign        | Spot        |                |              |                     |
|               |     |                    | Meldrum                         | Geometric Redesign        | Spot        |                |              |                     |
|               |     |                    | Washington                      | High-Visibility Crosswalk | Spot        |                |              |                     |
| Pedestrian    | 12  | Olive              | Remington                       | Geometric Redesign        | Spot        | 34             | 2            | \$ 300,000          |
|               |     |                    | Mathews                         | Geometric Redesign        | Spot        |                |              |                     |
| Bicycle       | 40  | N Roosevelt Ave    | Laporte Ave                     | Signals                   | Spot        | 30             | 5            | \$ 600,000          |
| Pedestrian    | 60  | Ziegler            | Saber Cat                       | Beacon / RRFB             | Spot        | 29             | 6            | \$ 32,000           |
| Bicycle       | 44  | Centre Ave         | W Lake St                       | Intersection redesign     | Spot        | 35             | 0            | \$ 585,000          |
| Bicycle       | 59  | Booth Rd           | Tietz Dr - Bay Rd               | Sidepath (one side)       | 0.5         | 32             | 3            | \$ 130,000          |
| Bicycle       | 62  | S Lemay Ave        | E Stuart St - E Horsetooth Rd   | Sidepath (both sides)     | 0.2         | 32             | 3            | \$ 4,439,000        |
| Bicycle       | 62  | Spring Creek Trail | Taft Hill Rd                    | New connection            | Spot        | 32             | 3            | \$ 320,000          |
| Pedestrian    | 30  | Taft Hill          | Lake                            | New Crossing              | Spot        | 32             | 2            | \$ 585,000          |
| Bicycle       | 7   | E Horsetooth Rd    | Kingsley Dr                     | Signals                   | Spot        | 27             | 6            | \$ 600,000          |
| Bicycle       | 1   | E Prospect St      | Stover St                       | Two-Way Sidepath          | Spot        | 27             | 6            | \$ 29,000           |
| Bicycle       | 48  | S Howes St         | W Laurel St                     | Signs & Markings          | Spot        | 29             | 4            | \$ 3,000            |
| Bicycle       | 39  | S College Ave      | Rutgers Ave                     | New connection            | Spot        | 32             | 1            | \$ 320,000          |
| Bicycle       | 26  | W Stuart St        | S Taft Hill Rd (Project #1)     | Two-Way Sidepath          | Spot        | 26             | 5            | \$ 29,000           |
| Bicycle       | 34  | Riverside Ave      | E Mulberry St                   | Intersection redesign     | Spot        | 29             | 2            | \$ 585,000          |
| Bicycle       | 46  | Jackson Ave        | W Mulberry St                   | Two-Way Sidepath          | Spot        | 23             | 6            | \$ 29,000           |
| Pedestrian    | 48  | Cinquefoil         | Kechter                         | Median / Diverter         | Spot        | 21             | 4            | \$ 32,000           |
| Bicycle       | 20  | S Timberline Rd    | E Lincoln Ave                   | Intersection redesign     | Spot        | 21             | 2            | \$ 585,000          |
| Pedestrian    | 25  | Frey               | Laporte                         | Geometric Redesign        | Spot        | 21             | 2            | \$ 150,000          |
| Pedestrian    | 75  | Mason Trail        | Prospect Rd                     | Beacon / RRFB             | Spot        | 18             | 3            | \$ 600,000          |
| Pedestrian    | 34  | Timberline         | Horsetooth                      | Geometric Redesign        | Spot        | 17             | 3            | \$ 150,000          |
| Bicycle       | 8   | E Horsetooth Rd    | Caribou Dr                      | Signals                   | Spot        | 18             | 2            | \$ 600,000          |

**High-Priority/Readiness Phase, Opinion of Probable Cost: \$30,400,000 over five years (2022 costs)**

Figure 37. Medium Priority/Readiness Projects

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### Medium Priority/Readiness Projects

In the medium priority/readiness phase of implementation, program resources and capacity grow to deliver more and more complex projects.

| Project Type | PID | Street                               | Cross-Street or Extents         | Treatment                               | Length (mi) | Outcomes Score | Imple. Score | Cost Opinion (2022) |
|--------------|-----|--------------------------------------|---------------------------------|-----------------------------------------|-------------|----------------|--------------|---------------------|
| Bicycle      | 24  | Timberline Rd                        | Annabel Ave - E Prospect Rd     | Separated Bike Lane                     | 1.8         | 31             | 6            | \$ 605,000          |
| Bicycle      | 65  | E Drake Rd                           | Tulane Dr - Rigden Pkwy         | Sidepath (both sides)                   | 0.5         | 34             | 2            | \$ 5,817,000        |
| Bicycle      | 75  | E Horsetooth Rd                      | Mitchell Dr - S Lemay Ave       | Sidepath (both sides)                   | 0.3         | 34             | 2            | \$ 2,941,000        |
| Bicycle      | 46  | Clearview Ave                        | Ponderosa Dr - Skyline Dr       | Bike Boulevard                          | 1.0         | 30             | 6            | \$ 4,000            |
| Bicycle      | 48  | W Lake St                            | S Overland Tr - S Taft Hill Rd  | Bike Boulevard                          | 1.1         | 30             | 6            | \$ 7,000            |
| Bicycle      | 69  | Worthington Ave                      | W Drake Rd - W Swallow Rd       | Bike Boulevard                          | 1.6         | 30             | 6            | \$ 4,000            |
| Pedestrian   | 19  | 3rd St                               | Lincoln                         | Beacon / RRFB                           | Spot        | 30             | 6            | \$ 32,000           |
| Pedestrian   | 20  | Riverside                            | Lemay                           | Geometric Redesign                      | Spot        | 31             | 5            | \$ 150,000          |
| Bicycle      | 67  | Water Blossom Ln, Willow Fern Way    | W Drake Rd - Marshwood Dr       | Bike Boulevard                          | 1.0         | 28             | 7            | \$ 2,000            |
| Bicycle      | 56* | Rolland Moore Dr, Phemister Rd       | S Shields St - Bay Rd           | Separated Bike Lane, Bike Lane          | 1.7         | 30             | 5            | \$ 331,000          |
| Bicycle      | 85  | Harmony Rd                           | S Taft Hill Rd - S Lemay Ave    | Separated Bike Lane                     | 2.6         | 30             | 5            | \$ 1,218,000        |
| Bicycle      | 29  | Linden St                            | Walnut St - Jefferson St        | Bike Route                              | 1.0         | 30             | 5            | \$ 7,000            |
| Bicycle      | 80  | John F Kennedy Pkwy, E Troutman Pkwy | E Horsetooth Rd - E Harmony Rd  | Separated Bike Lane, Buffered Bike Lane | 1.2         | 26             | 8            | \$ 383,000          |
| Bicycle      | 66  | E Drake Rd, Ziegler Rd               | Rigden Pkwy - William Neal Pkwy | Separated Bike Lane                     | 1.4         | 27             | 7            | \$ 195,000          |
| Bicycle      | 38  | Laurel St                            | S Shields St - S Howes St       | Separated Bike Lane, Buffered Bike Lane | 0.2         | 28             | 6            | \$ 371,000          |
| Bicycle      | 42  | Pennoch Pl                           | all                             | Bike Boulevard                          | 1.4         | 28             | 6            | \$ 1,000            |
| Pedestrian   | 65  | Center                               | Phemister                       | Beacon / RRFB                           | Spot        | 28             | 6            | \$ 32,000           |
| Bicycle      | 99  | Howes St                             | W Mountain Ave - W Laurel St    | Buffered Bike Lane                      | 0.5         | 30             | 4            | \$ 58,000           |
| Bicycle      | 14  | Mcmurry Ave                          | E Harmony Rd                    | Intersection redesign                   | Spot        | 30             | 4            | \$ 585,000          |
| Bicycle      | 60  | East Spring Creek Trail              | Lemay Ave                       | Two-Way Sidepath                        | Spot        | 30             | 4            | \$ 29,000           |
| Bicycle      | 54  | E Suniga Rd                          | Jerome St                       | Signs & Markings                        | Spot        | 31             | 3            | \$ 3,000            |
| Bicycle      | 2   | N Shields St                         | W Willox Ln - W Mountain Ave    | Separated Bike Lane                     | 0.9         | 27             | 6            | \$ 433,000          |
| Bicycle      | 26  | S Timberline Rd                      | Vermont Dr - Battlecreek Dr     | Separated Bike Lane                     | 2.0         | 27             | 6            | \$ 708,000          |
| Bicycle      | 63  | W Drake Rd                           | S Overland Tr - S Taft Hill Rd  | Separated Bike Lane                     | 1.1         | 27             | 6            | \$ 299,000          |
| Bicycle      | 27  | Skyline Dr                           | W Prospect Rd                   | Signals                                 | Spot        | 28             | 5            | \$ 600,000          |
| Pedestrian   | 16  | College                              | Myrtle                          | Geometric Redesign                      | Spot        | 30             | 3            | \$ 117,000          |
| Pedestrian   | 43  | College                              | Willox                          | Signal Operations                       | Spot        | 30             | 3            | \$ 50,000           |

\*Project includes a partner such as Colorado DOT, Larimer County, or Colorado State University

Figure 38. Medium Priority/Readiness Projects cont.

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| Project Type | PID | Street                                                    | Cross-Street or Extents            | Treatment                     | Length (mi) | Outcomes Score | Imple. Score | Cost Opinion (2022) |
|--------------|-----|-----------------------------------------------------------|------------------------------------|-------------------------------|-------------|----------------|--------------|---------------------|
| Bicycle      | 25  | S Timberline Rd                                           | E Prospect Rd - Vermont Dr         | Separated Bike Lane           | 0.4         | 25             | 7            | \$ 414,000          |
| Bicycle      | 10  | West St, Maple St                                         | N Roosevelt Ave - N Shields St     | Bike Boulevard                | 0.5         | 26             | 6            | \$ 5,000            |
| Bicycle      | 21  | Redwood St, Linden St                                     | Conifer St - Linden Center Dr      | Buffered Bike Lane            | 0.8         | 26             | 6            | \$ 41,000           |
| Bicycle      | 60  | Purdue Rd, Tulane Dr, Mathews St, Rutgers Ave             | S College Ave - E Swallow Rd       | Bike Boulevard                | 0.6         | 26             | 6            | \$ 9,000            |
| Pedestrian   | 55  | Redwood                                                   | Conifer                            | High-Visibility Crosswalk     | Spot        | 27             | 5            | \$ 36,000           |
|              |     |                                                           | Suniga                             | High-Visibility Crosswalk     | Spot        |                |              |                     |
| Bicycle      | 37  | W Elizabeth St                                            | S Overland Tr - CSU Transit Center | Separated Bike Lane           | 6.8         | 28             | 4            | \$ 4,062,000        |
| Bicycle      | 28  | Heatheridge Rd                                            | W Prospect Rd                      | Signals                       | Spot        | 28             | 4            | \$ 600,000          |
| Pedestrian   | 14  | Sherwood                                                  | Cherry                             | High-Visibility Crosswalk     | Spot        | 30             | 2            | \$ 168,000          |
|              |     |                                                           | Maple                              | Geometric Redesign            | Spot        |                |              |                     |
| Bicycle      | 58  | Willox Ln                                                 | Blue Spruce                        | Signals                       | Spot        | 31             | 1            | \$ 600,000          |
| Pedestrian   | 41  | Timberline                                                | Mulberry                           | Geometric Redesign            | Spot        | 31             | 1            | \$ 150,000          |
| Bicycle      | 44  | S Lemay Ave                                               | Riverside Ave - E Stuart St        | Separated Bike Lane           | 1.6         | 25             | 6            | \$ 740,000          |
| Bicycle      | 45  | E Elizabeth St                                            | S College Ave - S Lemay Ave        | Buffered Bike Lane, Bike Lane | 1.9         | 26             | 5            | \$ 90,000           |
| Bicycle      | 98  | Loomis Ave                                                | Laporte Ave - W Mulberry St        | Buffered Bike Lane            | 0.6         | 26             | 5            | \$ 31,000           |
| Pedestrian   | 61  | Timberline                                                | International                      | New Crossing                  | Spot        | 26             | 5            | \$ 632,000          |
|              |     |                                                           | Sykes                              | Beacon / RRFB                 | Spot        |                |              |                     |
| Pedestrian   | 56  | Willox                                                    | Bramblebush                        | Beacon / RRFB                 | Spot        | 27             | 4            | \$ 32,000           |
| Bicycle      | 43* | Phemister Rd                                              | Mason Trail                        | New connection                | Spot        | 28             | 3            | \$ 320,000          |
| Bicycle      | 103 | E Lincoln Ave                                             | Lemay - Timberline                 | Separated Bike Lane           | 0.9         | 30             | 1            | \$ 3,019,000        |
| Bicycle      | 27  | N Loomis Ave                                              | Cherry St - Laporte Ave            | Bike Boulevard                | 1.0         | 24             | 6            | \$ 2,000            |
| Bicycle      | 34  | Ponderosa Dr, Fuqua Dr, Clearview Ave                     | W Mulberry St - W Prospect Rd      | Bike Boulevard                | 0.6         | 24             | 6            | \$ 8,000            |
| Bicycle      | 49  | Underhill Dr, Skyline Dr                                  | Springfield Dr - Westbridge Dr     | Bike Boulevard                | 1.4         | 24             | 6            | \$ 3,000            |
| Bicycle      | 53  | Emigh St, McHugh St, Welch St                             | E Elizabeth St - E Prospect Rd     | Bike Boulevard                | 1.0         | 24             | 6            | \$ 4,000            |
| Bicycle      | 61  | Brookwood Dr, Rollingwood Ln, Silverwood Dr, Oxborough Ln | E Stuart St - Centennial Rd        | Bike Boulevard                | 3.1         | 24             | 6            | \$ 10,000           |
| Bicycle      | 89  | S Lemay Ave                                               | E Harmony Rd - Carpenter Rd        | Separated Bike Lane           | 1.1         | 25             | 5            | \$ 830,000          |
| Bicycle      | 49* | S College Ave                                             | W/E Swallow Rd                     | Signs & Markings              | Spot        | 25             | 5            | \$ 3,000            |
| Bicycle      | 41* | Meridian Ave                                              | W Plum St - Hughes Way             | Separated Bike Lane           | 2.5         | 26             | 4            | \$ 682,000          |

\*Project includes a partner such as Colorado DOT, Larimer County, or Colorado State University

Figure 39. Medium Priority/Readiness Projects cont.

| Project Type | PID | Street            | Cross-Street or Extents             | Treatment                 | Length (mi) | Outcomes Score | Imple. Score | Cost Opinion (2022) |
|--------------|-----|-------------------|-------------------------------------|---------------------------|-------------|----------------|--------------|---------------------|
| Pedestrian   | 53  | JFK               | Monroe                              | Geometric Redesign        | Spot        | 26             | 4            | \$ 150,000          |
| Pedestrian   | 74  | Troutman Pkwy     | Boardwalk                           | Geometric Redesign        | Spot        | 26             | 4            | \$ 150,000          |
| Bicycle      | 73  | W Horsetooth Rd   | Horsetooth Ct - Richmond Dr         | Sidepath (both sides)     | 3.6         | 28             | 2            | \$ 3,599,000        |
| Bicycle      | 20  | Conifer St        | N College Ave - N Lemay Ave         | Buffered Bike Lane        | 0.4         | 24             | 5            | \$ 97,000           |
| Bicycle      | 18* | Turnberry Rd      | Country Club Rd - Mountain Vista Dr | Separated Bike Lane       | 0.9         | 25             | 4            | \$ 1,254,000        |
| Pedestrian   | 63  | Lake              | West of Whitcomb                    | Beacon / RRFB             | Spot        | 25             | 4            | \$ 32,000           |
| Pedestrian   | 66  | Prospect          | Whedbee                             | New Crossing              | Spot        | 25             | 4            | \$ 600,000          |
| Bicycle      | 23  | E Vine Dr         | Linden St - I-25                    | Sidepath (one side)       | 0.1         | 27             | 2            | \$ 4,447,000        |
| Bicycle      | 83  | S Lemay Ave       | E Horsetooth Rd - E Harmony Rd      | Sidepath (both sides)     | 3.0         | 27             | 2            | \$ 2,689,000        |
| Pedestrian   | 44* | College Ave       | Palmer                              | Beacon / RRFB             | Spot        | 27             | 2            | \$ 1,200,000        |
|              |     |                   | Saturn                              | Beacon / RRFB             | Spot        |                |              |                     |
| Bicycle      | 45  | Red St            | Canal Crossing                      | New connection            | Spot        | 28             | 1            | \$ 320,000          |
| Bicycle      | 56  | Horsetooth        | Seneca                              | Signals                   | Spot        | 24             | 4            | \$ 600,000          |
| Pedestrian   | 69  | Mason             | Boardwalk                           | High-Visibility Crosswalk | Spot        | 24             | 4            | \$ 18,000           |
| Bicycle      | 81  | W County Road 38E | Red Fox Rd - S Taft Hill Rd         | Sidepath (both sides)     | 0.4         | 25             | 3            | \$ 1,600,000        |
| Bicycle      | 97  | Overland Trail    | W Vine Dr - W Drake Rd              | Separated Bike Lane       | 0.3         | 25             | 3            | \$ 7,624,000        |
| Pedestrian   | 71  | JFK Pkwy          | Pavilion                            | New Crossing              | Spot        | 23             | 4            | \$ 585,000          |
| Pedestrian   | 45* | College           | Fossil Creek                        | Geometric Redesign        | Spot        | 25             | 2            | \$ 190,000          |
| Bicycle      | 64  | Willox Ln         | Lemay Ave                           | Intersection redesign     | Spot        | 26             | 1            | \$ 585,000          |
| Pedestrian   | 62  | Shields           | Laurel                              | Beacon / RRFB             | Spot        | 21             | 5            | \$ 600,000          |
| Pedestrian   | 6   | Shields           | Laporte                             | Geometric Redesign        | Spot        | 17             | 8            | \$ 50,000           |
| Pedestrian   | 33  | Timberline        | Vermont                             | Geometric Redesign        | Spot        | 19             | 6            | \$ 117,000          |
| Pedestrian   | 52  | Harmony           | Silvergate                          | Beacon / RRFB             | Spot        | 21             | 4            | \$ 117,000          |
| Pedestrian   | 59  | Laporte           | Impala                              | High-Visibility Crosswalk | Spot        | 19             | 5            | \$ 32,000           |
| Pedestrian   | 42  | Airpark           | Lincoln                             | New Crossing              | Spot        | 20             | 1            | \$ 585,000          |
| Pedestrian   | 27  | Overland Trail    | Mulberry                            | Beacon / RRFB             | Spot        | 16             | 4            | \$ 1,185,000        |
|              |     |                   | Rampart                             | New Crossing              | Spot        |                |              |                     |
| Pedestrian   | 35  | Miles House       | Drake                               | New Crossing              | Spot        | 11             | 6            | \$ 600,000          |
| Pedestrian   | 49  | Lemay             | Brittany                            | New Crossing              | Spot        | 17             | 2            | \$ 632,000          |
|              |     | Trilby            |                                     | Beacon / RRFB             | Spot        |                |              |                     |

Medium Priority/Readiness Projects, Opinion of Probable Cost: \$57,100,000 over five years (2022 costs)

Option 1: Status Quo

## Community Parks

|                                    | Current | As of January 1, 2026 |
|------------------------------------|---------|-----------------------|
| Residential, up to 700 sq. ft.     | 3,229   | 3,303                 |
| Residential, 701-1,200 sq. ft.     | 4,322   | 4,421                 |
| Residential, 1,201-1,700 sq. ft.   | 4,719   | 4,828                 |
| Residential, 1,701-2,200 sq. ft.   | 4,767   | 4,877                 |
| Residential, over 2,200 sq. ft.    | 5,315   | 5,437                 |
| Nonresidential (per 1,000 sq. ft.) |         |                       |
| Retail/Commercial                  | -       | -                     |
| Office and Other Services          | -       | -                     |
| Industrial                         | -       | -                     |

\*CPI-U for Denver-Aurora-Lakewood 2.3% (2025)

## Neighborhood Parks

|                                    | Current | As of January 1, 2026 |
|------------------------------------|---------|-----------------------|
| Residential, up to 700 sq. ft.     | 2,286   | 2,339                 |
| Residential, 701-1,200 sq. ft.     | 3,060   | 3,130                 |
| Residential, 1,201-1,700 sq. ft.   | 3,343   | 3,420                 |
| Residential, 1,701-2,200 sq. ft.   | 3,377   | 3,455                 |
| Residential, over 2,200 sq. ft.    | 3,763   | 3,850                 |
| Nonresidential (per 1,000 sq. ft.) |         |                       |
| Retail/Commercial                  | -       | -                     |
| Office and Other Services          | -       | -                     |
| Industrial                         | -       | -                     |

\*CPI-U for Denver-Aurora-Lakewood 2.3% (2025)

## Fire

|                                    | Current | As of January 1, 2026 |
|------------------------------------|---------|-----------------------|
| Residential, up to 700 sq. ft.     | 560     | 573                   |
| Residential, 701-1,200 sq. ft.     | 757     | 774                   |
| Residential, 1,201-1,700 sq. ft.   | 824     | 843                   |
| Residential, 1,701-2,200 sq. ft.   | 837     | 856                   |
| Residential, over 2,200 sq. ft.    | 931     | 952                   |
| Nonresidential (per 1,000 sq. ft.) |         |                       |
| Retail/Commercial                  | 705     | 721                   |
| Office and Other Services          | 705     | 721                   |
| Industrial                         | 165     | 169                   |

\*CPI-U for Denver-Aurora-Lakewood 2.3% (2025)

## Police

|                                    | Current | As of January 1, 2026 |
|------------------------------------|---------|-----------------------|
| Residential, up to 700 sq. ft.     | 313     | 320                   |
| Residential, 701-1,200 sq. ft.     | 424     | 434                   |
| Residential, 1,201-1,700 sq. ft.   | 461     | 472                   |
| Residential, 1,701-2,200 sq. ft.   | 467     | 478                   |
| Residential, over 2,200 sq. ft.    | 521     | 533                   |
| Nonresidential (per 1,000 sq. ft.) |         |                       |
| Retail/Commercial                  | 394     | 403                   |
| Office and Other Services          | 394     | 403                   |
| Industrial                         | 92      | 94                    |

\*CPI-U for Denver-Aurora-Lakewood 2.3% (2025)

## General Government

|                                    | Current | As of January 1, 2026 |
|------------------------------------|---------|-----------------------|
| Residential, up to 700 sq. ft.     | 762     | 780                   |
| Residential, 701-1,200 sq. ft.     | 1,028   | 1,052                 |
| Residential, 1,201-1,700 sq. ft.   | 1,123   | 1,149                 |
| Residential, 1,701-2,200 sq. ft.   | 1,140   | 1,166                 |
| Residential, over 2,200 sq. ft.    | 1,269   | 1,298                 |
| Nonresidential (per 1,000 sq. ft.) |         |                       |
| Retail/Commercial                  | 1,928   | 1,972                 |
| Office and Other Services          | 1,928   | 1,972                 |
| Industrial                         | 454     | 464                   |

\*CPI-U for Denver-Aurora-Lakewood 2.3% (2025)

## Transportation (TCEF)

|                                    | Current | As of January 1, 2026 |
|------------------------------------|---------|-----------------------|
| Residential, up to 700 sq. ft.     | 2,958   | 2,849                 |
| Residential, 701-1,200 sq. ft.     | 5,493   | 5,290                 |
| Residential, 1,201-1,700 sq. ft.   | 7,133   | 6,869                 |
| Residential, 1,701-2,200 sq. ft.   | 8,341   | 8,032                 |
| Residential, over 2,200 sq. ft.    | 8,941   | 8,610                 |
| Nonresidential (per 1,000 sq. ft.) |         |                       |
| Retail/Commercial                  | 10,885  | 10,482                |
| Office and Other Services          | 8,019   | 7,722                 |
| Industrial                         | 2,588   | 2,492                 |

\*ENR August CCI numbers for Denver -3.7% deflation (2025)

Option 2: As Proposed September 9, 2025

## Community Parks

## Single Family Detached

|                       | Current | As of January 1, 2026 |
|-----------------------|---------|-----------------------|
| Up to 900 sq. ft.     | 3,229   | 2,525                 |
| 901 - 1,300 sq. ft.   | 4,322   | 2,744                 |
| 1,301 - 1,800 sq. ft. | 4,719   | 3,061                 |
| 1,801 - 2,400 sq. ft. | 4,767   | 3,342                 |
| 2,401 - 3,000 sq. ft. | 5,315   | 3,590                 |
| 3,001 - 3,600 sq. ft. | 5,315   | 3,782                 |
| Over 3,601 sq. ft.    | 5,315   | 3,940                 |

## Single Family Attached

|                       |       |       |
|-----------------------|-------|-------|
| Up to 900 sq. ft.     | 3,229 | 2,001 |
| 901 - 1,300 sq. ft.   | 4,322 | 2,308 |
| 1,301 - 1,800 sq. ft. | 4,719 | 2,754 |
| 1,801 - 2,400 sq. ft. | 4,767 | 3,150 |
| 2,401 - 3,000 sq. ft. | 5,315 | 3,499 |
| 3,001 - 3,600 sq. ft. | 5,315 | 3,770 |
| Over 3,601 sq. ft.    | 5,315 | 3,992 |

## Multifamily/ ADU

|                     |       |       |
|---------------------|-------|-------|
| Up to 750 sq. ft.   | 3,229 | 1,611 |
| 751 - 1,300 sq. ft. | 4,322 | 2,249 |
| Over 1,301 sq. ft.  | 4,719 | 2,494 |

## Nonresidential (per 1,000 sq. ft.)

|                           |   |   |
|---------------------------|---|---|
| Retail/Commercial         | - | - |
| Office and Other Services | - | - |
| Industrial                | - | - |

## Neighborhood Parks

## Single Family Detached

|                       | Current | As of January 1, 2026 |
|-----------------------|---------|-----------------------|
| Up to 900 sq. ft.     | 2,286   | 5,060                 |
| 901 - 1,300 sq. ft.   | 3,060   | 5,497                 |
| 1,301 - 1,800 sq. ft. | 3,343   | 6,133                 |
| 1,801 - 2,400 sq. ft. | 3,377   | 6,695                 |
| 2,401 - 3,000 sq. ft. | 3,763   | 7,192                 |
| 3,001 - 3,600 sq. ft. | 3,763   | 7,579                 |
| Over 3,601 sq. ft.    | 3,763   | 7,894                 |

## Single Family Attached

|                       |       |       |
|-----------------------|-------|-------|
| Up to 900 sq. ft.     | 2,286 | 4,010 |
| 901 - 1,300 sq. ft.   | 3,060 | 4,625 |
| 1,301 - 1,800 sq. ft. | 3,343 | 5,519 |
| 1,801 - 2,400 sq. ft. | 3,377 | 6,311 |
| 2,401 - 3,000 sq. ft. | 3,763 | 7,012 |
| 3,001 - 3,600 sq. ft. | 3,763 | 7,556 |
| Over 3,601 sq. ft.    | 3,763 | 7,999 |

## Multifamily/ ADU

|                     |       |       |
|---------------------|-------|-------|
| Up to 750 sq. ft.   | 2,286 | 3,228 |
| 751 - 1,300 sq. ft. | 3,060 | 4,507 |
| Over 1,301 sq. ft.  | 3,343 | 4,997 |

## Nonresidential (per 1,000 sq. ft.)

|                           |   |   |
|---------------------------|---|---|
| Retail/Commercial         | - | - |
| Office and Other Services | - | - |
| Industrial                | - | - |

## Fire

|                                    | Current | As of January 1, 2026 |
|------------------------------------|---------|-----------------------|
| Single Family Detached             |         |                       |
| Up to 900 sq. ft.                  | 560     | 1,061                 |
| 901 - 1,300 sq. ft.                | 757     | 1,153                 |
| 1,301 - 1,800 sq. ft.              | 824     | 1,286                 |
| 1,801 - 2,400 sq. ft.              | 837     | 1,404                 |
| 2,401 - 3,000 sq. ft.              | 931     | 1,508                 |
| 3,001 - 3,600 sq. ft.              | 931     | 1,589                 |
| Over 3,601 sq. ft.                 | 931     | 1,655                 |
| Single Family Attached             |         |                       |
| Up to 900 sq. ft.                  | 560     | 841                   |
| 901 - 1,300 sq. ft.                | 757     | 970                   |
| 1,301 - 1,800 sq. ft.              | 824     | 1,157                 |
| 1,801 - 2,400 sq. ft.              | 837     | 1,323                 |
| 2,401 - 3,000 sq. ft.              | 931     | 1,470                 |
| 3,001 - 3,600 sq. ft.              | 931     | 1,584                 |
| Over 3,601 sq. ft.                 | 931     | 1,677                 |
| Multifamily/ ADU                   |         |                       |
| Up to 750 sq. ft.                  | 560     | 677                   |
| 751 - 1,300 sq. ft.                | 757     | 945                   |
| Over 1,301 sq. ft.                 | 824     | 1,048                 |
| Nonresidential (per 1,000 sq. ft.) |         |                       |
| Retail/Commercial                  | 705     | 1,346                 |
| Office and Other Services          | 705     | 737                   |
| Industrial                         | 165     | 349                   |

## Police

|                                    | Current | As of January 1, 2026 |
|------------------------------------|---------|-----------------------|
| Single Family Detached             |         |                       |
| Up to 900 sq. ft.                  | 313     | 671                   |
| 901 - 1,300 sq. ft.                | 424     | 729                   |
| 1,301 - 1,800 sq. ft.              | 461     | 813                   |
| 1,801 - 2,400 sq. ft.              | 467     | 888                   |
| 2,401 - 3,000 sq. ft.              | 521     | 954                   |
| 3,001 - 3,600 sq. ft.              | 521     | 1,006                 |
| Over 3,601 sq. ft.                 | 521     | 1,048                 |
| Single Family Attached             |         |                       |
| Up to 900 sq. ft.                  | 313     | 532                   |
| 901 - 1,300 sq. ft.                | 424     | 614                   |
| 1,301 - 1,800 sq. ft.              | 461     | 732                   |
| 1,801 - 2,400 sq. ft.              | 467     | 838                   |
| 2,401 - 3,000 sq. ft.              | 521     | 930                   |
| 3,001 - 3,600 sq. ft.              | 521     | 1,003                 |
| Over 3,601 sq. ft.                 | 521     | 1,061                 |
| Multifamily/ ADU                   |         |                       |
| Up to 750 sq. ft.                  | 313     | 429                   |
| 751 - 1,300 sq. ft.                | 424     | 598                   |
| Over 1,301 sq. ft.                 | 461     | 663                   |
| Nonresidential (per 1,000 sq. ft.) |         |                       |
| Retail/Commercial                  | 394     | 852                   |
| Office and Other Services          | 394     | 466                   |
| Industrial                         | 92      | 221                   |

## Facilities &amp; Capital Equipment

|                                           | General Government<br>Current | Facilities<br>As of January 1, 2026 | Capital Equipment<br>As of January 1, 2026 |
|-------------------------------------------|-------------------------------|-------------------------------------|--------------------------------------------|
| <b>Single Family Detached</b>             |                               |                                     |                                            |
| Up to 900 sq. ft.                         | 762                           | 1,089                               | 222                                        |
| 901 - 1,300 sq. ft.                       | 1,028                         | 1,183                               | 241                                        |
| 1,301 - 1,800 sq. ft.                     | 1,123                         | 1,320                               | 268                                        |
| 1,801 - 2,400 sq. ft.                     | 1,140                         | 1,441                               | 293                                        |
| 2,401 - 3,000 sq. ft.                     | 1,269                         | 1,548                               | 314                                        |
| 3,001 - 3,600 sq. ft.                     | 1,269                         | 1,631                               | 331                                        |
| Over 3,601 sq. ft.                        | 1,269                         | 1,698                               | 345                                        |
| <b>Single Family Attached</b>             |                               |                                     |                                            |
| Up to 900 sq. ft.                         | 762                           | 863                                 | 175                                        |
| 901 - 1,300 sq. ft.                       | 1,028                         | 995                                 | 202                                        |
| 1,301 - 1,800 sq. ft.                     | 1,123                         | 1,187                               | 242                                        |
| 1,801 - 2,400 sq. ft.                     | 1,140                         | 1,358                               | 276                                        |
| 2,401 - 3,000 sq. ft.                     | 1,269                         | 1,509                               | 307                                        |
| 3,001 - 3,600 sq. ft.                     | 1,269                         | 1,626                               | 330                                        |
| Over 3,601 sq. ft.                        | 1,269                         | 1,721                               | 350                                        |
| <b>Multifamily/ ADU</b>                   |                               |                                     |                                            |
| Up to 750 sq. ft.                         | 762                           | 695                                 | 141                                        |
| 751 - 1,300 sq. ft.                       | 1,028                         | 970                                 | 197                                        |
| Over 1,301 sq. ft.                        | 1,123                         | 1,075                               | 219                                        |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |                               |                                     |                                            |
| Retail/Commercial                         | 1,928                         | 1,382                               | 281                                        |
| Office and Other Services                 | 1,928                         | 756                                 | 154                                        |
| Industrial                                | 454                           | 358                                 | 73                                         |

## Transportation (TCEF)

## Single Family Detached

|                       | Current | As of January 1, 2026 |
|-----------------------|---------|-----------------------|
| Up to 900 sq. ft.     | 2,958   | 4,036                 |
| 901 - 1,300 sq. ft.   | 5,493   | 6,165                 |
| 1,301 - 1,800 sq. ft. | 7,133   | 7,819                 |
| 1,801 - 2,400 sq. ft. | 8,341   | 9,288                 |
| 2,401 - 3,000 sq. ft. | 8,941   | 10,509                |
| 3,001 - 3,600 sq. ft. | 8,941   | 11,477                |
| Over 3,601 sq. ft.    | 8,941   | 12,280                |

## Single Family Attached

|                       |       |       |
|-----------------------|-------|-------|
| Up to 900 sq. ft.     | 2,958 | 3,103 |
| 901 - 1,300 sq. ft.   | 5,493 | 4,771 |
| 1,301 - 1,800 sq. ft. | 7,133 | 6,086 |
| 1,801 - 2,400 sq. ft. | 8,341 | 7,260 |
| 2,401 - 3,000 sq. ft. | 8,941 | 8,244 |
| 3,001 - 3,600 sq. ft. | 8,941 | 9,016 |
| Over 3,601 sq. ft.    | 8,941 | 9,662 |

## Multifamily/ ADU

|                     |       |       |
|---------------------|-------|-------|
| Up to 750 sq. ft.   | 2,958 | 2,023 |
| 751 - 1,300 sq. ft. | 5,493 | 3,188 |
| Over 1,301 sq. ft.  | 7,133 | 3,995 |

## Nonresidential (per 1,000 sq. ft.)

|                           |        |        |
|---------------------------|--------|--------|
| Retail/Commercial         | 10,885 | 11,654 |
| Office and Other Services | 8,019  | 7,558  |
| Industrial                | 2,588  | 3,917  |

### Option 3: Phased Implementation

## Community Parks

|                                           | Current | Proposed<br>As of January 1, 2026 | 2-Year Option<br>As of January 1, 2026 | 3-Year Option<br>As of January 1, 2026 |
|-------------------------------------------|---------|-----------------------------------|----------------------------------------|----------------------------------------|
| <b>Single Family Detached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 3,229   | 2,525                             | 2,525                                  | 2,525                                  |
| 901 - 1,300 sq. ft.                       | 4,322   | 2,744                             | 2,744                                  | 2,744                                  |
| 1,301 - 1,800 sq. ft.                     | 4,719   | 3,061                             | 3,061                                  | 3,061                                  |
| 1,801 - 2,400 sq. ft.                     | 4,767   | 3,342                             | 3,342                                  | 3,342                                  |
| 2,401 - 3,000 sq. ft.                     | 5,315   | 3,590                             | 3,590                                  | 3,590                                  |
| 3,001 - 3,600 sq. ft.                     | 5,315   | 3,782                             | 3,782                                  | 3,782                                  |
| Over 3,601 sq. ft.                        | 5,315   | 3,940                             | 3,940                                  | 3,940                                  |
| <b>Single Family Attached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 3,229   | 2,001                             | 2,001                                  | 2,001                                  |
| 901 - 1,300 sq. ft.                       | 4,322   | 2,308                             | 2,308                                  | 2,308                                  |
| 1,301 - 1,800 sq. ft.                     | 4,719   | 2,754                             | 2,754                                  | 2,754                                  |
| 1,801 - 2,400 sq. ft.                     | 4,767   | 3,150                             | 3,150                                  | 3,150                                  |
| 2,401 - 3,000 sq. ft.                     | 5,315   | 3,499                             | 3,499                                  | 3,499                                  |
| 3,001 - 3,600 sq. ft.                     | 5,315   | 3,770                             | 3,770                                  | 3,770                                  |
| Over 3,601 sq. ft.                        | 5,315   | 3,992                             | 3,992                                  | 3,992                                  |
| <b>Multifamily/ ADU</b>                   |         |                                   |                                        |                                        |
| Up to 750 sq. ft.                         | 3,229   | 1,611                             | 1,611                                  | 1,611                                  |
| 751 - 1,300 sq. ft.                       | 4,322   | 2,249                             | 2,249                                  | 2,249                                  |
| Over 1,301 sq. ft.                        | 4,719   | 2,494                             | 2,494                                  | 2,494                                  |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                                   |                                        |                                        |
| Retail/Commercial                         | -       | -                                 | -                                      | -                                      |
| Office and Other Services                 | -       | -                                 | -                                      | -                                      |
| Industrial                                | -       | -                                 | -                                      | -                                      |

Where fees would be higher if the proposal was phased-in over time;  
fees in those categories are set at rates in the "Proposed as of January 1, 2026" column

## Neighborhood Parks

|                                           | Current | Proposed<br>As of January 1, 2026 | 2-Year Option<br>As of January 1, 2026 | 3-Year Option<br>As of January 1, 2026 |
|-------------------------------------------|---------|-----------------------------------|----------------------------------------|----------------------------------------|
| <b>Single Family Detached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 2,286   | 5,060                             | 3,699                                  | 3,427                                  |
| 901 - 1,300 sq. ft.                       | 3,060   | 5,497                             | 4,314                                  | 4,077                                  |
| 1,301 - 1,800 sq. ft.                     | 3,343   | 6,133                             | 4,776                                  | 4,505                                  |
| 1,801 - 2,400 sq. ft.                     | 3,377   | 6,695                             | 5,075                                  | 4,751                                  |
| 2,401 - 3,000 sq. ft.                     | 3,763   | 7,192                             | 5,521                                  | 5,187                                  |
| 3,001 - 3,600 sq. ft.                     | 3,763   | 7,579                             | 5,714                                  | 5,341                                  |
| Over 3,601 sq. ft.                        | 3,763   | 7,894                             | 5,872                                  | 5,467                                  |
| <b>Single Family Attached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 2,286   | 4,010                             | 3,174                                  | 3,007                                  |
| 901 - 1,300 sq. ft.                       | 3,060   | 4,625                             | 3,878                                  | 3,728                                  |
| 1,301 - 1,800 sq. ft.                     | 3,343   | 5,519                             | 4,469                                  | 4,260                                  |
| 1,801 - 2,400 sq. ft.                     | 3,377   | 6,311                             | 4,883                                  | 4,597                                  |
| 2,401 - 3,000 sq. ft.                     | 3,763   | 7,012                             | 5,431                                  | 5,115                                  |
| 3,001 - 3,600 sq. ft.                     | 3,763   | 7,556                             | 5,703                                  | 5,332                                  |
| Over 3,601 sq. ft.                        | 3,763   | 7,999                             | 5,924                                  | 5,509                                  |
| <b>Multifamily/ ADU</b>                   |         |                                   |                                        |                                        |
| Up to 750 sq. ft.                         | 2,286   | 3,228                             | 2,783                                  | 2,694                                  |
| 751 - 1,300 sq. ft.                       | 3,060   | 4,507                             | 3,819                                  | 3,681                                  |
| Over 1,301 sq. ft.                        | 3,343   | 4,997                             | 4,208                                  | 4,051                                  |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                                   |                                        |                                        |
| Retail/Commercial                         | -       | -                                 | -                                      | -                                      |
| Office and Other Services                 | -       | -                                 | -                                      | -                                      |
| Industrial                                | -       | -                                 | -                                      | -                                      |

## Fire

|                                           | Current | Proposed<br>As of January 1, 2026 | 2-Year Option<br>As of January 1, 2026 | 3-Year Option<br>As of January 1, 2026 |
|-------------------------------------------|---------|-----------------------------------|----------------------------------------|----------------------------------------|
| <b>Single Family Detached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 560     | 1,061                             | 817                                    | 768                                    |
| 901 - 1,300 sq. ft.                       | 757     | 1,153                             | 964                                    | 926                                    |
| 1,301 - 1,800 sq. ft.                     | 824     | 1,286                             | 1,064                                  | 1,020                                  |
| 1,801 - 2,400 sq. ft.                     | 837     | 1,404                             | 1,130                                  | 1,075                                  |
| 2,401 - 3,000 sq. ft.                     | 931     | 1,508                             | 1,230                                  | 1,175                                  |
| 3,001 - 3,600 sq. ft.                     | 931     | 1,589                             | 1,271                                  | 1,207                                  |
| Over 3,601 sq. ft.                        | 931     | 1,655                             | 1,304                                  | 1,233                                  |
| <b>Single Family Attached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 560     | 841                               | 707                                    | 680                                    |
| 901 - 1,300 sq. ft.                       | 757     | 970                               | 872                                    | 853                                    |
| 1,301 - 1,800 sq. ft.                     | 824     | 1,157                             | 1,000                                  | 969                                    |
| 1,801 - 2,400 sq. ft.                     | 837     | 1,323                             | 1,090                                  | 1,043                                  |
| 2,401 - 3,000 sq. ft.                     | 931     | 1,470                             | 1,211                                  | 1,159                                  |
| 3,001 - 3,600 sq. ft.                     | 931     | 1,584                             | 1,268                                  | 1,205                                  |
| Over 3,601 sq. ft.                        | 931     | 1,677                             | 1,315                                  | 1,242                                  |
| <b>Multifamily/ ADU</b>                   |         |                                   |                                        |                                        |
| Up to 750 sq. ft.                         | 560     | 677                               | 625                                    | 615                                    |
| 751 - 1,300 sq. ft.                       | 757     | 945                               | 860                                    | 843                                    |
| Over 1,301 sq. ft.                        | 824     | 1,048                             | 945                                    | 925                                    |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                                   |                                        |                                        |
| Retail/Commercial                         | 705     | 1,346                             | 1,034                                  | 971                                    |
| Office and Other Services                 | 705     | 737                               | 729                                    | 728                                    |
| Industrial                                | 165     | 349                               | 259                                    | 241                                    |

## Police

|                                           | Current | Proposed<br>As of January 1, 2026 | 2-Year Option<br>As of January 1, 2026 | 3-Year Option<br>As of January 1, 2026 |
|-------------------------------------------|---------|-----------------------------------|----------------------------------------|----------------------------------------|
| <b>Single Family Detached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 313     | 671                               | 496                                    | 461                                    |
| 901 - 1,300 sq. ft.                       | 424     | 729                               | 581                                    | 552                                    |
| 1,301 - 1,800 sq. ft.                     | 461     | 813                               | 642                                    | 608                                    |
| 1,801 - 2,400 sq. ft.                     | 467     | 888                               | 683                                    | 642                                    |
| 2,401 - 3,000 sq. ft.                     | 521     | 954                               | 743                                    | 701                                    |
| 3,001 - 3,600 sq. ft.                     | 521     | 1,006                             | 769                                    | 722                                    |
| Over 3,601 sq. ft.                        | 521     | 1,048                             | 790                                    | 739                                    |
| <b>Single Family Attached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 313     | 532                               | 426                                    | 405                                    |
| 901 - 1,300 sq. ft.                       | 424     | 614                               | 524                                    | 506                                    |
| 1,301 - 1,800 sq. ft.                     | 461     | 732                               | 602                                    | 576                                    |
| 1,801 - 2,400 sq. ft.                     | 467     | 838                               | 658                                    | 622                                    |
| 2,401 - 3,000 sq. ft.                     | 521     | 930                               | 731                                    | 692                                    |
| 3,001 - 3,600 sq. ft.                     | 521     | 1,003                             | 768                                    | 721                                    |
| Over 3,601 sq. ft.                        | 521     | 1,061                             | 797                                    | 744                                    |
| <b>Multifamily/ ADU</b>                   |         |                                   |                                        |                                        |
| Up to 750 sq. ft.                         | 313     | 429                               | 375                                    | 364                                    |
| 751 - 1,300 sq. ft.                       | 424     | 598                               | 516                                    | 499                                    |
| Over 1,301 sq. ft.                        | 461     | 663                               | 567                                    | 548                                    |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                                   |                                        |                                        |
| Retail/Commercial                         | 394     | 852                               | 628                                    | 583                                    |
| Office and Other Services                 | 394     | 466                               | 435                                    | 428                                    |
| Industrial                                | 92      | 221                               | 158                                    | 145                                    |

Facilities & Capital Equipment

|                                           | Current | Proposed<br>Facilities<br>As of January 1, 2026 | Proposed<br>Capital Equipment<br>As of January 1, 2026 | 2-Year Option<br>Facilities<br>As of January 1, 2026 | 2-Year Option<br>Capital Equipment<br>As of January 1, 2026 | 3-Year Option<br>Facilities<br>As of January 1, 2026 | 3-Year Option<br>Capital Equipment<br>As of January 1, 2026 |
|-------------------------------------------|---------|-------------------------------------------------|--------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------|
| <b>Single Family Detached</b>             |         |                                                 |                                                        |                                                      |                                                             |                                                      |                                                             |
| Up to 900 sq. ft.                         | 762     | 1,089                                           | 222                                                    | 868                                                  | 177                                                         | 824                                                  | 168                                                         |
| 901 - 1,300 sq. ft.                       | 1,028   | 1,183                                           | 241                                                    | 1,028                                                | 210                                                         | 997                                                  | 204                                                         |
| 1,301 - 1,800 sq. ft.                     | 1,123   | 1,320                                           | 268                                                    | 1,137                                                | 232                                                         | 1,100                                                | 224                                                         |
| 1,801 - 2,400 sq. ft.                     | 1,140   | 1,441                                           | 293                                                    | 1,204                                                | 246                                                         | 1,157                                                | 236                                                         |
| 2,401 - 3,000 sq. ft.                     | 1,269   | 1,548                                           | 314                                                    | 1,313                                                | 267                                                         | 1,266                                                | 258                                                         |
| 3,001 - 3,600 sq. ft.                     | 1,269   | 1,631                                           | 331                                                    | 1,354                                                | 276                                                         | 1,299                                                | 265                                                         |
| Over 3,601 sq. ft.                        | 1,269   | 1,698                                           | 345                                                    | 1,388                                                | 283                                                         | 1,326                                                | 270                                                         |
| <b>Single Family Attached</b>             |         |                                                 |                                                        |                                                      |                                                             |                                                      |                                                             |
| Up to 900 sq. ft.                         | 762     | 863                                             | 175                                                    | 755                                                  | 154                                                         | 733                                                  | 150                                                         |
| 901 - 1,300 sq. ft.                       | 1,028   | 995                                             | 202                                                    | 934                                                  | 190                                                         | 922                                                  | 188                                                         |
| 1,301 - 1,800 sq. ft.                     | 1,123   | 1,187                                           | 242                                                    | 1,070                                                | 219                                                         | 1,047                                                | 214                                                         |
| 1,801 - 2,400 sq. ft.                     | 1,140   | 1,358                                           | 276                                                    | 1,163                                                | 237                                                         | 1,124                                                | 229                                                         |
| 2,401 - 3,000 sq. ft.                     | 1,269   | 1,509                                           | 307                                                    | 1,293                                                | 264                                                         | 1,250                                                | 255                                                         |
| 3,001 - 3,600 sq. ft.                     | 1,269   | 1,626                                           | 330                                                    | 1,352                                                | 275                                                         | 1,297                                                | 264                                                         |
| Over 3,601 sq. ft.                        | 1,269   | 1,721                                           | 350                                                    | 1,399                                                | 285                                                         | 1,335                                                | 272                                                         |
| <b>Multifamily/ ADU</b>                   |         |                                                 |                                                        |                                                      |                                                             |                                                      |                                                             |
| Up to 750 sq. ft.                         | 762     | 695                                             | 141                                                    | 671                                                  | 137                                                         | 666                                                  | 136                                                         |
| 751 - 1,300 sq. ft.                       | 1,028   | 970                                             | 197                                                    | 921                                                  | 188                                                         | 912                                                  | 186                                                         |
| Over 1,301 sq. ft.                        | 1,123   | 1,075                                           | 219                                                    | 1,014                                                | 207                                                         | 1,002                                                | 205                                                         |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                                                 |                                                        |                                                      |                                                             |                                                      |                                                             |
| Retail/Commercial                         | 1,928   | 1,382                                           | 281                                                    | 1,382                                                | 281                                                         | 1,382                                                | 281                                                         |
| Office and Other Services                 | 1,928   | 756                                             | 154                                                    | 756                                                  | 154                                                         | 756                                                  | 154                                                         |
| Industrial                                | 454     | 358                                             | 73                                                     | 358                                                  | 73                                                          | 358                                                  | 73                                                          |

Where fees would be higher if the proposal was phased-in over time; fees in those categories are set at rates in the "Proposed as of January 1, 2026" column

## Transportation (TCEF)

|                                           | Current | Proposed<br>As of January 1, 2026 | 2-Year Option<br>As of January 1, 2026 | 3-Year Option<br>As of January 1, 2026 |
|-------------------------------------------|---------|-----------------------------------|----------------------------------------|----------------------------------------|
| <b>Single Family Detached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 2,958   | 4,036                             | 3,442                                  | 3,324                                  |
| 901 - 1,300 sq. ft.                       | 5,493   | 6,165                             | 5,727                                  | 5,640                                  |
| 1,301 - 1,800 sq. ft.                     | 7,133   | 7,819                             | 7,344                                  | 7,249                                  |
| 1,801 - 2,400 sq. ft.                     | 8,341   | 9,288                             | 8,660                                  | 8,535                                  |
| 2,401 - 3,000 sq. ft.                     | 8,941   | 10,509                            | 9,560                                  | 9,370                                  |
| 3,001 - 3,600 sq. ft.                     | 8,941   | 11,477                            | 10,044                                 | 9,757                                  |
| Over 3,601 sq. ft.                        | 8,941   | 12,280                            | 10,445                                 | 10,078                                 |
| <b>Single Family Attached</b>             |         |                                   |                                        |                                        |
| Up to 900 sq. ft.                         | 2,958   | 3,103                             | 2,976                                  | 2,950                                  |
| 901 - 1,300 sq. ft.                       | 5,493   | 4,771                             | 4,771                                  | 4,771                                  |
| 1,301 - 1,800 sq. ft.                     | 7,133   | 6,086                             | 6,086                                  | 6,086                                  |
| 1,801 - 2,400 sq. ft.                     | 8,341   | 7,260                             | 7,260                                  | 7,260                                  |
| 2,401 - 3,000 sq. ft.                     | 8,941   | 8,244                             | 8,244                                  | 8,244                                  |
| 3,001 - 3,600 sq. ft.                     | 8,941   | 9,016                             | 8,813                                  | 8,773                                  |
| Over 3,601 sq. ft.                        | 8,941   | 9,662                             | 9,136                                  | 9,031                                  |
| <b>Multifamily/ ADU</b>                   |         |                                   |                                        |                                        |
| Up to 750 sq. ft.                         | 2,958   | 2,023                             | 2,023                                  | 2,023                                  |
| 751 - 1,300 sq. ft.                       | 5,493   | 3,188                             | 3,188                                  | 3,188                                  |
| Over 1,301 sq. ft.                        | 7,133   | 3,995                             | 3,995                                  | 3,995                                  |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                                   |                                        |                                        |
| Retail/Commercial                         | 10,885  | 11,654                            | 11,068                                 | 10,951                                 |
| Office and Other Services                 | 8,019   | 7,558                             | 7,558                                  | 7,558                                  |
| Industrial                                | 2,588   | 3,917                             | 3,205                                  | 3,062                                  |

Where fees would be higher if the proposal was phased-in over time;  
fees in those categories are set at rates in the "Proposed as of January 1, 2026" column

## Option 4: Fractional Implementation

## Community Parks

|                                           | Current | Proposed<br>As of January 1, 2026 | 70%<br>As of January 1, 2026 | 80%<br>As of January 1, 2026 | 90%<br>As of January 1, 2026 |
|-------------------------------------------|---------|-----------------------------------|------------------------------|------------------------------|------------------------------|
| <b>Single Family Detached</b>             |         |                                   |                              |                              |                              |
| Up to 900 sq. ft.                         | 3,229   | 2,525                             | 1,768                        | 2,020                        | 2,273                        |
| 901 - 1,300 sq. ft.                       | 4,322   | 2,744                             | 1,921                        | 2,195                        | 2,469                        |
| 1,301 - 1,800 sq. ft.                     | 4,719   | 3,061                             | 2,143                        | 2,449                        | 2,755                        |
| 1,801 - 2,400 sq. ft.                     | 4,767   | 3,342                             | 2,339                        | 2,673                        | 3,008                        |
| 2,401 - 3,000 sq. ft.                     | 5,315   | 3,590                             | 2,513                        | 2,872                        | 3,231                        |
| 3,001 - 3,600 sq. ft.                     | 5,315   | 3,782                             | 2,647                        | 3,026                        | 3,404                        |
| Over 3,601 sq. ft.                        | 5,315   | 3,940                             | 2,758                        | 3,152                        | 3,546                        |
| <b>Single Family Attached</b>             |         |                                   |                              |                              |                              |
| Up to 900 sq. ft.                         | 3,229   | 2,001                             | 1,401                        | 1,601                        | 1,801                        |
| 901 - 1,300 sq. ft.                       | 4,322   | 2,308                             | 1,615                        | 1,846                        | 2,077                        |
| 1,301 - 1,800 sq. ft.                     | 4,719   | 2,754                             | 1,928                        | 2,203                        | 2,479                        |
| 1,801 - 2,400 sq. ft.                     | 4,767   | 3,150                             | 2,205                        | 2,520                        | 2,835                        |
| 2,401 - 3,000 sq. ft.                     | 5,315   | 3,499                             | 2,450                        | 2,799                        | 3,149                        |
| 3,001 - 3,600 sq. ft.                     | 5,315   | 3,770                             | 2,639                        | 3,016                        | 3,393                        |
| Over 3,601 sq. ft.                        | 5,315   | 3,992                             | 2,795                        | 3,194                        | 3,593                        |
| <b>Multifamily/ ADU</b>                   |         |                                   |                              |                              |                              |
| Up to 750 sq. ft.                         | 3,229   | 1,611                             | 1,128                        | 1,289                        | 1,450                        |
| 751 - 1,300 sq. ft.                       | 4,322   | 2,249                             | 1,574                        | 1,799                        | 2,024                        |
| Over 1,301 sq. ft.                        | 4,719   | 2,494                             | 1,746                        | 1,995                        | 2,244                        |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                                   |                              |                              |                              |
| Retail/Commercial                         | -       | -                                 | -                            | -                            | -                            |
| Office and Other Services                 | -       | -                                 | -                            | -                            | -                            |
| Industrial                                | -       | -                                 | -                            | -                            | -                            |

## Neighborhood Parks

|                                           | Current | Proposed              |                       | 70%                   |                       | 80%                   |                       | 90%                   |                       |
|-------------------------------------------|---------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
|                                           |         | As of January 1, 2026 |
| <b>Single Family Detached</b>             |         |                       |                       |                       |                       |                       |                       |                       |                       |
| Up to 900 sq. ft.                         | 2,286   | 5,060                 | 3,542                 | 4,048                 | 4,554                 |                       |                       |                       |                       |
| 901 - 1,300 sq. ft.                       | 3,060   | 5,497                 | 3,848                 | 4,398                 | 4,947                 |                       |                       |                       |                       |
| 1,301 - 1,800 sq. ft.                     | 3,343   | 6,133                 | 4,293                 | 4,906                 | 5,520                 |                       |                       |                       |                       |
| 1,801 - 2,400 sq. ft.                     | 3,377   | 6,695                 | 4,687                 | 5,356                 | 6,026                 |                       |                       |                       |                       |
| 2,401 - 3,000 sq. ft.                     | 3,763   | 7,192                 | 5,034                 | 5,754                 | 6,473                 |                       |                       |                       |                       |
| 3,001 - 3,600 sq. ft.                     | 3,763   | 7,579                 | 5,305                 | 6,063                 | 6,821                 |                       |                       |                       |                       |
| Over 3,601 sq. ft.                        | 3,763   | 7,894                 | 5,526                 | 6,315                 | 7,105                 |                       |                       |                       |                       |
| <b>Single Family Attached</b>             |         |                       |                       |                       |                       |                       |                       |                       |                       |
| Up to 900 sq. ft.                         | 2,286   | 4,010                 | 2,807                 | 3,208                 | 3,609                 |                       |                       |                       |                       |
| 901 - 1,300 sq. ft.                       | 3,060   | 4,625                 | 3,238                 | 3,700                 | 4,163                 |                       |                       |                       |                       |
| 1,301 - 1,800 sq. ft.                     | 3,343   | 5,519                 | 3,863                 | 4,415                 | 4,967                 |                       |                       |                       |                       |
| 1,801 - 2,400 sq. ft.                     | 3,377   | 6,311                 | 4,418                 | 5,049                 | 5,680                 |                       |                       |                       |                       |
| 2,401 - 3,000 sq. ft.                     | 3,763   | 7,012                 | 4,908                 | 5,610                 | 6,311                 |                       |                       |                       |                       |
| 3,001 - 3,600 sq. ft.                     | 3,763   | 7,556                 | 5,289                 | 6,045                 | 6,800                 |                       |                       |                       |                       |
| Over 3,601 sq. ft.                        | 3,763   | 7,999                 | 5,599                 | 6,399                 | 7,199                 |                       |                       |                       |                       |
| <b>Multifamily/ ADU</b>                   |         |                       |                       |                       |                       |                       |                       |                       |                       |
| Up to 750 sq. ft.                         | 2,286   | 3,228                 | 2,260                 | 2,582                 | 2,905                 |                       |                       |                       |                       |
| 751 - 1,300 sq. ft.                       | 3,060   | 4,507                 | 3,155                 | 3,606                 | 4,056                 |                       |                       |                       |                       |
| Over 1,301 sq. ft.                        | 3,343   | 4,997                 | 3,498                 | 3,998                 | 4,497                 |                       |                       |                       |                       |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                       |                       |                       |                       |                       |                       |                       |                       |
| Retail/Commercial                         | -       | -                     | -                     | -                     | -                     |                       |                       |                       |                       |
| Office and Other Services                 | -       | -                     | -                     | -                     | -                     |                       |                       |                       |                       |
| Industrial                                | -       | -                     | -                     | -                     | -                     |                       |                       |                       |                       |

## Fire

|                                           | Current | Proposed<br>As of January 1, 2026 | 70%<br>As of January 1, 2026 | 80%<br>As of January 1, 2026 | 90%<br>As of January 1, 2026 |
|-------------------------------------------|---------|-----------------------------------|------------------------------|------------------------------|------------------------------|
| <b>Single Family Detached</b>             |         |                                   |                              |                              |                              |
| Up to 900 sq. ft.                         | 560     | 1,061                             | 743                          | 849                          | 955                          |
| 901 - 1,300 sq. ft.                       | 757     | 1,153                             | 807                          | 922                          | 1,038                        |
| 1,301 - 1,800 sq. ft.                     | 824     | 1,286                             | 900                          | 1,029                        | 1,157                        |
| 1,801 - 2,400 sq. ft.                     | 837     | 1,404                             | 983                          | 1,123                        | 1,264                        |
| 2,401 - 3,000 sq. ft.                     | 931     | 1,508                             | 1,056                        | 1,206                        | 1,357                        |
| 3,001 - 3,600 sq. ft.                     | 931     | 1,589                             | 1,112                        | 1,271                        | 1,430                        |
| Over 3,601 sq. ft.                        | 931     | 1,655                             | 1,159                        | 1,324                        | 1,490                        |
| <b>Single Family Attached</b>             |         |                                   |                              |                              |                              |
| Up to 900 sq. ft.                         | 560     | 841                               | 589                          | 673                          | 757                          |
| 901 - 1,300 sq. ft.                       | 757     | 970                               | 679                          | 776                          | 873                          |
| 1,301 - 1,800 sq. ft.                     | 824     | 1,157                             | 810                          | 926                          | 1,041                        |
| 1,801 - 2,400 sq. ft.                     | 837     | 1,323                             | 926                          | 1,058                        | 1,191                        |
| 2,401 - 3,000 sq. ft.                     | 931     | 1,470                             | 1,029                        | 1,176                        | 1,323                        |
| 3,001 - 3,600 sq. ft.                     | 931     | 1,584                             | 1,109                        | 1,267                        | 1,426                        |
| Over 3,601 sq. ft.                        | 931     | 1,677                             | 1,174                        | 1,342                        | 1,509                        |
| <b>Multifamily/ ADU</b>                   |         |                                   |                              |                              |                              |
| Up to 750 sq. ft.                         | 560     | 677                               | 474                          | 542                          | 609                          |
| 751 - 1,300 sq. ft.                       | 757     | 945                               | 662                          | 756                          | 851                          |
| Over 1,301 sq. ft.                        | 824     | 1,048                             | 734                          | 838                          | 943                          |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                                   |                              |                              |                              |
| Retail/Commercial                         | 705     | 1,346                             | 942                          | 1,077                        | 1,211                        |
| Office and Other Services                 | 705     | 737                               | 516                          | 590                          | 663                          |
| Industrial                                | 165     | 349                               | 244                          | 279                          | 314                          |

## Police

|                                           | Current | Proposed<br>As of January 1, 2026 | As of January 1, 2026 | 70%<br>As of January 1, 2026 | 80%<br>As of January 1, 2026 | 90%<br>As of January 1, 2026 |
|-------------------------------------------|---------|-----------------------------------|-----------------------|------------------------------|------------------------------|------------------------------|
| <b>Single Family Detached</b>             |         |                                   |                       |                              |                              |                              |
| Up to 900 sq. ft.                         | 313     | 671                               |                       | 470                          | 537                          | 604                          |
| 901 - 1,300 sq. ft.                       | 424     | 729                               |                       | 510                          | 583                          | 656                          |
| 1,301 - 1,800 sq. ft.                     | 461     | 813                               |                       | 569                          | 650                          | 732                          |
| 1,801 - 2,400 sq. ft.                     | 467     | 888                               |                       | 622                          | 710                          | 799                          |
| 2,401 - 3,000 sq. ft.                     | 521     | 954                               |                       | 668                          | 763                          | 859                          |
| 3,001 - 3,600 sq. ft.                     | 521     | 1,006                             |                       | 704                          | 805                          | 905                          |
| Over 3,601 sq. ft.                        | 521     | 1,048                             |                       | 734                          | 838                          | 943                          |
| <b>Single Family Attached</b>             |         |                                   |                       |                              |                              |                              |
| Up to 900 sq. ft.                         | 313     | 532                               |                       | 372                          | 426                          | 479                          |
| 901 - 1,300 sq. ft.                       | 424     | 614                               |                       | 430                          | 491                          | 553                          |
| 1,301 - 1,800 sq. ft.                     | 461     | 732                               |                       | 512                          | 586                          | 659                          |
| 1,801 - 2,400 sq. ft.                     | 467     | 838                               |                       | 587                          | 670                          | 754                          |
| 2,401 - 3,000 sq. ft.                     | 521     | 930                               |                       | 651                          | 744                          | 837                          |
| 3,001 - 3,600 sq. ft.                     | 521     | 1,003                             |                       | 702                          | 802                          | 903                          |
| Over 3,601 sq. ft.                        | 521     | 1,061                             |                       | 743                          | 849                          | 955                          |
| <b>Multifamily/ ADU</b>                   |         |                                   |                       |                              |                              |                              |
| Up to 750 sq. ft.                         | 313     | 429                               |                       | 300                          | 343                          | 386                          |
| 751 - 1,300 sq. ft.                       | 424     | 598                               |                       | 419                          | 478                          | 538                          |
| Over 1,301 sq. ft.                        | 461     | 663                               |                       | 464                          | 530                          | 597                          |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |         |                                   |                       |                              |                              |                              |
| Retail/Commercial                         | 394     | 852                               |                       | 596                          | 682                          | 767                          |
| Office and Other Services                 | 394     | 466                               |                       | 326                          | 373                          | 419                          |
| Industrial                                | 92      | 221                               |                       | 155                          | 177                          | 199                          |

Facilities & Capital Equipment

| General Government<br>Current             | Proposed                            | Proposed                                   | 70%                                 |                                            | 70%                                 |                                            | 80%                                 |                                            | 80%                                 |                                            | 90%                                 |                                            |
|-------------------------------------------|-------------------------------------|--------------------------------------------|-------------------------------------|--------------------------------------------|-------------------------------------|--------------------------------------------|-------------------------------------|--------------------------------------------|-------------------------------------|--------------------------------------------|-------------------------------------|--------------------------------------------|
|                                           | Facilities<br>As of January 1, 2026 | Capital Equipment<br>As of January 1, 2026 | Facilities<br>As of January 1, 2026 | Capital Equipment<br>As of January 1, 2026 | Facilities<br>As of January 1, 2026 | Capital Equipment<br>As of January 1, 2026 | Facilities<br>As of January 1, 2026 | Capital Equipment<br>As of January 1, 2026 | Facilities<br>As of January 1, 2026 | Capital Equipment<br>As of January 1, 2026 | Facilities<br>As of January 1, 2026 | Capital Equipment<br>As of January 1, 2026 |
| <b>Single Family Detached</b>             |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |
| Up to 900 sq. ft.                         | 762                                 | 1,089                                      | 222                                 | 762                                        | 155                                 | 871                                        | 178                                 | 980                                        | 200                                 |                                            |                                     |                                            |
| 901 - 1,300 sq. ft.                       | 1,028                               | 1,183                                      | 241                                 | 828                                        | 169                                 | 946                                        | 193                                 | 1,065                                      | 217                                 |                                            |                                     |                                            |
| 1,301 - 1,800 sq. ft.                     | 1,123                               | 1,320                                      | 268                                 | 924                                        | 188                                 | 1,056                                      | 214                                 | 1,188                                      | 241                                 |                                            |                                     |                                            |
| 1,801 - 2,400 sq. ft.                     | 1,140                               | 1,441                                      | 293                                 | 1,009                                      | 205                                 | 1,153                                      | 234                                 | 1,297                                      | 264                                 |                                            |                                     |                                            |
| 2,401 - 3,000 sq. ft.                     | 1,269                               | 1,548                                      | 314                                 | 1,084                                      | 220                                 | 1,238                                      | 251                                 | 1,393                                      | 283                                 |                                            |                                     |                                            |
| 3,001 - 3,600 sq. ft.                     | 1,269                               | 1,631                                      | 331                                 | 1,142                                      | 232                                 | 1,305                                      | 265                                 | 1,468                                      | 298                                 |                                            |                                     |                                            |
| Over 3,601 sq. ft.                        | 1,269                               | 1,698                                      | 345                                 | 1,189                                      | 242                                 | 1,358                                      | 276                                 | 1,528                                      | 311                                 |                                            |                                     |                                            |
| <b>Single Family Attached</b>             |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |
| Up to 900 sq. ft.                         | 762                                 | 863                                        | 175                                 | 604                                        | 123                                 | 690                                        | 140                                 | 777                                        | 158                                 |                                            |                                     |                                            |
| 901 - 1,300 sq. ft.                       | 1,028                               | 995                                        | 202                                 | 697                                        | 141                                 | 796                                        | 162                                 | 896                                        | 182                                 |                                            |                                     |                                            |
| 1,301 - 1,800 sq. ft.                     | 1,123                               | 1,187                                      | 242                                 | 831                                        | 169                                 | 950                                        | 194                                 | 1,068                                      | 218                                 |                                            |                                     |                                            |
| 1,801 - 2,400 sq. ft.                     | 1,140                               | 1,358                                      | 276                                 | 951                                        | 193                                 | 1,086                                      | 221                                 | 1,222                                      | 248                                 |                                            |                                     |                                            |
| 2,401 - 3,000 sq. ft.                     | 1,269                               | 1,509                                      | 307                                 | 1,056                                      | 215                                 | 1,207                                      | 246                                 | 1,358                                      | 276                                 |                                            |                                     |                                            |
| 3,001 - 3,600 sq. ft.                     | 1,269                               | 1,626                                      | 330                                 | 1,138                                      | 231                                 | 1,301                                      | 264                                 | 1,463                                      | 297                                 |                                            |                                     |                                            |
| Over 3,601 sq. ft.                        | 1,269                               | 1,721                                      | 350                                 | 1,205                                      | 245                                 | 1,377                                      | 280                                 | 1,549                                      | 315                                 |                                            |                                     |                                            |
| <b>Multifamily/ ADU</b>                   |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |
| Up to 750 sq. ft.                         | 762                                 | 695                                        | 141                                 | 487                                        | 99                                  | 556                                        | 113                                 | 626                                        | 127                                 |                                            |                                     |                                            |
| 751 - 1,300 sq. ft.                       | 1,028                               | 970                                        | 197                                 | 679                                        | 138                                 | 776                                        | 158                                 | 873                                        | 177                                 |                                            |                                     |                                            |
| Over 1,301 sq. ft.                        | 1,123                               | 1,075                                      | 219                                 | 753                                        | 153                                 | 860                                        | 175                                 | 968                                        | 197                                 |                                            |                                     |                                            |
| <b>Nonresidential (per 1,000 sq. ft.)</b> |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |                                     |                                            |
| Retail/Commercial                         | 1,928                               | 1,382                                      | 281                                 | 967                                        | 197                                 | 1,106                                      | 225                                 | 1,244                                      | 253                                 |                                            |                                     |                                            |
| Office and Other Services                 | 1,928                               | 756                                        | 154                                 | 529                                        | 108                                 | 605                                        | 123                                 | 680                                        | 139                                 |                                            |                                     |                                            |
| Industrial                                | 454                                 | 358                                        | 73                                  | 251                                        | 51                                  | 286                                        | 58                                  | 322                                        | 66                                  |                                            |                                     |                                            |

## Transportation (TCEF)

|                                    | Proposed |                       | 70%                   | 80%                   | 90%                   |
|------------------------------------|----------|-----------------------|-----------------------|-----------------------|-----------------------|
|                                    | Current  | As of January 1, 2026 |
| Single Family Detached             |          |                       |                       |                       |                       |
| Up to 900 sq. ft.                  | 2,958    | 4,036                 | 2,825                 | 3,229                 | 3,632                 |
| 901 - 1,300 sq. ft.                | 5,493    | 6,165                 | 4,316                 | 4,932                 | 5,549                 |
| 1,301 - 1,800 sq. ft.              | 7,133    | 7,819                 | 5,473                 | 6,255                 | 7,037                 |
| 1,801 - 2,400 sq. ft.              | 8,341    | 9,288                 | 6,502                 | 7,430                 | 8,359                 |
| 2,401 - 3,000 sq. ft.              | 8,941    | 10,509                | 7,356                 | 8,407                 | 9,458                 |
| 3,001 - 3,600 sq. ft.              | 8,941    | 11,477                | 8,034                 | 9,182                 | 10,329                |
| Over 3,601 sq. ft.                 | 8,941    | 12,280                | 8,596                 | 9,824                 | 11,052                |
|                                    |          |                       | -                     | -                     | -                     |
| Single Family Attached             |          |                       |                       |                       |                       |
| Up to 900 sq. ft.                  | 2,958    | 3,103                 | 2,172                 | 2,482                 | 2,793                 |
| 901 - 1,300 sq. ft.                | 5,493    | 4,771                 | 3,340                 | 3,817                 | 4,294                 |
| 1,301 - 1,800 sq. ft.              | 7,133    | 6,086                 | 4,260                 | 4,869                 | 5,477                 |
| 1,801 - 2,400 sq. ft.              | 8,341    | 7,260                 | 5,082                 | 5,808                 | 6,534                 |
| 2,401 - 3,000 sq. ft.              | 8,941    | 8,244                 | 5,771                 | 6,595                 | 7,420                 |
| 3,001 - 3,600 sq. ft.              | 8,941    | 9,016                 | 6,311                 | 7,213                 | 8,114                 |
| Over 3,601 sq. ft.                 | 8,941    | 9,662                 | 6,763                 | 7,730                 | 8,696                 |
|                                    |          |                       | -                     | -                     | -                     |
| Multifamily/ ADU                   |          |                       |                       |                       |                       |
| Up to 750 sq. ft.                  | 2,958    | 2,023                 | 1,416                 | 1,618                 | 1,821                 |
| 751 - 1,300 sq. ft.                | 5,493    | 3,188                 | 2,232                 | 2,550                 | 2,869                 |
| Over 1,301 sq. ft.                 | 7,133    | 3,995                 | 2,797                 | 3,196                 | 3,596                 |
|                                    |          |                       | -                     | -                     | -                     |
| Nonresidential (per 1,000 sq. ft.) |          |                       |                       |                       |                       |
| Retail/Commercial                  | 10,885   | 11,654                | 8,158                 | 9,323                 | 10,489                |
| Office and Other Services          | 8,019    | 7,558                 | 5,291                 | 6,046                 | 6,802                 |
| Industrial                         | 2,588    | 3,917                 | 2,742                 | 3,134                 | 3,525                 |

# Parks - Community Comparison



## Acres of Parkland per 1,000 Residents

|                                     | NRPA* | Aurora  | Longmont | Fort Collins | Parker | Denver  | Thornton | Wellington | Loveland | Greeley | Windsor | Boulder | Arvada  | Co.Springs |
|-------------------------------------|-------|---------|----------|--------------|--------|---------|----------|------------|----------|---------|---------|---------|---------|------------|
| Estimated Population                |       | 395,052 | 98,630   | 170,376      | 62,743 | 716,577 | 144,922  | 12,078     | 79,352   | 112,609 | 40,078  | 105,898 | 121,414 | 488,664    |
| Acres of Parks**                    |       | 1,862   | 463      | 995          | 398    | 4,801   | 1,000    | 86         | 700      | 1,175   | 445     | 1,226   | 1,885   | 9,420      |
| Acres of Parkland / 1,000 Residents | 10.8  | 4.7     | 4.7      | 5.8          | 6.3    | 6.7     | 6.9      | 7.1        | 8.8      | 10.4    | 11.1    | 11.6    | 15.5    | 19.3       |

\* 2023 National Recreation & Parks Association Benchmark

\*\* To the best of our knowledge Acres of Parkland listed omit natural areas, reservoirs and trail corridors



**Fort Collins has maintained an AVERAGE size parks system per 1,000 residents**

# Parks – Categories of Costs

## CONSTRUCTION COSTS:

Asphalt Access Drive / Parking Lot  
As-Built Survey  
Concrete Courts (post-tension)  
Concrete Sidewalks / Plazas  
Demolition  
Earthwork / Erosion Control  
Electrical Service  
Fencing  
Fine Grading / Soil Amendment  
Furnishings (bike racks / benches / picnic tables)  
General Conditions / Bonds / Insurance / O+P  
Irrigation Pond / Irrigation Pump House  
Irrigation System / Smart Controller  
Landscape (plants / mulch / boulders / edging)  
Lighting  
Mobilization  
Permanent Sports Structures / Equipment  
Picnic Shelter(s)  
Playground Equipment / Surfacing / Infrastructure  
Port-o-Let Enclosure  
Restroom / Drinking Fountain

Sanitary Sewer Service  
Seeding / Sod  
Site Signage (ID / Regulatory / Playground / Interpretive)  
Sleeving for Future Fiber  
Soft-surface Paths  
Structural Footings  
Special Features  
Street Improvements / Signage / Striping  
Storm Drainage / Detention Pond / LIDs  
Topsoil Management / Weed Control  
Traffic Control / ROW Permits  
Tree Protection  
Water (Potable) System / Tap  
Water (Raw) Water Rights & Delivery System

## DEVELOPMENT FEES:

Basic Development Review Fees  
Building Permit & Review Fees  
Light & Power Fees  
Raw Water Fees / Water PIFs  
Sanitary Sewer Fees  
Stormwater & Drainage Permits / Fees  
TCEF (Street Reimbursement Fees)

## CONSULTANT FEES:

ADA Plan Review & Post-Construction Audit  
Design Consultants

- Landscape Architect / Architect / Irrigation Design
- Civil Engineer / Structural – Mechanical - Electrical Eng.

Environmental Consultant  
Geo-technical Borings / Soils Report  
Materials Testing and Inspections  
Plat / Easements / Alignments  
Playground Inspection / Safety Surfacing Testing  
Site Topographic Survey  
Staff Time

- Park Planning & Development / Parks Maintenance
- Operation Services / City Surveying / Water Resource Eng.
- Real Estate Services / City Attorney's Office

## OTHER COSTS:

Administrative Costs  
Art In Public Places (1%)  
Contingency / Change Orders  
Land Purchase / Title Work / Tax Fees  
Monthly Utility Fees (until transfer to Park Operations)  
Park Maintenance Facility Costs  
Public Outreach Costs

**BLACK TEXT** includes Costs from the 2013 CEF Study; **BLUE TEXT** includes updated / new Costs associated with Adopted Plans and Updated Development / Safety Standards.

## Changes In Standards / Building Requirements

- ADA Design Standards (1990 / 2010)
- Playground Safety Standards (1993)
- International Building Codes (2021) / City Energy Efficiency Codes / LEED Certification
- Water Conservation Policies (irrigation standards / more complex landscapes)
- Stormwater LID Requirements
- Durable Material Choices & Total Cost of Ownership Analysis = Design Solutions that Reduce Maintenance Costs

## Other Factors that Refine Costs

- More Accurate Cost Reporting to project Business Units (staff time / admin. costs / other city staff time)
- Cost per Acre Relative to Park Size (newer parks are smaller on average, which increases cost / acre)

## Escalating Pre-Development Costs

- Increased Values to Purchase Land
- Increased Values to Purchase Water (varies per water district)
- Increased Construction Costs (materials and labor)

**Many of these are the SAME cost increases that are impacting housing developers.**



## Thoughtful Design

- meaningful but affordable amenities (outdoor corn hole, outdoor table tennis) combined with traditional amenities
- more native turf area and less irrigated sod area

## Balanced Hardscapes / Circulation

- efficient paved loop walks that also provide maintenance access
- more affordable, soft surface pathways

## In House Design

- project management
- drawing and graphic production
- development review coordination / entitlement processing

## Strategic Contracting / Procurement

- water packaging / bulk purchasing
- park planning & development vs. contractor purchases
- Packaging of projects

**By being STRATEGIC and CREATIVE, city staff are implementing these tactics on city projects to reduce park development costs.**

# Cost / Acre Inputs into CEF Model

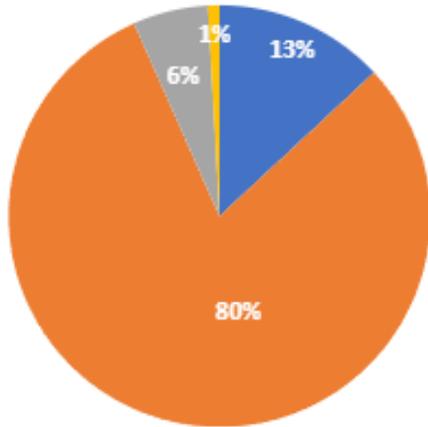
|                                             | 2017 Study                                                               | 2023 Study                                                                 |
|---------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Neighborhood Parks                          | Radiant (2014)<br>Water's Way (2011)<br>Registry (2011)                  | Dovetail (2022)<br>Traverse (2020)<br>Sugar Beet (2018)<br>Crescent (2017) |
| Community Parks                             | Twin Silo (2016)<br>Spring Canyon (2006)<br>Fossil Creek (2002)          | Twin Silo (2016)<br>Spring Canyon (2006)                                   |
| Maintenance Facilities                      | Spring Canyon Shop (2006)<br>Fossil Creek Shop (2002)<br>*District model | East Shop (2022)<br><br>*System model                                      |
| * Dates provided are construction bid dates |                                                                          |                                                                            |

**The 2023 Study incorporates data from the most recently completed projects**

# Parks – Maintenance Facility Costs

## EAST COMMUNITY PARK SHOP

■ Soft Costs   ■ Construction & Outfitting/Furnishings   ■ Land   ■ APP

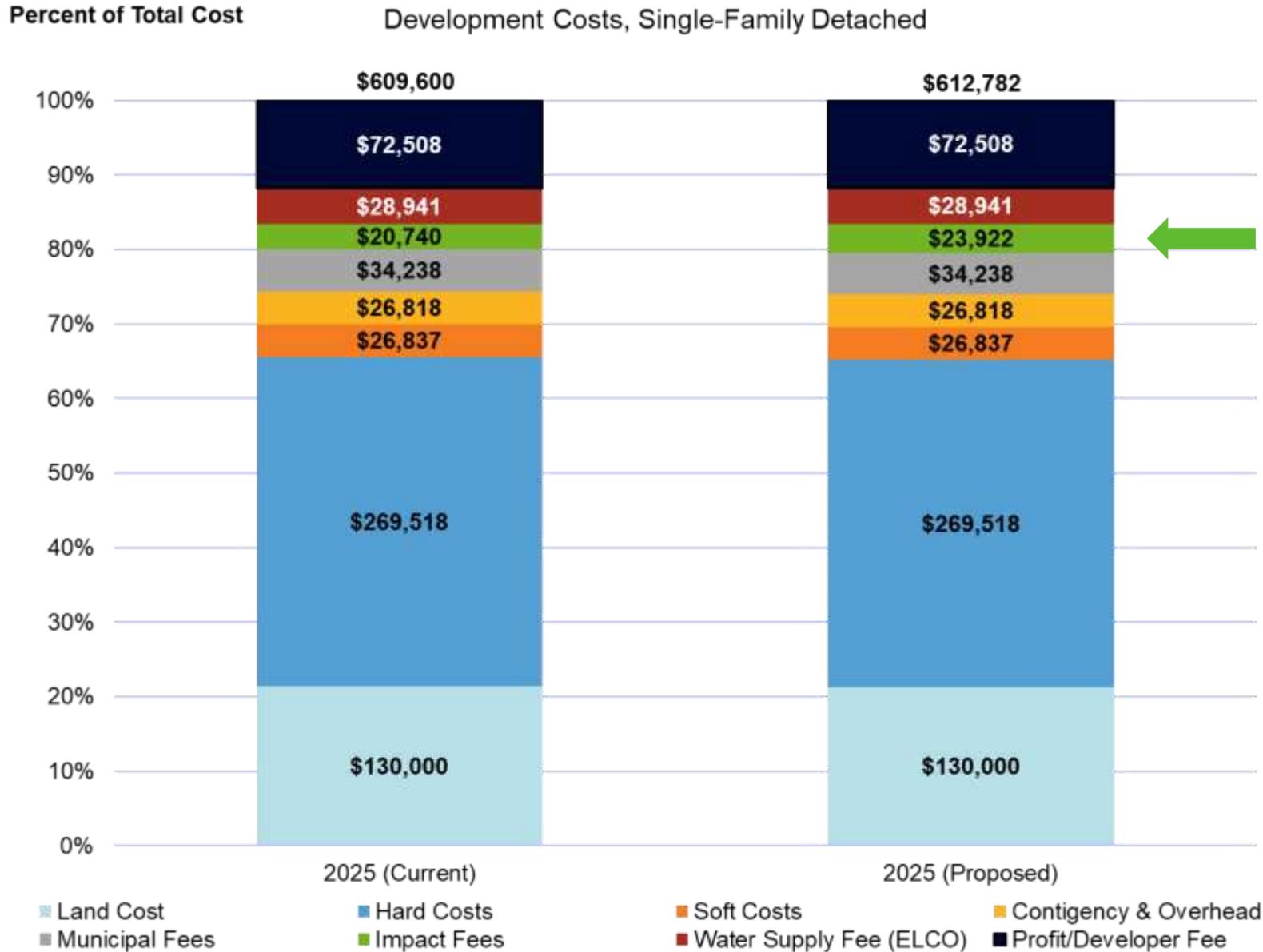


| Site                                                      | Square Feet | Electric | Natural Gas |
|-----------------------------------------------------------|-------------|----------|-------------|
| East Park Shop                                            | 6,700       | \$2,031  |             |
| Edora Park Shop                                           | 1,493       | \$3,993  |             |
| Fossil Creek Park Shop                                    | 6,550       | \$5,559  | \$4,124     |
| City Park Shop                                            | 21,075      | \$9,562  | \$4,412     |
| Downtown Park Shop                                        | 14,160      | \$5,401  | \$4,520     |
| Spring Canyon Park Shop (day use Parks; night use Police) | 5,500       | \$9,952  | \$2,451     |



**UPFRONT COSTS** yield return on investment through energy savings

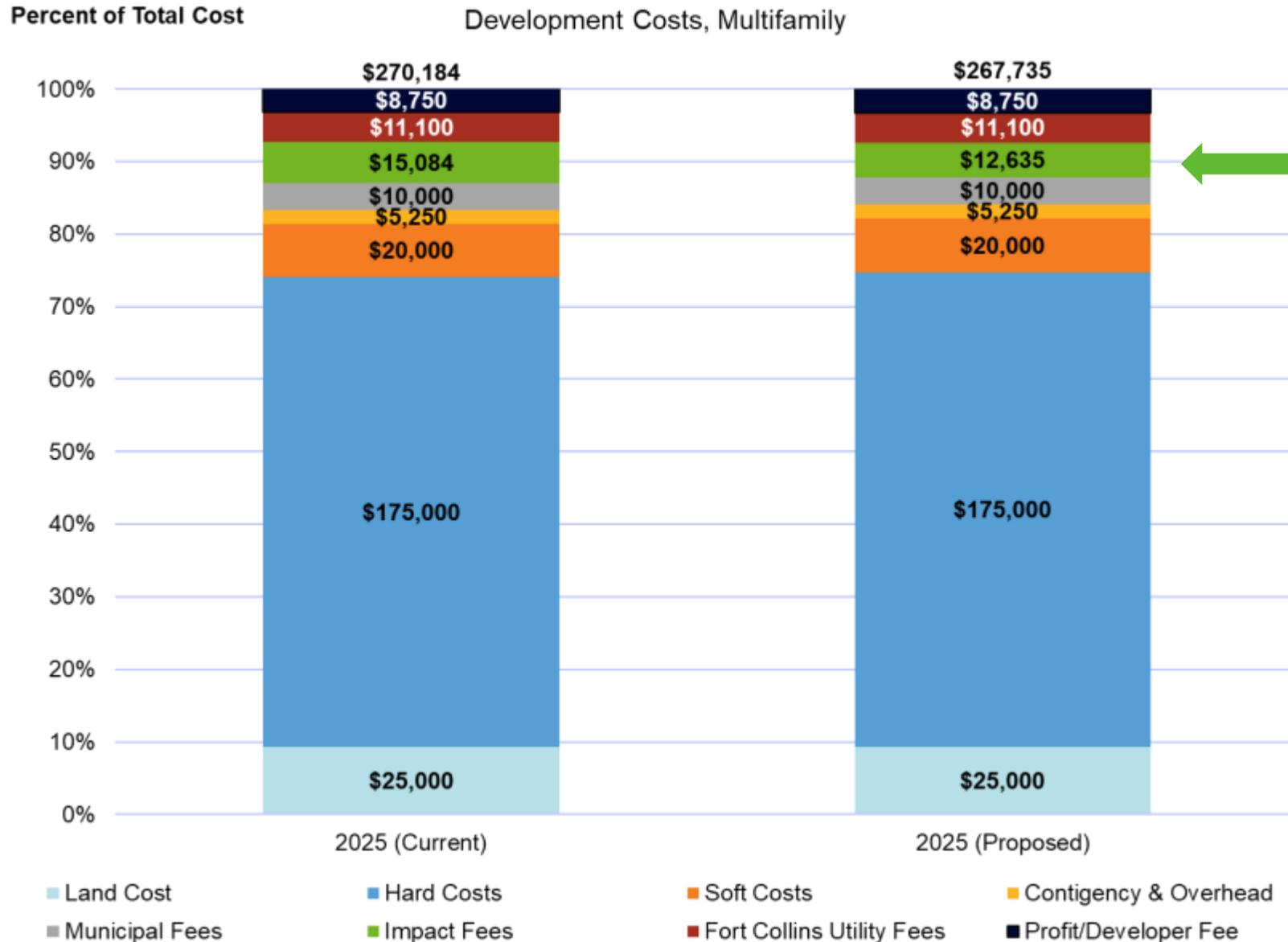
# Fort Collins Total Development Cost Single Family Detached



- Impact Fees:
  - 3.4% in 2025 (current)
  - 3.9% in 2025 (proposed)
- Impact fees are a small percentage of overall development costs

Source: Economic & Planning Systems  
Single Family Detached example provided by Hartford Homes; Municipal Fees includes Utility PIF non-Fort Collins

# Fort Collins Total Development Cost Multifamily



- Impact Fees:
  - 5.6% in 2025 (current)
  - 4.7% in 2025 (proposed)
- Impact fees are a small percentage of the overall development costs.

Source: Economic & Planning Systems  
Multifamily example using several recent costs in the Denver Metro Area

# Impact Fees 2025 Study Updates

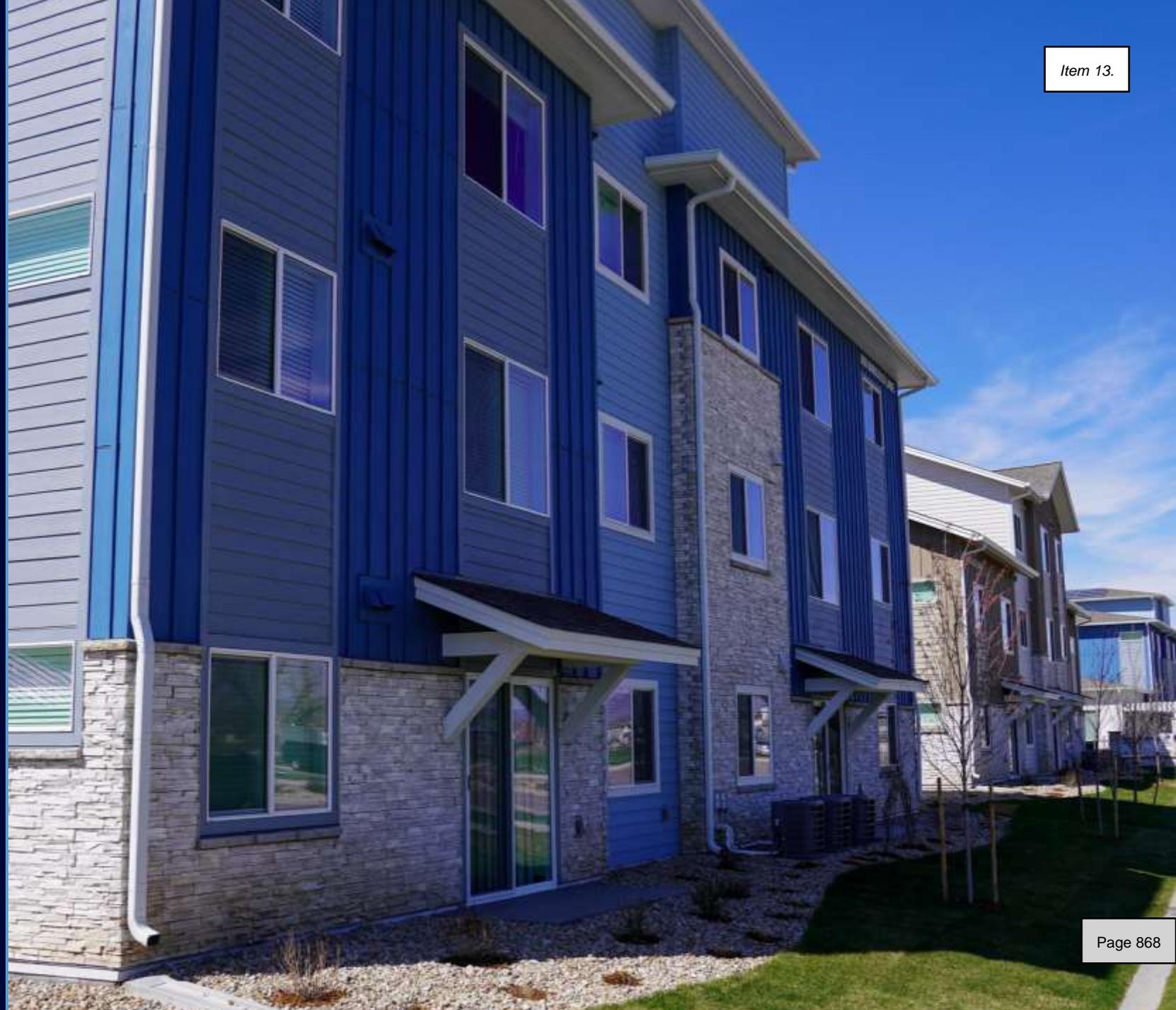
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## **Josh Birks**

Sustainability Services, Deputy  
Director

## **Jen Poznanovic**

Financial Services, Sales Tax &  
Revenue Director



Consideration of an ordinance to revise Impact Fees effective January 1, 2026:

City Council asked for Impact Fee adoption options:

1. Status Quo (inflation only)
  2. Proposed (as proposed on September 9, 2025)
  3. Phased Implementation
  4. Fractional Implementation
- **If City Council moves for adoption, please insert values from the chosen selection into the motion**

**The concept of growth paying for the impact of growth is a policy decision City Council made and continues to support**

## **How Are Impact Fees Used?**

- Charges imposed on new development
- Support the cost of providing public services and additional infrastructure to support new development
- Revenue for each fee can only be used for the stated purpose of the fee





## Capital Expansion Fees (CEFs)

- Neighborhood parks, community parks, fire protection, police and general government
- New developments pays a proportionate share of infrastructure costs to “buy-in” to the level of service
- Fee revenue used to build new service capacity
- In place since 1996

## Transportation Capital Expansion Fees (TCEFs)

- New development contributes toward the construction of arterial and collector roadways needed per growth
- Fee revenue used to build out additional infrastructure
- In place since 1979

The City currently employs fully ten of the seventeen practices listed below and partially employes or is refining an additional five, leaving two the City does not employ at all

- **Legal & Technical Foundation (Core)**

- Current and rigorous nexus study
- Essential nexus and rough proportionality tests
- Transparent and published fee schedules
- Regular updates are required

- **Fee Structure & Sensitivity (Core)**

- Scale fees by unit size and/or use intensity
- Different Rates by Land Use type

- **Affordability Adjustments (Mitigation)**

- Waive/reduce fees for income-restricted affordable housing
- Identify funding sources for waived fees
- *Create deferral or phased payment options*

- **Flexibility & Credits (Mitigation)**

- *Offer credits for on-site improvements*
- *Provide offsets or in-lieu options*
- **Geographic targeting**

- **Equity & Outcomes (Core)**

- **Periodically monitor the impact of fees**
- Provide public materials/tools for understanding fees

- **Administration (Core)**

- *Clear ordinance language*
- *Simple, predictable fee calculation process*
- Dedicated accounting of fee revenues and expenditures

- **In January 2025, Capital Expansion Fees (CEFs) were updated with an inflationary factor in lieu of fees proposed by 2023 studies.**
- CEFs have received inflationary-only updates since previous 2017 study adoption.
- Utilities Electric Capacity Fee and three Plant Investment Fees (PIFs) have been fully updated.

- Wider variety of dwelling unit sizes
- Square footage range adjustments to seven tiers:
  - Current maximum 2,200 sq. ft.
  - New maximum aligns with Larimer County at over 3,600 sq. ft.

| Current               | Proposed              |
|-----------------------|-----------------------|
| Up to 700 sq. ft.     | Up to 900 sq. ft.     |
| 700 - 1,200 sq. ft.   | 901 - 1,300 sq. ft.   |
| 1,201 - 1,700 sq. ft. | 1,301 - 1,800 sq. ft. |
| 1,701 - 2,200 sq. ft. | 1,801 - 2,400 sq. ft. |
| Over 2,200 sq. ft.    | 2,401 - 3,000 sq. ft. |
|                       | 3,001 - 3,600 sq. ft. |
|                       | Over 3,601 sq. ft.    |

- Wider variety of types
- New residential dwelling unit categories:
  - Single Family Attached
  - Single Family Detached
  - Multifamily / ADU

| Current                           |
|-----------------------------------|
| <b>Residential (per dwelling)</b> |
| Up to 700 sq. ft.                 |
| 700 - 1,200 sq. ft.               |
| 1,201 - 1,700 sq. ft.             |
| 1,701 - 2,200 sq. ft.             |
| Over 2,200 sq. ft.                |

| Proposed                      |
|-------------------------------|
| <b>Single Family Detached</b> |
| Up to 900 sq. ft.             |
| 901 - 1,300 sq. ft.           |
| 1,301 - 1,800 sq. ft.         |
| 1,801 - 2,400 sq. ft.         |
| 2,401 - 3,000 sq. ft.         |
| 3,001 - 3,600 sq. ft.         |
| Over 3,601 sq. ft.            |
|                               |
| <b>Single Family Attached</b> |
| Up to 900 sq. ft.             |
| 901 - 1,300 sq. ft.           |
| 1,301 - 1,800 sq. ft.         |
| 1,801 - 2,400 sq. ft.         |
| 2,401 - 3,000 sq. ft.         |
| 3,001 - 3,600 sq. ft.         |
| Over 3,601 sq. ft.            |
|                               |
| <b>Multifamily / ADU</b>      |
| Up to 750 sq. ft.             |
| 751 - 1,300 sq. ft.           |
| Over 1,301 sq. ft.            |

- More accurately reflect how funds are used
- Seven fee types, with General Government now two types:
  - Facilities
  - Capital Equipment

| Fee Types                                                                                             |                                                                                                        |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| Current                                                                                               | Proposed                                                                                               |
| Parks <ul style="list-style-type: none"> <li>• Neighborhood Park</li> <li>• Community Park</li> </ul> | Parks <ul style="list-style-type: none"> <li>• Neighborhood Park</li> <li>• Community Park</li> </ul>  |
| Police                                                                                                | Police                                                                                                 |
| Fire                                                                                                  | Fire                                                                                                   |
| General Government                                                                                    | Government <ul style="list-style-type: none"> <li>• Facilities</li> <li>• Capital Equipment</li> </ul> |
| TCEF                                                                                                  | TCEF                                                                                                   |

# Residential Fee Schedules: Option 1

## Status Quo (inflation only)

| <b>Current 2025 Fees</b>               | <b>Parks</b> | <b>Police</b> | <b>Fire</b> | <b>Govt.</b> | <b>TCEF</b> | <b>CEF Total</b> | <b>Total</b> |
|----------------------------------------|--------------|---------------|-------------|--------------|-------------|------------------|--------------|
| Up to 700 sq. ft.                      | 5,515        | 313           | 560         | 762          | 2,958       | 7,150            | 10,108       |
| 701-1,200 sq. ft.                      | 7,382        | 424           | 757         | 1,028        | 5,493       | 9,591            | 15,084       |
| 1,201-1,700 sq. ft.                    | 8,062        | 461           | 824         | 1,123        | 7,133       | 10,470           | 17,603       |
| 1,701-2,200 sq. ft.                    | 8,144        | 467           | 837         | 1,140        | 8,341       | 10,588           | 18,929       |
| Over 2,200 sq. ft.                     | 9,078        | 521           | 931         | 1,269        | 8,941       | 11,799           | 20,740       |
| <b>Status Quo</b>                      |              |               |             |              |             |                  |              |
| <i>(Current 2025 Fees + Inflation)</i> |              |               |             |              |             |                  |              |
| Up to 700 sq. ft.                      | 5,642        | 320           | 573         | 780          | 2,849       | 7,314            | 10,163       |
| 701-1,200 sq. ft.                      | 7,552        | 434           | 774         | 1,052        | 5,290       | 9,812            | 15,101       |
| 1,201-1,700 sq. ft.                    | 8,247        | 472           | 843         | 1,149        | 6,869       | 10,711           | 17,580       |
| 1,701-2,200 sq. ft.                    | 8,331        | 478           | 856         | 1,166        | 8,032       | 10,832           | 18,864       |
| Over 2,200 sq. ft.                     | 9,287        | 533           | 952         | 1,298        | 8,610       | 12,070           | 20,681       |

Flat change with inflation due to deflation for TCEF:

- 2025 CEF Inflation: 2.3% Consumer Price Index (CPI-U) for Denver-Aurora-Lakewood)
- TCEF Deflation: -3.7% Denver Engineering News Record (ENR) Construction Cost Index (CCI)

# Revenue Comparison: Option 1 Status Quo (inflation only)

## 2025 Estimates without Inflation:

| Residential Land Use Category | Status Quo (5 Tier) | Baseline (17 Tier) | % Δ        | Proposed (17 Tier) | % Δ (5 Tier) | % Δ (17 Tier) |
|-------------------------------|---------------------|--------------------|------------|--------------------|--------------|---------------|
| Parks                         | 5,321,842           | 5,187,943          | -3%        | 5,419,336          | 2%           | 4%            |
| Fire                          | 537,860             | 523,420            | -3%        | 750,392            | 40%          | 43%           |
| Police                        | 300,336             | 292,322            | -3%        | 474,128            | 58%          | 62%           |
| Govt                          | 732,372             | 712,413            | -3%        | 926,622            | 27%          | 30%           |
| TCEF                          | 4,668,332           | 4,409,564          | -6%        | 3,881,012          | -17%         | -12%          |
| <b>Total</b>                  | <b>11,560,742</b>   | <b>11,125,662</b>  | <b>-4%</b> | <b>11,451,490</b>  | <b>-1%</b>   | <b>3%</b>     |

## 2025 Estimates with Inflation:

| Residential Land Use Category | Status Quo (5 Tier) | Baseline (17 Tier) | % Δ        | Proposed (17 Tier) | % Δ (5 Tier) | % Δ (17 Tier) |
|-------------------------------|---------------------|--------------------|------------|--------------------|--------------|---------------|
| Parks                         | 5,444,244           | 5,307,265          | -3%        | 5,419,336          | 0%           | 2%            |
| Fire                          | 550,231             | 535,459            | -3%        | 750,392            | 36%          | 40%           |
| Police                        | 307,244             | 299,045            | -3%        | 474,128            | 54%          | 59%           |
| Govt                          | 749,217             | 728,798            | -3%        | 926,622            | 24%          | 27%           |
| TCEF                          | 4,495,604           | 4,246,410          | -6%        | 3,881,012          | -14%         | -9%           |
| <b>Total</b>                  | <b>11,546,539</b>   | <b>11,116,978</b>  | <b>-4%</b> | <b>11,451,490</b>  | <b>-1%</b>   | <b>3%</b>     |

- 4% decrease in revenue moving from 5 tiers to 17 tiers
- 1% decrease in revenue moving from 5 tier Status Quo to Proposed fees
- 3% increase in revenue moving from 17 tier Baseline to Proposed fees
- No change in revenue estimates with inflation due to deflation for TCEF

## All scenarios using 2024 dwelling unit counts

### Status Quo (5 Tier)

- Revenue estimate with current 2025 fees
- Current 5 tier sq. ft. categories

### Baseline (17 Tier)

- Revenue estimate with current 2025 fees
- Proposed 17 tier sq. ft. categories

### Proposed Fees

- Revenue estimate with proposed fees
- Proposed 17 tier sq. ft. categories

\*Proposed fees include inflation through 2025

# Residential Fee Schedules: Option 2

## Proposed (recommendation)

| Land Use Type           | Parks  | Police | Fire  | Govt. | TCEF   | CEF Total | Proposed Total | Baseline | % Δ  |
|-------------------------|--------|--------|-------|-------|--------|-----------|----------------|----------|------|
| <b>SF Detached</b>      |        |        |       |       |        |           |                |          |      |
| Up to 900 sq. ft.       | 7,585  | 671    | 1,061 | 1,310 | 4,036  | 10,628    | 14,664         | 15,101   | -3%  |
| 901 - 1,300 sq. ft.     | 8,241  | 729    | 1,153 | 1,424 | 6,165  | 11,547    | 17,712         | 17,580   | 1%   |
| 1,301 - 1,800 sq. ft.   | 9,194  | 813    | 1,286 | 1,588 | 7,819  | 12,881    | 20,700         | 18,864   | 10%  |
| 1,801 - 2,400 sq. ft.   | 10,037 | 888    | 1,404 | 1,734 | 9,288  | 14,062    | 23,350         | 18,864   | 24%  |
| 2,401 - 3,000 sq. ft.   | 10,782 | 954    | 1,508 | 1,862 | 10,509 | 15,106    | 25,615         | 20,681   | 24%  |
| 3,001 - 3,600 sq. ft.   | 11,361 | 1,006  | 1,589 | 1,962 | 11,477 | 15,917    | 27,394         | 20,681   | 32%  |
| Over 3,601 sq. ft.      | 11,834 | 1,048  | 1,655 | 2,043 | 12,280 | 16,579    | 28,859         | 20,681   | 40%  |
| <b>SF Attached</b>      |        |        |       |       |        |           |                |          |      |
| Up to 900 sq. ft.       | 6,011  | 532    | 841   | 1,038 | 3,103  | 8,422     | 11,525         | 15,101   | -24% |
| 901 - 1,300 sq. ft.     | 6,932  | 614    | 970   | 1,197 | 4,771  | 9,713     | 14,484         | 17,580   | -18% |
| 1,301 - 1,800 sq. ft.   | 8,273  | 732    | 1,157 | 1,429 | 6,086  | 11,592    | 17,678         | 18,864   | -6%  |
| 1,801 - 2,400 sq. ft.   | 9,462  | 838    | 1,323 | 1,634 | 7,260  | 13,256    | 20,516         | 18,864   | 9%   |
| 2,401 - 3,000 sq. ft.   | 10,512 | 930    | 1,470 | 1,816 | 8,244  | 14,728    | 22,972         | 20,681   | 11%  |
| 3,001 - 3,600 sq. ft.   | 11,326 | 1,003  | 1,584 | 1,956 | 9,016  | 15,868    | 24,884         | 20,681   | 20%  |
| Over 3,601 sq. ft.      | 11,991 | 1,061  | 1,677 | 2,071 | 9,662  | 16,801    | 26,463         | 20,681   | 28%  |
| <b>Multifamily/ ADU</b> |        |        |       |       |        |           |                |          |      |
| Up to 750 sq. ft.       | 4,839  | 429    | 677   | 835   | 2,023  | 6,780     | 8,803          | 10,163   | -13% |
| 751 - 1,300 sq. ft.     | 6,756  | 598    | 945   | 1,166 | 3,188  | 9,465     | 12,653         | 15,101   | -16% |
| Over 1,301 sq. ft.      | 7,490  | 663    | 1,048 | 1,294 | 3,995  | 10,495    | 14,490         | 17,580   | -18% |

**Baseline:** 17 tier 2025 current fees plus inflation

# Revenue Comparison: Option 2 Proposed (recommendation)

Overall, 3% revenue estimate increase across all housing units and sizes

- Single Family Detached 22% increase
- Single Family Attached 3% increase
- Multifamily / ADU 16% decrease

| Residential New Single Family Detached | Baseline         | Proposed         | % Δ        |
|----------------------------------------|------------------|------------------|------------|
| CEFs                                   | 2,574,362        | 3,246,433        | 26%        |
| TCEF                                   | 1,822,732        | 2,137,301        | 17%        |
| <b>Total</b>                           | <b>4,397,094</b> | <b>5,383,734</b> | <b>22%</b> |

| Residential New Single Family Attached | Baseline         | Proposed         | % Δ       |
|----------------------------------------|------------------|------------------|-----------|
| CEFs                                   | 1,389,327        | 1,554,439        | 12%       |
| TCEF                                   | 924,551          | 825,272          | -11%      |
| <b>Total</b>                           | <b>2,313,878</b> | <b>2,379,711</b> | <b>3%</b> |

| Multifamily / ADU | Baseline         | Proposed         | % Δ         |
|-------------------|------------------|------------------|-------------|
| CEFs              | 2,906,879        | 2,769,606        | -5%         |
| TCEF              | 1,499,127        | 918,439          | -39%        |
| <b>Total</b>      | <b>4,406,006</b> | <b>3,688,045</b> | <b>-16%</b> |

|                    |                   |                   |           |
|--------------------|-------------------|-------------------|-----------|
| <b>Grand Total</b> | <b>11,116,978</b> | <b>11,451,490</b> | <b>3%</b> |
|--------------------|-------------------|-------------------|-----------|

|                             |  |                |  |
|-----------------------------|--|----------------|--|
| <b>Change from Baseline</b> |  | <b>334,512</b> |  |
|-----------------------------|--|----------------|--|

\*Proposed fees include inflation through 2025

# Residential Fee Schedules: Option 3

## Phased Implementation (only fees with an increase)

| Land Use Type           | Proposed Fees |           |        | Baseline Fees |      | 2-Year Phased Option |      |        |      | 3-Year Phased Option |      |        |      |        |      |
|-------------------------|---------------|-----------|--------|---------------|------|----------------------|------|--------|------|----------------------|------|--------|------|--------|------|
|                         | TCEF          | CEF Total | Total  | Total         | % Δ  | 2026                 | % Δ  | 2027   | % Δ  | 2026                 | % Δ  | 2027   | % Δ  | 2028   | % Δ  |
| <b>SF Detached</b>      |               |           |        |               |      |                      |      |        |      |                      |      |        |      |        |      |
| Up to 900 sq. ft.       | 4,036         | 10,628    | 14,664 | 15,101        | -3%  | 14,664               |      | 14,664 |      | 14,927               |      | 14,664 |      | 14,664 |      |
| 901 - 1,300 sq. ft.     | 6,165         | 11,547    | 17,712 | 17,580        | 0.7% | 17,646               | 0.4% | 17,712 | 0.4% | 17,633               | 0.3% | 17,672 | 0.2% | 17,712 | 0.2% |
| 1,301 - 1,800 sq. ft.   | 7,819         | 12,881    | 20,700 | 18,864        | 10%  | 19,782               | 5%   | 20,700 | 5%   | 19,598               | 4%   | 20,149 | 3%   | 20,700 | 3%   |
| 1,801 - 2,400 sq. ft.   | 9,288         | 14,062    | 23,350 | 18,864        | 24%  | 21,107               | 12%  | 23,350 | 12%  | 20,659               | 10%  | 22,005 | 7%   | 23,350 | 7%   |
| 2,401 - 3,000 sq. ft.   | 10,509        | 15,106    | 25,615 | 20,681        | 24%  | 23,148               | 12%  | 25,615 | 12%  | 22,654               | 10%  | 24,135 | 7%   | 25,615 | 7%   |
| 3,001 - 3,600 sq. ft.   | 11,477        | 15,917    | 27,394 | 20,681        | 32%  | 24,037               | 16%  | 27,394 | 16%  | 23,366               | 13%  | 25,380 | 10%  | 27,394 | 10%  |
| Over 3,601 sq. ft.      | 12,280        | 16,579    | 28,859 | 20,681        | 40%  | 24,770               | 20%  | 28,859 | 20%  | 23,952               | 16%  | 26,406 | 12%  | 28,859 | 12%  |
| <b>SF Attached</b>      |               |           |        |               |      |                      |      |        |      |                      |      |        |      |        |      |
| Up to 900 sq. ft.       | 3,103         | 8,422     | 11,525 | 15,101        | -24% | 11,525               |      | 11,525 |      | 11,525               |      | 11,525 |      | 11,525 |      |
| 901 - 1,300 sq. ft.     | 4,771         | 9,713     | 14,484 | 17,580        | -18% | 14,484               |      | 14,484 |      | 14,484               |      | 14,484 |      | 14,484 |      |
| 1,301 - 1,800 sq. ft.   | 6,086         | 11,592    | 17,678 | 18,864        | -6%  | 17,678               |      | 17,678 |      | 17,678               |      | 17,678 |      | 17,678 |      |
| 1,801 - 2,400 sq. ft.   | 7,260         | 13,256    | 20,516 | 18,864        | 9%   | 19,690               | 4%   | 20,516 | 4%   | 19,525               | 4%   | 20,021 | 3%   | 20,516 | 3%   |
| 2,401 - 3,000 sq. ft.   | 8,244         | 14,728    | 22,972 | 20,681        | 11%  | 21,826               | 6%   | 22,972 | 6%   | 21,597               | 4%   | 22,284 | 3%   | 22,972 | 3%   |
| 3,001 - 3,600 sq. ft.   | 9,016         | 15,868    | 24,884 | 20,681        | 20%  | 22,782               | 10%  | 24,884 | 10%  | 22,362               | 8%   | 23,623 | 6%   | 24,884 | 6%   |
| Over 3,601 sq. ft.      | 9,662         | 16,801    | 26,463 | 20,681        | 28%  | 23,572               | 14%  | 26,463 | 14%  | 22,994               | 11%  | 24,728 | 8%   | 26,463 | 8%   |
| <b>Multifamily/ ADU</b> |               |           |        |               |      |                      |      |        |      |                      |      |        |      |        |      |
| Up to 750 sq. ft.       | 2,023         | 6,780     | 8,803  | 10,163        | -13% | 8,803                |      | 8,803  |      | 8,803                |      | 8,803  |      | 8,803  |      |
| 751 - 1,300 sq. ft.     | 3,188         | 9,465     | 12,653 | 15,101        | -16% | 12,653               |      | 12,653 |      | 14,122               |      | 12,653 |      | 12,653 |      |
| Over 1,301 sq. ft.      | 3,995         | 10,495    | 14,490 | 17,580        | -18% | 14,490               |      | 14,490 |      | 16,344               |      | 14,490 |      | 14,490 |      |

\*2-Year Option (50% of the increase per year); 3-Year Option (40% of the increase in 2026, additional 30% in 2027+ inflation, final 30% + inflation in 2028)

- Where fees are higher if phased in over time; fees set at Proposed rates effective January 1, 2026
- Fees higher than the Baseline phased in over two or three years

# Revenue Comparison: Option 3

## Phased Implementation (only fees with an increase)

| Residential New Single Family Detached | Baseline         |                  |            | 2-Year Phased Option |           |                  |            | 3-Year Phased Option |           |                  |            |                  |            |
|----------------------------------------|------------------|------------------|------------|----------------------|-----------|------------------|------------|----------------------|-----------|------------------|------------|------------------|------------|
|                                        | Baseline         | Proposed         | % Δ        | 2026                 | % Δ       | 2027             | % Δ        | 2026                 | % Δ       | 2027             | % Δ        | 2028             | % Δ        |
| CEFs                                   | 2,574,362        | 3,246,433        | 26%        | 2,716,363            | 6%        | 3,246,433        | 26%        | 2,610,763            | 1%        | 2,928,391        | 14%        | 3,246,433        | 26%        |
| TCEF                                   | 1,822,732        | 2,137,301        | 17%        | 1,980,016            | 9%        | 2,137,301        | 17%        | 1,948,559            | 7%        | 2,042,930        | 12%        | 2,137,301        | 17%        |
| <b>Total</b>                           | <b>4,397,094</b> | <b>5,383,734</b> | <b>22%</b> | <b>4,696,380</b>     | <b>7%</b> | <b>5,383,734</b> | <b>22%</b> | <b>4,559,322</b>     | <b>4%</b> | <b>4,971,321</b> | <b>13%</b> | <b>5,383,734</b> | <b>22%</b> |

| Residential New Single Family Attached | Baseline         |                  |           | 2-Year Phased Option |            |                  |           | 3-Year Phased Option |            |                  |            |                  |           |
|----------------------------------------|------------------|------------------|-----------|----------------------|------------|------------------|-----------|----------------------|------------|------------------|------------|------------------|-----------|
|                                        | Baseline         | Proposed         | % Δ       | 2026                 | % Δ        | 2027             | % Δ       | 2026                 | % Δ        | 2027             | % Δ        | 2028             | % Δ       |
| CEFs                                   | 1,389,327        | 1,554,439        | 12%       | 1,343,553            | -3%        | 1,554,439        | 12%       | 1,301,376            | -6%        | 1,427,907        | 3%         | 1,554,439        | 12%       |
| TCEF                                   | 924,551          | 825,272          | -11%      | 825,272              | -11%       | 825,272          | -11%      | 825,272              | -11%       | 825,272          | -11%       | 825,272          | -11%      |
| <b>Total</b>                           | <b>2,313,878</b> | <b>2,379,711</b> | <b>3%</b> | <b>2,168,825</b>     | <b>-6%</b> | <b>2,379,711</b> | <b>3%</b> | <b>2,126,648</b>     | <b>-8%</b> | <b>2,253,179</b> | <b>-3%</b> | <b>2,379,711</b> | <b>3%</b> |

| Multifamily / ADU | Baseline         |                  |             | 2-Year Phased Option |             |                  |             | 3-Year Phased Option |             |                  |             |                  |             |
|-------------------|------------------|------------------|-------------|----------------------|-------------|------------------|-------------|----------------------|-------------|------------------|-------------|------------------|-------------|
|                   | Baseline         | Proposed         | % Δ         | 2026                 | % Δ         | 2027             | % Δ         | 2026                 | % Δ         | 2027             | % Δ         | 2028             | % Δ         |
| CEFs              | 2,906,879        | 2,769,606        | -5%         | 2,506,649            | -14%        | 2,769,606        | -5%         | 2,454,058            | -16%        | 2,611,832        | -10%        | 2,769,606        | -5%         |
| TCEF              | 1,499,127        | 918,439          | -39%        | 918,439              | -39%        | 918,439          | -39%        | 918,439              | -39%        | 918,439          | -39%        | 918,439          | -39%        |
| <b>Total</b>      | <b>4,406,006</b> | <b>3,688,045</b> | <b>-16%</b> | <b>3,425,088</b>     | <b>-22%</b> | <b>3,688,045</b> | <b>-16%</b> | <b>3,372,497</b>     | <b>-23%</b> | <b>3,530,271</b> | <b>-20%</b> | <b>3,688,045</b> | <b>-16%</b> |

|                             |                   |                   |           |                   |            |                   |           |                    |             |                   |            |                   |           |
|-----------------------------|-------------------|-------------------|-----------|-------------------|------------|-------------------|-----------|--------------------|-------------|-------------------|------------|-------------------|-----------|
| <b>Grand Total</b>          | <b>11,116,978</b> | <b>11,451,490</b> | <b>3%</b> | <b>10,290,293</b> | <b>-7%</b> | <b>11,451,490</b> | <b>3%</b> | <b>10,058,467</b>  | <b>-10%</b> | <b>10,754,772</b> | <b>-3%</b> | <b>11,451,490</b> | <b>3%</b> |
| <b>Change from Baseline</b> |                   | <b>334,512</b>    |           | <b>(826,685)</b>  |            | <b>334,512</b>    |           | <b>(1,058,511)</b> |             | <b>(362,206)</b>  |            | <b>334,512</b>    |           |

- Where fees are higher if phased in over time; fees set at Proposed rates effective January 1, 2026
- Fees higher than the Baseline phased in over two or three years

# Residential Fee Schedules: Option 4

## Fractional Implementation

| Land Use Type           | TCEF   | Proposed  |        | Baseline |      | Option A |      | Option B |      | Option C |      |
|-------------------------|--------|-----------|--------|----------|------|----------|------|----------|------|----------|------|
|                         |        | CEF Total | Total  | Total    | % Δ  | 70%      | % Δ  | 80%      | % Δ  | 90%      | % Δ  |
| <b>SF Detached</b>      |        |           |        |          |      |          |      |          |      |          |      |
| Up to 900 sq. ft.       | 4,036  | 10,628    | 14,664 | 15,101   | -3%  | 10,265   | -32% | 11,731   | -22% | 13,198   | -13% |
| 901 - 1,300 sq. ft.     | 6,165  | 11,547    | 17,712 | 17,580   | 1%   | 12,398   | -29% | 14,169   | -19% | 15,941   | -9%  |
| 1,301 - 1,800 sq. ft.   | 7,819  | 12,881    | 20,700 | 18,864   | 10%  | 14,490   | -23% | 16,560   | -12% | 18,630   | -1%  |
| 1,801 - 2,400 sq. ft.   | 9,288  | 14,062    | 23,350 | 18,864   | 24%  | 16,345   | -13% | 18,680   | -1%  | 21,015   | 11%  |
| 2,401 - 3,000 sq. ft.   | 10,509 | 15,106    | 25,615 | 20,681   | 24%  | 17,930   | -13% | 20,492   | -1%  | 23,053   | 11%  |
| 3,001 - 3,600 sq. ft.   | 11,477 | 15,917    | 27,394 | 20,681   | 32%  | 19,176   | -7%  | 21,915   | 6%   | 24,655   | 19%  |
| Over 3,601 sq. ft.      | 12,280 | 16,579    | 28,859 | 20,681   | 40%  | 20,201   | -2%  | 23,087   | 12%  | 25,973   | 26%  |
| <b>SF Attached</b>      |        |           |        |          |      |          |      |          |      |          |      |
| Up to 900 sq. ft.       | 3,103  | 8,422     | 11,525 | 15,101   | -24% | 8,067    | -47% | 9,220    | -39% | 10,372   | -31% |
| 901 - 1,300 sq. ft.     | 4,771  | 9,713     | 14,484 | 17,580   | -18% | 10,139   | -42% | 11,587   | -34% | 13,036   | -26% |
| 1,301 - 1,800 sq. ft.   | 6,086  | 11,592    | 17,678 | 18,864   | -6%  | 12,375   | -34% | 14,142   | -25% | 15,910   | -16% |
| 1,801 - 2,400 sq. ft.   | 7,260  | 13,256    | 20,516 | 18,864   | 9%   | 14,362   | -24% | 16,413   | -13% | 18,465   | -2%  |
| 2,401 - 3,000 sq. ft.   | 8,244  | 14,728    | 22,972 | 20,681   | 11%  | 16,080   | -22% | 18,377   | -11% | 20,674   | 0%   |
| 3,001 - 3,600 sq. ft.   | 9,016  | 15,868    | 24,884 | 20,681   | 20%  | 17,419   | -16% | 19,907   | -4%  | 22,395   | 8%   |
| Over 3,601 sq. ft.      | 9,662  | 16,801    | 26,463 | 20,681   | 28%  | 18,524   | -10% | 21,170   | 2%   | 23,817   | 15%  |
| <b>Multifamily/ ADU</b> |        |           |        |          |      |          |      |          |      |          |      |
| Up to 750 sq. ft.       | 2,023  | 6,780     | 8,803  | 10,163   | -13% | 6,162    | -39% | 7,042    | -31% | 7,923    | -22% |
| 751 - 1,300 sq. ft.     | 3,188  | 9,465     | 12,653 | 15,101   | -16% | 8,857    | -41% | 10,122   | -33% | 11,388   | -25% |
| Over 1,301 sq. ft.      | 3,995  | 10,495    | 14,490 | 17,580   | -18% | 10,143   | -42% | 11,592   | -34% | 13,041   | -26% |

# Revenue Comparison: Option 4 Fractional Implementation

| Residential New Single Family Detached | Baseline         | Proposed         | % Δ        | 70%              | % Δ         | 80%              | % Δ        | 90%              | % Δ        |
|----------------------------------------|------------------|------------------|------------|------------------|-------------|------------------|------------|------------------|------------|
| CEFs                                   | 2,574,362        | 3,246,433        | 26%        | 2,272,503        | -12%        | 2,597,146        | 1%         | 2,921,789        | 13%        |
| TCEF                                   | 1,822,732        | 2,137,301        | 17%        | 1,496,111        | -18%        | 1,709,841        | -6%        | 1,923,571        | 6%         |
| <b>Total</b>                           | <b>4,397,094</b> | <b>5,383,734</b> | <b>22%</b> | <b>3,768,614</b> | <b>-14%</b> | <b>4,306,987</b> | <b>-2%</b> | <b>4,845,360</b> | <b>10%</b> |

| Residential New Single Family Attached | Baseline         | Proposed         | % Δ       | 70%              | % Δ         | 80%              | % Δ         | 90%              | % Δ        |
|----------------------------------------|------------------|------------------|-----------|------------------|-------------|------------------|-------------|------------------|------------|
| CEFs                                   | 1,389,327        | 1,554,439        | 12%       | 1,088,107        | -22%        | 1,243,551        | -10%        | 1,398,995        | 1%         |
| TCEF                                   | 924,551          | 825,272          | -11%      | 577,690          | -38%        | 660,218          | -29%        | 742,745          | -20%       |
| <b>Total</b>                           | <b>2,313,878</b> | <b>2,379,711</b> | <b>3%</b> | <b>1,665,797</b> | <b>-28%</b> | <b>1,903,769</b> | <b>-18%</b> | <b>2,141,740</b> | <b>-7%</b> |

| Multifamily / ADU | Baseline         | Proposed         | % Δ         | 70%              | % Δ         | 80%              | % Δ         | 90%              | % Δ         |
|-------------------|------------------|------------------|-------------|------------------|-------------|------------------|-------------|------------------|-------------|
| CEFs              | 2,906,879        | 2,769,606        | -5%         | 1,938,725        | -33%        | 2,215,685        | -24%        | 2,492,646        | -14%        |
| TCEF              | 1,499,127        | 918,439          | -39%        | 642,907          | -57%        | 734,751          | -51%        | 826,595          | -45%        |
| <b>Total</b>      | <b>4,406,006</b> | <b>3,688,045</b> | <b>-16%</b> | <b>2,581,632</b> | <b>-41%</b> | <b>2,950,436</b> | <b>-33%</b> | <b>3,319,241</b> | <b>-25%</b> |

|                    |                   |                   |           |                  |             |                  |             |                   |            |
|--------------------|-------------------|-------------------|-----------|------------------|-------------|------------------|-------------|-------------------|------------|
| <b>Grand Total</b> | <b>11,116,978</b> | <b>11,451,490</b> | <b>3%</b> | <b>8,016,043</b> | <b>-28%</b> | <b>9,161,192</b> | <b>-18%</b> | <b>10,306,341</b> | <b>-7%</b> |
|--------------------|-------------------|-------------------|-----------|------------------|-------------|------------------|-------------|-------------------|------------|

|                             |  |                |  |                    |  |                    |  |                  |  |
|-----------------------------|--|----------------|--|--------------------|--|--------------------|--|------------------|--|
| <b>Change from Baseline</b> |  | <b>334,512</b> |  | <b>(3,100,935)</b> |  | <b>(1,955,786)</b> |  | <b>(810,637)</b> |  |
|-----------------------------|--|----------------|--|--------------------|--|--------------------|--|------------------|--|

- Resets collections at a lower amount with negative fiscal impacts (compared to other options); grows over time
- Other revenue sources and reduced expenditures would need to be identified to absorb impacts

# Nonresidential Fee Updates (per 1000 sq. ft.) Options 1 and 2

| Commercial   | Status Quo    | Proposed      | % Δ        |
|--------------|---------------|---------------|------------|
| CEFs         | 3,097         | 3,861         | 25%        |
| TCEF         | 10,482        | 11,654        | 11%        |
| <b>Total</b> | <b>13,579</b> | <b>15,515</b> | <b>14%</b> |

| Office & Other Services | Status Quo    | Proposed     | % Δ         |
|-------------------------|---------------|--------------|-------------|
| CEFs                    | 3,097         | 2,113        | -32%        |
| TCEF                    | 7,722         | 7,558        | -2%         |
| <b>Total</b>            | <b>10,819</b> | <b>9,671</b> | <b>-11%</b> |

| Industrial/Warehouse | Status Quo   | Proposed     | % Δ        |
|----------------------|--------------|--------------|------------|
| CEFs                 | 727          | 1,001        | 38%        |
| TCEF                 | 2,492        | 3,917        | 57%        |
| <b>Total</b>         | <b>3,220</b> | <b>4,918</b> | <b>53%</b> |

- Fees proportionate to the infrastructure demand for the type of development
- New nonresidential land use category for CEFs:
  - A new fee for land use comprised of offices and other services
  - Alignment with TCEFs to create consistency between the CEF and TCEF fees based on the Institute of Transportation (ITE) land use code
  - Currently, office and other services impact fees are charged at the same rate as retail/commercial developments

# Nonresidential Fee Updates (per 1000 sq. ft.) Options 3 and 4

Phased In Implementation (only fees with an increase):

| Land Use Type           | TCEF   | Proposed  |        | Status Quo |      | 2-Year Phased Option |     |        |     | 3-Year Phased Option |     |        |     |        |     |
|-------------------------|--------|-----------|--------|------------|------|----------------------|-----|--------|-----|----------------------|-----|--------|-----|--------|-----|
|                         |        | CEF Total | Total  |            | % Δ  | 2026                 | % Δ | 2027   | % Δ | 2026                 | % Δ | 2027   | % Δ | 2028   | % Δ |
| Commercial              | 11,654 | 3,861     | 15,515 | 13,579     | 14%  | 14,547               | 7%  | 15,515 | 7%  | 14,353               | 6%  | 14,934 | 4%  | 15,515 | 4%  |
| Office & Other Services | 7,558  | 2,113     | 9,671  | 10,819     | -11% | 10,245               |     | 9,671  |     | 10,360               |     | 10,015 |     | 9,671  |     |
| Industrial/Warehouse    | 3,917  | 1,001     | 4,918  | 3,220      | 53%  | 4,069                | 26% | 4,918  | 26% | 3,899                | 21% | 4,408  | 16% | 4,918  | 16% |

\*2-Year Option (50% of the increase per year); 3-Year Option (40% of the increase in 2026, additional 30% in 2027+ inflation, final 30% + inflation in 2028)

Fractional Implementation:

| Land Use Type           | TCEF   | Proposed  |        | Status Quo |      | Option A |      | Option B |      | Option C |      |
|-------------------------|--------|-----------|--------|------------|------|----------|------|----------|------|----------|------|
|                         |        | CEF Total | Total  |            | % Δ  | 70%      | % Δ  | 80%      | % Δ  | 90%      | % Δ  |
| Commercial              | 11,654 | 3,861     | 15,515 | 13,579     | 14%  | 10,861   | -20% | 12,412   | -9%  | 13,964   | 3%   |
| Office & Other Services | 7,558  | 2,113     | 9,671  | 10,819     | -11% | 6,770    | -37% | 7,737    | -28% | 8,704    | -20% |
| Industrial/Warehouse    | 3,917  | 1,001     | 4,918  | 3,220      | 53%  | 3,443    | 7%   | 3,934    | 22%  | 4,426    | 37%  |

|                                           | 2017-2025 | 2026   | 2027      | 2028      | 2029      | 2030   |
|-------------------------------------------|-----------|--------|-----------|-----------|-----------|--------|
| <b>Capital Expansion Fees</b>             | Inflation | Update | Inflation | Inflation | Inflation | Update |
| <b>Transportation CEFs</b>                | Inflation | Update | Inflation | Inflation | Inflation | Update |
| <b>Electric Capacity Fees</b>             | Updated   | Review | Review    | Update    | Review    | Update |
| <b>Water Supply Requirement</b>           | Updated   | Review | Review    | Update    | Review    | Update |
| <b>Water, Wastewater, Stormwater PIFs</b> | Updated   | Review | Review    | Update    | Review    | Update |

Next capital expansion fee study and detailed update planned for 2030 implementation

\*No change for utility fees in 2026 due to most recent model updates and current inflation data

Consideration of an ordinance to revise Impact Fees effective January 1, 2026:

City Council asked for Impact Fee adoption options:

1. Status Quo (inflation only)
  2. Proposed (as proposed on September 9, 2025)
  3. Phased Implementation
  4. Fractional Implementation
- **If City Council moves for adoption, please insert values from the chosen selection into the motion**

ORDINANCE NO. 168, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 7.5 OF THE CODE OF THE CITY OF FORT  
COLLINS TO UPDATE THE CAPITAL EXPANSION FEES AND THE  
TRANSPORTATION EXPANSION FEE

A. The City is a home rule municipality having the full right of self-government in local and municipal matters under the provisions of Article XX, Section 6 of the Colorado Constitution.

B. Among the home rule powers of the City is the power to regulate, as a matter of purely local concern, the development of real property within the City and establish impact fees for such development.

C. The City Council has determined that new development should contribute its proportionate share of providing the capital improvements that are typically funded with impact fees.

D. The City Council has broad legislative discretion in determining the appropriate funding mechanisms for financing the construction of public facilities in the City.

E. In 2023, City staff initiated a comprehensive review of its various impact fees now charged to new development, including its community parkland, neighborhood parkland, police, fire protection, transportation, general government and transportation capital improvement expansion fees (collectively, "Capital Expansion Fees").

F. As a result of that review, the City commissioned an impact fee study for the community parkland, neighborhood parkland, police, fire protection and general government capital improvement expansion fees that has resulted in the "Capital Expansion Fee Study" dated November 21, 2023, which has identified the need to increase such Capital Expansion Fees by various amounts.

G. The City also commissioned an impact fee study for the transportation expansion fees dated October 20, 2023, that has resulted in the "Transportation Capital Expansion Fee Study," which also identified the need to increase and decrease the transportation expansion fees by various amounts depending on the type of development proposed.

H. Adjustments to the fee schedules to levels below those identified in the fee studies result in lower levels of service, as well as delays in building new infrastructure and service capacity. The City Council directs the City Manager to explore alternative sources of funding to cover the shortfalls, including backfill from the general fund.

I. The City Council decided to adjust the Capital Expansion Fees for inflation only, similar to adjustments made for 2024 and 2025. This decision does not adopt the

fee adjustments identified in the 2023 fee studies. Although City Code contemplates a reevaluation and revision of the Capital Expansion Fees at five-year intervals, Council is delaying the overall update of the Fees pending further discussion. Council has requested further exploration of alternative ways to approach future study of the Fees as well as the City’s policies and programs regarding Impact Fees and housing affordability.

J. For the foregoing reasons, the City Council has determined that it is in the best interest of the City and its citizens and necessary for the protection of the public’s health, safety and welfare, that the Capital Expansion Fees be adjusted for inflation 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. Section 7.5-28(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-28. - Community parkland capital expansion fee.**

(a) There is hereby established a community parkland capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of community parks, as such improvements may be identified in the capital improvements plan for community parkland. Such fee shall be payable prior to the issuance of any building permit for a residential structure. The amount of such fee shall be determined per dwelling unit as follows:

|                                | <i>As of<br/>March 1, 2024</i> | <i>As of January<br/>1, 2025</i> | <i>As of January<br/>1, 2026</i> |
|--------------------------------|--------------------------------|----------------------------------|----------------------------------|
| Resid., up to 700 sq. ft.      | \$3,144.00                     | \$ 3,229.00                      | \$ 3,303                         |
| Resid., 701 to 1,200 sq. ft.   | 4,208.00                       | \$ 4,322.00                      | \$ 4,421                         |
| Resid., 1,201 to 1,700 sq. ft. | 4,595.00                       | \$ 4,719.00                      | \$ 4,828                         |
| Resid., 1,701 to 2,200 sq. ft. | 4,642.00                       | \$ 4,767.00                      | \$ 4,877                         |
| Resid., over 2,201 sq. ft.     | 5,175.00                       | \$ 5,315.00                      | \$ 5,437                         |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 2. Section 7.5-29(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-29. - Police capital expansion fee.**

(a) There is hereby established a police capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital

improvements related to the provision of police services, as such improvements may be identified in the capital improvements plan for police services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

|                                               | <i>As of<br/>March 1,<br/>2024</i> | <i>As of<br/>January 1,<br/>2025</i> | <i>As of<br/>January 1,<br/>2026</i> |
|-----------------------------------------------|------------------------------------|--------------------------------------|--------------------------------------|
| Resid., up to 700 sq. ft.                     | \$305.00                           | \$ 313.00                            | \$ 320                               |
| Resid., 701 to 1,200 sq. ft.                  | 413.00                             | \$ 424.00                            | \$ 434                               |
| Resid., 1,201 to 1,700 sq. ft.                | 449.00                             | \$ 461.00                            | \$ 472                               |
| Resid., 1,701 to 2,200 sq. ft.                | 455.00                             | \$ 467.00                            | \$ 478                               |
| Resid., over 2,200 sq. ft.                    | 507.00                             | \$ 521.00                            | \$ 533                               |
| Commercial buildings (per 1,000 sq. ft.)      | 384.00                             | \$ 394.00                            | \$ 403                               |
| Office and Other Services (per 1,000 sq. ft.) | 384.00                             | \$ 394.00                            | \$ 403                               |
| Industrial buildings (per 1,000 sq. ft.)      | 90.00                              | \$ 92.00                             | \$ 94                                |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 3. Section 7.5-30(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-30. - Fire protection capital expansion fee.**

- (a) There is hereby established a fire protection capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

|                                               | <i>As of<br/>March 1,<br/>2024</i> | <i>As of<br/>January 1,<br/>2025</i> | <i>As of<br/>January 1,<br/>2026</i> |
|-----------------------------------------------|------------------------------------|--------------------------------------|--------------------------------------|
| Resid., up to 700 sq. ft.                     | \$545.00                           | \$ 560.00                            | \$ 573                               |
| Resid., 701 to 1,200 sq. ft.                  | 737.00                             | \$ 757.00                            | \$ 774                               |
| Resid., 1,201 to 1,700 sq. ft.                | 802.00                             | \$ 824.00                            | \$ 843                               |
| Resid., 1,701 to 2,200 sq. ft.                | 845.00                             | \$ 837.00                            | \$ 856                               |
| Resid., over 2,200 sq. ft.                    | 907.00                             | \$ 931.00                            | \$ 952                               |
| Commercial buildings (per 1,000 sq. ft.)      | 686.00                             | \$ 705.00                            | \$ 721                               |
| Office and Other Services (per 1,000 sq. ft.) | 686.00                             | \$ 705.00                            | \$ 721                               |
| Industrial buildings (per 1,000 sq. ft.)      | 461.00                             | \$ 465.00                            | \$ 469                               |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 4. Section 7.5-31 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-31. General governmental capital expansion fee.**

(a) There is hereby established a general governmental capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of general governmental services, as such improvements may be identified in the capital improvements plan for general governmental services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial, office and other services, or industrial structure. The amount of such fee shall be determined as follows:

|                                               | <i>As of<br/>March 1,<br/>2024</i> | <i>As of<br/>January 1,<br/>2025</i> | <i>As of<br/>January 1,<br/>2026</i> |
|-----------------------------------------------|------------------------------------|--------------------------------------|--------------------------------------|
| Resid., up to 700 sq. ft.                     | \$742.00                           | \$ 762.00                            | \$ 780                               |
| Resid., 701 to 1,200 sq. ft.                  | 1,001.00                           | \$ 1,028.00                          | \$ 1,052                             |
| Resid., 1,201 to 1,700 sq. ft.                | 1,093.00                           | \$ 1,123.00                          | \$ 1,149                             |
| Resid., 1,701 to 2,200 sq. ft.                | 1,110.00                           | \$ 1,140.00                          | \$ 1,166                             |
| Resid., over 2,200 sq. ft.                    | 1,236.00                           | \$ 1,269.00                          | \$ 1,298                             |
| Commercial buildings (per 1,000 sq. ft.)      | 1,877.00                           | \$ 1,928.00                          | \$ 1,972                             |
| Office and Other Services (per 1,000 sq. ft.) | 1,877.00                           | \$ 1,928.00                          | \$ 1,972                             |
| Industrial buildings (per 1,000 sq. ft.)      | 442.00                             | \$ 454.00                            | \$ 464                               |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

(b) All fees collected under this Section shall be deposited into the "general governmental capital expansion fee account" established in § 8-93. This account shall be an interest bearing account, and any interest income earned on the fees shall be credited to the account. Funds withdrawn from the general governmental capital expansion fee account shall be used only for the purposes specified in subparagraph (a) of this Section and said expenditures shall be subject to the provisions of this Article.

Section 5. Section 7.5-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-32. - Transportation expansion fee.**

There is hereby established a transportation expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding transportation improvements related to the provision of transportation services. Such fees shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. These fees shall be deposited in the "transportation improvements fund" established in § 8-87. The amount of such fee shall be determined as follows:

**TRANSPORTATION EXPANSION FEE SCHEDULE**

|                                               | <i>As of<br/>March 1,<br/>2024</i> | <i>As of<br/>January 1,<br/>2025</i> | <i>As of<br/>January 1,<br/>2026</i> |
|-----------------------------------------------|------------------------------------|--------------------------------------|--------------------------------------|
| Resid., up to 700 sq. ft.                     | 2,903.00                           | \$ 2,958.00                          | \$ 2,849                             |
| Resid., 701 to 1,200 sq. ft.                  | 5,391.00                           | \$ 5,493.00                          | \$ 5,290                             |
| Resid., 1,201 to 1,700 sq. ft.                | 7,000.00                           | \$ 7,133.00                          | \$ 6,869                             |
| Resid., 1,701 to 2,200 sq. ft.                | 8,185.00                           | \$ 8,341.00                          | \$ 8,032                             |
| Resid., over 2,200 sq. ft.                    | 8,774.00                           | \$ 8,941.00                          | \$ 8,610                             |
| Commercial (per 1,000 sq. ft.)                | 10,682.00                          | \$ 10,885.00                         | \$ 10,482                            |
| Office and Other Services (per 1,000 sq. ft.) | 7,869.00                           | \$ 8,019                             | \$ 7,722                             |
| Industrial/Warehouse (per 1,000 sq. ft.)      | 2,540.00                           | \$ 2,588.00                          | \$ 2,492                             |

Section 6. Section 7.5-71(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-71. - Neighborhood parkland capital expansion fee.**

(a) The amount of the fee established in this Section shall be determined for each dwelling unit as follows:

OPTION #1

|                                | <b>As of<br/>March 1,<br/>2024</b> | <b>As of<br/>January 1,<br/>2025</b> | <b>As of<br/>January 1,<br/>2026</b> |
|--------------------------------|------------------------------------|--------------------------------------|--------------------------------------|
| Resid., up to 700 sq. ft.      | \$2,226.00                         | \$ 2,286.00                          | \$ 2,339                             |
| Resid., 701 to 1,200 sq. ft.   | 2,980.00                           | \$ 3,060.00                          | \$ 3,130                             |
| Resid., 1,201 to 1,700 sq. ft. | 3,255.00                           | \$ 3,343.00                          | \$ 3,420                             |
| Resid., 1,701 to 2,200 sq. ft. | 3,288.00                           | \$ 3,377.00                          | \$ 3,455                             |
| Resid., over 2,200 sq. ft.     | 3,664.00                           | \$ 3,763.00                          | \$ 3,850                             |

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Dianne Criswell

Exhibit: None

ORDINANCE NO. 168, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 7.5 OF THE CODE OF THE CITY OF FORT  
COLLINS TO UPDATE THE CAPITAL EXPANSION FEES AND THE  
TRANSPORTATION EXPANSION FEE

A. The City is a home rule municipality having the full right of self-government in local and municipal matters under the provisions of Article XX, Section 6 of the Colorado Constitution.

B. Among the home rule powers of the City is the power to regulate, as a matter of purely local concern, the development of real property within the City and establish impact fees for such development.

C. The City Council has determined that new development should contribute its proportionate share of providing the capital improvements that are typically funded with impact fees.

D. The City Council has broad legislative discretion in determining the appropriate funding mechanisms for financing the construction of public facilities in the City.

E. In 2023, City staff initiated a comprehensive review of its various impact fees now charged to new development, including its community parkland, neighborhood parkland, police, fire protection, transportation, general government and transportation capital improvement expansion fees (collectively, "Capital Expansion Fees").

F. As a result of that review, the City commissioned an impact fee study for the community parkland, neighborhood parkland, police, fire protection and general government capital improvement expansion fees that has resulted in the "Capital Expansion Fee Study" dated November 21, 2023, which has identified the need to increase such Capital Expansion Fees by various amounts.

G. The City also commissioned an impact fee study for the transportation expansion fees dated October 20, 2023, that has resulted in the "Transportation Capital Expansion Fee Study," which also identified the need to increase and decrease the transportation expansion fees by various amounts depending on the type of development proposed.

H. Considering feedback from the Council Finance Committee on February 11, 2025, staff initiated revisions to both 2023 Studies to adjust study methodologies to align dwelling unit and other categories, along with updated data, with the City's Land Use Code ("2025 Revised Studies"). By applying updated methods and data, the 2025 Revised Studies, dated August 21 and August 26, 2025, identified categories that are more representative of household size based on product type.

I. For the foregoing reasons, the City Council has determined that it is in the best interest of the City and its citizens and necessary for the protection of the public's health, safety and welfare, that the Capital Expansion Fees be adjusted for inflation 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. Section 7.5-16 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-16. - Intent.**

The provisions of this Article are intended to impose certain fees to be collected at the time of building permit issuance in an amount calculated as shown herein for the purpose of funding the provisions of additional capital improvements as the City's population increases. The imposition of said fees is intended to regulate the use and development of land by ensuring that new growth and development in the City bear a proportionate share of the costs of capital expenditures necessary to provide community parkland, police, fire protection, general government, neighborhood parkland and transportation capital improvements. Said fees shall not be used to collect more than is necessary to fund such capital improvements. The fees provided for in this Article are based on the City's Capital Expansion Fee Study, dated August 2016, **November 21, 2023 and updated August 26, 2025, as amended**; the City's Transportation Capital Expansion Fee Study dated April 2017 **and October 20, 2023 and updated August 21, 2025, as amended**, which establish a fair and equitable allocation of costs and recognize past and future payments for new development, as well as credits for construction, dedication of land or cash contributions. Funds collected from said fees shall not be used to remedy existing deficiencies, but only to provide new capital improvements which are necessitated by new development. The amount of revenue generated by said fees shall not exceed the cost of providing the capital improvements for which they are imposed, and the same shall be expended solely to provide the specified capital improvements.

Section 2. Section 7.5-19(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-19. - Imposition, computation and collection of fees.**

- (a) Payment of the fees imposed under the provisions of this Article shall be required as a condition of approval of all development in the City for which a building permit is required. The amount of such fees has been calculated using current levels of service and the data and methodologies described in the City's Capital Expansion Fee Study, dated August 2016, **November 21, 2023 and updated August 26, 2025, as amended**; the City's Transportation Capital Expansion Fee Study dated April 2017 **and October 20, 2023 and updated August 21, 2025, as amended**. The fees due for such development shall be payable by the feepayer to the Building Official prior to or at the

time of issuance of the first building permit for the property to be developed, except to the extent that an agreement deferring all or any portion of such payment has been executed by the City providing for a different time of payment approved by the City Council by resolution. If, during the period of any such deferral, the amount of the deferred fee is increased by ordinance of the City Council, the fee rate in effect at the time of payment shall apply. If the building permit for which a fee has been paid has expired, and an application for a new building permit is thereafter filed, any amount previously paid for a capital expansion fee and not refunded by the City shall be credited against any additional amount due under the provisions of this Article at the time of application for the new building permit.

Section 3. Section 7.5-23(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-23. - Community parkland capital expansion fee.**

- (b) The burden of proof in any such hearing shall be on the applicant to demonstrate that the amount of fee or offset or credit was not properly calculated by the City. In the event of an appeal of the amount of a fee, the feepayer shall, at his or her expense, prepare and submit to the City Manager an independent fee calculation study for the fee in question. The independent fee calculation study shall follow the methodologies used in the City's Capital Expansion Fee Study, dated ~~August 2016~~, **November 21, 2023 and updated August 26, 2025, as amended**; the City's Transportation Capital Expansion Fee Study dated ~~April 2017~~ **and October 20, 2023 and updated August 21, 2025, as amended**, whichever is applicable. The independent fee calculation study shall be conducted by a professional in impact fee analysis. The burden shall be on the feepayer to provide the City Manager all relevant data, analysis and reports which would assist the City Manager in determining whether the capital fee should be adjusted. The City Manager shall modify said amount only if there is substantial competent evidence in the record that the City erred, based upon the methodologies contained in the City's Capital Expansion Fee Study, dated ~~August 2016~~, **November 21, 2023 and updated August 26, 2025, as amended**; the City's Transportation Capital Expansion Fee Study dated ~~April 2017~~ **and October 20, 2023 and updated August 21, 2025, as amended**, whichever is applicable.

Section 4. Section 7.5-28(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-28. - Community parkland capital expansion fee.**

- (a) There is hereby established a community parkland capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of community parks, as such improvements may be identified in the capital improvements plan for community parkland. Such fee shall be payable prior to the issuance of any building permit for a residential structure. The amount of such fee shall be determined per dwelling unit as follows:

OPTION #2

|                                | <b>As of<br/>March 1, 2024</b> | <b>As of January 1,<br/>2025</b> |
|--------------------------------|--------------------------------|----------------------------------|
| Resid., up to 700 sq. ft.      | \$3,144.00                     | \$ 3,229.00                      |
| Resid., 701 to 1,200 sq. ft.   | 4,208.00                       | \$ 4,322.00                      |
| Resid., 1,201 to 1,700 sq. ft. | 4,595.00                       | \$ 4,719.00                      |
| Resid., 1,701 to 2,200 sq. ft. | 4,642.00                       | \$ 4,767.00                      |
| Resid., over 2,201 sq. ft.     | 5,175.00                       | \$ 5,315.00                      |

|                               | <b>As of January 1, 2026</b> |
|-------------------------------|------------------------------|
| <b>Single Family Detached</b> |                              |
| Up to 900 sq. ft.             | \$ 2,525                     |
| 901 – 1,300 sq. ft.           | \$ 2,744                     |
| 1,301 – 1,800 sq. ft.         | \$ 3,061                     |
| 1,801 – 2,400 sq. ft.         | \$ 3,342                     |
| 2,401 – 3,000 sq. ft.         | \$ 3,590                     |
| 3,001 – 3,600 sq. ft.         | \$ 3,782                     |
| Over 3,601 sq. ft.            | \$ 3,940                     |
| <b>Single Family Attached</b> |                              |
| Up to 900 sq. ft.             | \$ 2,001                     |
| 901 – 1,300 sq. ft.           | \$ 2,308                     |
| 1,301 – 1,800 sq. ft.         | \$ 2,754                     |
| 1,801 – 2,400 sq. ft.         | \$ 3,150                     |
| 2,401 – 3,000 sq. ft.         | \$ 3,499                     |
| 3,001 – 3,600 sq. ft.         | \$ 3,770                     |
| Over 3,601 sq. ft.            | \$ 3,992                     |
| <b>Multifamily / ADU</b>      |                              |
| Up to 750 sq. ft.             | \$ 1,611                     |
| 751 – 1,300 sq. ft.           | \$ 2,249                     |
| Over 1,301 sq. ft.            | \$ 2,494                     |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 5. Section 7.5-29(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-29. - Police capital expansion fee.**

(a) There is hereby established a police capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of police services, as such improvements may be identified in the capital improvements plan for police services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

|                                               | <i>As of<br/>March 1, 2024</i> | <i>As of January 1,<br/>2025</i> |
|-----------------------------------------------|--------------------------------|----------------------------------|
| Resid., up to 700 sq. ft.                     | \$305.00                       | \$ 313.00                        |
| Resid., 701 to 1,200 sq. ft.                  | 413.00                         | \$ 424.00                        |
| Resid., 1,201 to 1,700 sq. ft.                | 449.00                         | \$ 461.00                        |
| Resid., 1,701 to 2,200 sq. ft.                | 455.00                         | \$ 467.00                        |
| Resid., over 2,200 sq. ft.                    | 507.00                         | \$ 521.00                        |
| Commercial buildings (per 1,000 sq. ft.)      | 384.00                         | \$ 394.00                        |
| Office and Other Services (per 1,000 sq. ft.) | 384.00                         | \$ 394.00                        |
| Industrial buildings (per 1,000 sq. ft.)      | 90.00                          | \$ 92.00                         |

|                               | <b>As of January 1, 2026</b> |
|-------------------------------|------------------------------|
| <b>Single Family Detached</b> |                              |
| Up to 900 sq. ft.             | \$ 671                       |
| 901 – 1,300 sq. ft.           | \$ 729                       |
| 1,301 – 1,800 sq. ft.         | \$ 813                       |
| 1,801 – 2,400 sq. ft.         | \$ 888                       |
| 2,401 – 3,000 sq. ft.         | \$ 954                       |
| 3,001 – 3,600 sq. ft.         | \$ 1,006                     |
| Over 3,601 sq. ft.            | \$ 1,048                     |
| <b>Single Family Attached</b> |                              |
| Up to 900 sq. ft.             | \$ 532                       |
| 901 – 1,300 sq. ft.           | \$ 614                       |
| 1,301 – 1,800 sq. ft.         | \$ 732                       |
| 1,801 – 2,400 sq. ft.         | \$ 838                       |
| 2,401 – 3,000 sq. ft.         | \$ 930                       |
| 3,001 – 3,600 sq. ft.         | \$ 1,003                     |
| Over 3,601 sq. ft.            | \$ 1,061                     |

|                                          |        |
|------------------------------------------|--------|
| <b>Multifamily / ADU</b>                 |        |
| Up to 750 sq. ft.                        | \$ 429 |
| 751 – 1,300 sq. ft.                      | \$ 598 |
| Over 1,301 sq. ft.                       | \$ 663 |
| <b>Nonresidential (per 1,000 sq. ft)</b> |        |
| Retail/Commercial                        | \$ 852 |
| Office & Other Services                  | \$ 466 |
| Industrial                               | \$ 221 |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 6. Section 7.5-30(a) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-30. - Fire protection capital expansion fee.**

(a) There is hereby established a fire protection capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of fire services, as such improvements may be identified in the capital improvements plan for fire protection services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

|                                               | <i>As of<br/>March 1, 2024</i> | <i>As of January 1,<br/>2025</i> |
|-----------------------------------------------|--------------------------------|----------------------------------|
| Resid., up to 700 sq. ft.                     | \$545.00                       | \$ 560.00                        |
| Resid., 701 to 1,200 sq. ft.                  | 737.00                         | \$ 757.00                        |
| Resid., 1,201 to 1,700 sq. ft.                | 802.00                         | \$ 824.00                        |
| Resid., 1,701 to 2,200 sq. ft.                | 815.00                         | \$ 837.00                        |
| Resid., over 2,200 sq. ft.                    | 907.00                         | \$ 931.00                        |
| Commercial buildings (per 1,000 sq. ft.)      | 686.00                         | \$ 705.00                        |
| Office and Other Services (per 1,000 sq. ft.) | 686.00                         | \$ 705.00                        |
| Industrial buildings (per 1,000 sq. ft.)      | 161.00                         | \$ 165.00                        |

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|                                          | As of January 1, 2026 |
|------------------------------------------|-----------------------|
| <b>Single Family Detached</b>            |                       |
| Up to 900 sq. ft.                        | \$ 1,061              |
| 901 – 1,300 sq. ft.                      | \$ 1,153              |
| 1,301 – 1,800 sq. ft.                    | \$ 1,286              |
| 1,801 – 2,400 sq. ft.                    | \$ 1,404              |
| 2,401 – 3,000 sq. ft.                    | \$ 1,508              |
| 3,001 – 3,600 sq. ft.                    | \$ 1,589              |
| Over 3,601 sq. ft.                       | \$ 1,655              |
| <b>Single Family Attached</b>            |                       |
| Up to 900 sq. ft.                        | \$ 841                |
| 901 – 1,300 sq. ft.                      | \$ 970                |
| 1,301 – 1,800 sq. ft.                    | \$ 1,157              |
| 1,801 – 2,400 sq. ft.                    | \$ 1,323              |
| 2,401 – 3,000 sq. ft.                    | \$ 1,470              |
| 3,001 – 3,600 sq. ft.                    | \$ 1,584              |
| Over 3,601 sq. ft.                       | \$ 1,677              |
| <b>Multifamily / ADU</b>                 |                       |
| Up to 750 sq. ft.                        | \$ 677                |
| 751 – 1,300 sq. ft.                      | \$ 945                |
| Over 1,301 sq. ft.                       | \$ 1,048              |
| <b>Nonresidential (per 1,000 sq. ft)</b> |                       |
| Retail/Commercial                        | \$ 1,346              |
| Office & Other Services                  | \$ 737                |
| Industrial                               | \$ 349                |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

Section 7. **Effective January 1, 2026**, Section 7.5-31 of the Code of the City of Fort Collins is hereby repealed.

**Sec. 7.5-31. General governmental capital expansion fee.**

(a) ~~There is hereby established a general governmental capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of general governmental services, as such improvements may be identified in the capital improvements plan for general governmental services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial, office and other services, or industrial structure. The amount of such fee shall be determined as follows:~~

|                                               | <i>As of<br/>March 1, 2024</i> | <i>As of<br/>January 1, 2025</i> |
|-----------------------------------------------|--------------------------------|----------------------------------|
| Resid., up to 700 sq. ft.                     | \$742.00                       | \$ 762.00                        |
| Resid., 701 to 1,200 sq. ft.                  | 1,001.00                       | \$ 1,028.00                      |
| Resid., 1,201 to 1,700 sq. ft.                | 1,093.00                       | \$ 1,123.00                      |
| Resid., 1,701 to 2,200 sq. ft.                | 1,110.00                       | \$ 1,140.00                      |
| Resid., over 2,200 sq. ft.                    | 1,236.00                       | \$ 1,269.00                      |
| Commercial buildings (per 1,000 sq. ft.)      | 1,877.00                       | \$ 1,928.00                      |
| Office and Other Services (per 1,000 sq. ft.) | 1,877.00                       | \$ 1,928.00                      |
| Industrial buildings (per 1,000 sq. ft.)      | 442.00                         | \$ 454.00                        |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

(b) ~~All fees collected under this Section shall be deposited into the "general governmental capital expansion fee account" established in § 8-93. This account shall be an interest bearing account, and any interest income earned on the fees shall be credited to the account. Funds withdrawn from the general governmental capital expansion fee account shall be used only for the purposes specified in subparagraph (a) of this Section and said expenditures shall be subject to the provisions of this Article.~~

Section 8. Effective January 1, 2026, Chapter 7.5, Article II, Division 2 of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 7.5-31 which reads in its entirety as follows:

**Sec. 7.5-31 - Government facilities capital expansion fee.**

(a) There is hereby established a government facilities capital expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital improvements related to the provision of governmental services, as such improvements may be identified in the capital improvements plan for governmental services. Such fee shall be payable prior to the issuance of any

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building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

|                                          | As of January 1, 2026 |
|------------------------------------------|-----------------------|
| <b>Single Family Detached</b>            |                       |
| Up to 900 sq. ft.                        | \$ 1,089              |
| 901 – 1,300 sq. ft.                      | \$ 1,183              |
| 1,301 – 1,800 sq. ft.                    | \$ 1,320              |
| 1,801 – 2,400 sq. ft.                    | \$ 1,441              |
| 2,401 – 3,000 sq. ft.                    | \$ 1,548              |
| 3,001 – 3,600 sq. ft.                    | \$ 1,631              |
| Over 3,601 sq. ft.                       | \$ 1,698              |
| <b>Single Family Attached</b>            |                       |
| Up to 900 sq. ft.                        | \$ 863                |
| 901 – 1,300 sq. ft.                      | \$ 995                |
| 1,301 – 1,800 sq. ft.                    | \$ 1,187              |
| 1,801 – 2,400 sq. ft.                    | \$ 1,358              |
| 2,401 – 3,000 sq. ft.                    | \$ 1,509              |
| 3,001 – 3,600 sq. ft.                    | \$ 1,626              |
| Over 3,601 sq. ft.                       | \$ 1,721              |
| <b>Multifamily / ADU</b>                 |                       |
| Up to 750 sq. ft.                        | \$ 695                |
| 751 – 1,300 sq. ft.                      | \$ 970                |
| Over 1,301 sq. ft.                       | \$ 1,075              |
| <b>Nonresidential (per 1,000 sq. ft)</b> |                       |
| Retail/Commercial                        | \$ 1,382              |
| Office & Other Services                  | \$ 756                |
| Industrial                               | \$ 358                |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

(b) All fees collected under this Section shall be deposited into the "government facilities capital expansion fee account" established in § 8-98. This account shall be an interest bearing account, and any interest income earned on the fees shall be credited to the account. Funds withdrawn from the governmental capital expansion fee account shall be used only for the purposes specified in subparagraph (a) of this Section and said expenditures shall be subject to the provisions of this Article.

Section 9. Effective January 1, 2026, Chapter 7.5, Article II, Division 2 of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 7.5-31.5 which reads in its entirety as follows:

**Sec. 7.5-31.5 – Capital equipment expansion fee.**

(a) There is hereby established a capital equipment expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding capital equipment related to the provision of governmental services, as such capital equipment may be identified in the capital improvements plan for governmental services. Such fee shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. The amount of such fee shall be determined as follows:

|                               | <b>As of January 1, 2026</b> |
|-------------------------------|------------------------------|
| <b>Single Family Detached</b> |                              |
| Up to 900 sq. ft.             | \$ 222                       |
| 901 – 1,300 sq. ft.           | \$ 241                       |
| 1,301 – 1,800 sq. ft.         | \$ 268                       |
| 1,801 – 2,400 sq. ft.         | \$ 293                       |
| 2,401 – 3,000 sq. ft.         | \$ 314                       |
| 3,001 – 3,600 sq. ft.         | \$ 331                       |
| Over 3,601 sq. ft.            | \$ 345                       |
| <b>Single Family Attached</b> |                              |
| Up to 900 sq. ft.             | \$ 175                       |
| 901 – 1,300 sq. ft.           | \$ 202                       |
| 1,301 – 1,800 sq. ft.         | \$ 242                       |
| 1,801 – 2,400 sq. ft.         | \$ 276                       |
| 2,401 – 3,000 sq. ft.         | \$ 307                       |
| 3,001 – 3,600 sq. ft.         | \$ 330                       |
| Over 3,601 sq. ft.            | \$ 350                       |

|                                          |        |
|------------------------------------------|--------|
| <b>Multifamily / ADU</b>                 |        |
| Up to 750 sq. ft.                        | \$ 141 |
| 751 – 1,300 sq. ft.                      | \$ 197 |
| Over 1,301 sq. ft.                       | \$ 219 |
| <b>Nonresidential (per 1,000 sq. ft)</b> |        |
| Retail/Commercial                        | \$ 281 |
| Office & Other Services                  | \$ 154 |
| Industrial                               | \$ 73  |

In the case of duplexes and multi-family structures, the amount of the fee for each dwelling unit shall be based upon the average size of the dwelling units contained within each such structure.

- (b) All fees collected under this Section shall be deposited into the "capital equipment expansion fee account" established in § 8-99. This account shall be an interest bearing account, and any interest income earned on the fees shall be credited to the account. Funds withdrawn from the capital equipment expansion fee account shall be used only for the purposes specified in subparagraph (a) of this Section and said expenditures shall be subject to the provisions of this Article.

Section 10. Section 7.5-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-32. - Transportation expansion fee.**

There is hereby established a transportation expansion fee which shall be imposed pursuant to the provisions of this Article for the purpose of funding transportation improvements related to the provision of transportation services. Such fees shall be payable prior to the issuance of any building permit for a residential, commercial or industrial structure. These fees shall be deposited in the "transportation improvements fund" established in § 8-87. The amount of such fee shall be determined as follows:

**TRANSPORTATION EXPANSION FEE SCHEDULE**

|                                               | <i>As of<br/>March 1, 2024</i> | <i>As of January 1,<br/>2025</i> |
|-----------------------------------------------|--------------------------------|----------------------------------|
| Resid., up to 700 sq. ft.                     | 2,903.00                       | \$ 2,958.00                      |
| Resid., 701 to 1,200 sq. ft.                  | 5,391.00                       | \$ 5,493.00                      |
| Resid., 1,201 to 1,700 sq. ft.                | 7,000.00                       | \$ 7,133.00                      |
| Resid., 1,701 to 2,200 sq. ft.                | 8,185.00                       | \$ 8,341.00                      |
| Resid., over 2,200 sq. ft.                    | 8,774.00                       | \$ 8,941.00                      |
| Commercial (per 1,000 sq. ft.)                | 10,682.00                      | \$ 10,885.00                     |
| Office and Other Services (per 1,000 sq. ft.) | 7,869.00                       | \$ 8,019                         |
| Industrial/Warehouse (per 1,000 sq. ft.)      | 2,540.00                       | \$ 2,588.00                      |

|                               | <b>As of January 1, 2026</b> |
|-------------------------------|------------------------------|
| <b>Single Family Detached</b> |                              |
| Up to 900 sq. ft.             | \$ 4,036                     |
| 901 – 1,300 sq. ft.           | \$ 6,165                     |
| 1,301 – 1,800 sq. ft.         | \$ 7,819                     |
| 1,801 – 2,400 sq. ft.         | \$ 9,288                     |
| 2,401 – 3,000 sq. ft.         | \$ 10,509                    |
| 3,001 – 3,600 sq. ft.         | \$ 11,477                    |
| Over 3,601 sq. ft.            | \$ 12,280                    |
| <b>Single Family Attached</b> |                              |
| Up to 900 sq. ft.             | \$ 3,103                     |
| 901 – 1,300 sq. ft.           | \$ 4,771                     |
| 1,301 – 1,800 sq. ft.         | \$ 6,086                     |
| 1,801 – 2,400 sq. ft.         | \$ 7,260                     |
| 2,401 – 3,000 sq. ft.         | \$ 8,244                     |
| 3,001 – 3,600 sq. ft.         | \$ 9,016                     |
| Over 3,601 sq. ft.            | \$ 9,662                     |
| <b>Multifamily / ADU</b>      |                              |
| Up to 750 sq. ft.             | \$ 2,023                     |
| 751 – 1,300 sq. ft.           | \$ 3,188                     |
| Over 1,301 sq. ft.            | \$ 3,995                     |

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|                                          |           |
|------------------------------------------|-----------|
| <b>Nonresidential (per 1,000 sq. ft)</b> |           |
| Retail/Commercial                        | \$ 11,654 |
| Office & Other Services                  | \$ 7,558  |
| Industrial                               | \$ 3,917  |

Section 11. Section 7.5-71(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 7.5-71. - Neighborhood parkland capital expansion fee.**

(b) The amount of the fee established in this Section shall be determined for each dwelling unit as follows:

|                                | <i>As of<br/>March 1, 2024</i> | <i>As of January 1,<br/>2025</i> |
|--------------------------------|--------------------------------|----------------------------------|
| Resid., up to 700 sq. ft.      | \$2,226.00                     | \$ 2,286.00                      |
| Resid., 701 to 1,200 sq. ft.   | 2,980.00                       | \$ 3,060.00                      |
| Resid., 1,201 to 1,700 sq. ft. | 3,255.00                       | \$ 3,343.00                      |
| Resid., 1,701 to 2,200 sq. ft. | 3,288.00                       | \$ 3,377.00                      |
| Resid., over 2,200 sq. ft.     | 3,664.00                       | \$ 3,763.00                      |

|                               | <b>As of January 1, 2026</b> |
|-------------------------------|------------------------------|
| <b>Single Family Detached</b> |                              |
| Up to 900 sq. ft.             | \$ 5,060                     |
| 901 – 1,300 sq. ft.           | \$ 5,497                     |
| 1,301 – 1,800 sq. ft.         | \$ 6,133                     |
| 1,801 – 2,400 sq. ft.         | \$ 6,695                     |
| 2,401 – 3,000 sq. ft.         | \$ 7,192                     |
| 3,001 – 3,600 sq. ft.         | \$ 7,579                     |
| Over 3,601 sq. ft.            | \$ 7,894                     |
| <b>Single Family Attached</b> |                              |
| Up to 900 sq. ft.             | \$ 4,010                     |
| 901 – 1,300 sq. ft.           | \$ 4,625                     |
| 1,301 – 1,800 sq. ft.         | \$ 5,519                     |
| 1,801 – 2,400 sq. ft.         | \$ 6,311                     |
| 2,401 – 3,000 sq. ft.         | \$ 7,012                     |

|                          |          |
|--------------------------|----------|
| 3,001 – 3,600 sq. ft.    | \$ 7,556 |
| Over 3,601 sq. ft.       | \$ 7,999 |
| <b>Multifamily / ADU</b> |          |
| Up to 750 sq. ft.        | \$ 3,228 |
| 751 – 1,300 sq. ft.      | \$ 4,507 |
| Over 1,301 sq. ft.       | \$ 4,997 |

Section 12. Chapter 8, Article III, Division 2 of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 8-98 which reads in its entirety as follows:

**Sec. 8-98. - Government facilities capital expansion fee account.**

There is hereby created an account within the capital expansion fee fund to account for the acquisition, construction, and development of capital improvements related to the provision of governmental services, as such improvements may be identified in the capital improvements plan for governmental services. Revenues shall include all fees collected on or after January 1, 2026, pursuant to § 7.5-31. Expenditures from this account shall be made solely for the purposes described in § 7.5-31(b) and according to all other applicable provisions of Chapter 7.5.

Section 13. Chapter 8, Article III, Division 2 of the Code of the City of Fort Collins is hereby amended by the addition of a new Section 8-99 which reads in its entirety as follows:

**Sec. 8-99. - Capital equipment expansion fee account.**

There is hereby created an account within the capital expansion fee fund to account for the acquisition of capital equipment related to the provision of governmental services, as such equipment may be identified in the capital improvements plan for governmental services. Revenues shall include all fees collected on or after January 1, 2026, pursuant to § 7.5-31.5. Expenditures from this account shall be made solely for the purposes described in § 7.5-31.5(b) and according to all other applicable provisions of Chapter 7.5.

**OPTION #2**

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Dianne Criswell

Exhibit: None

**File Attachments for Item:**

**14. Items Relating to Tree Policy.**

A. Ordinance No. 169, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.

B. Ordinance No. 170, 2025, Amending Chapter 27, Article 32 of the Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.

C. Ordinance No. 171, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring Additional Enhanced Tree Protection Measures During Construction.

D. Ordinance No. 172, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Establishing a Three-Year Establishment Period for Street Trees.

E. Ordinance No. 173, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Updating Tree Mitigation Exemptions.

F. Ordinance No. 174, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Enhancing Tree Mitigation.

G. Ordinance No. 175, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins Amending Tree Planting Spacing Requirements and Tree Maintenance.

The purpose of this item is to present seven ordinances that provide five tree policies for potential adoption in City Municipal and Land Use Codes, including an ordinance for tree spacing and Code maintenance. The five policies intend to update best management practices around tree preservation and mitigation, thus improving predictability and simplification of the current code.

October 21, 2025

# AGENDA ITEM SUMMARY

City Council




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## STAFF

Sylvia Tatman-Burruss, Sr. Policy & Project Manager  
 Kendra Boot, City Forester  
 Dean Klingner, Community Services Director

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## SUBJECT

**Items Relating to Tree Policy.**

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## EXECUTIVE SUMMARY

A. Ordinance No. 169, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.

B. Ordinance No. 170, 2025, Amending Chapter 27, Article 32 of the Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.

C. Ordinance No. 171, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring Additional Enhanced Tree Protection Measures During Construction.

D. Ordinance No. 172, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Establishing a Three-Year Establishment Period for Street Trees.

E. Ordinance No. 173, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Updating Tree Mitigation Exemptions.

F. Ordinance No. 174, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Enhancing Tree Mitigation.

G. Ordinance No. 175, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins Amending Tree Planting Spacing Requirements and Tree Maintenance.

The purpose of this item is to present seven ordinances that provide five tree policies for potential adoption in City Municipal and Land Use Codes, including an ordinance for tree spacing and Code maintenance. The five policies intend to update best management practices around tree preservation and mitigation, thus improving predictability and simplification of the current code.

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## STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

## BACKGROUND / DISCUSSION

Rooted in Community, the Fort Collins Urban Forest Strategic Plan, was adopted in March of 2025. The plan provides seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The plan outlines the current state of the urban forest, emphasizes why trees are an important component of our community's infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

### Highlights of Findings:

- Overall, the urban tree canopy has grown/expanded in most land use types over the last 10 years.
- Several commercial zoning types as well as "Institutional" (CSU Campus) are the areas that have lost canopy over 10 years.
- 88% percent of the urban canopy is on private property and the remaining 12% is on public property.

### Future Growth Strategies

The following strategies are listed in more detail with supporting initiatives (Foundational and Transformational Initiatives) in the plan. The supporting initiatives serve as a menu of options that were identified as opportunities through our community and focus group engagement. These options create pathways for the community and the Forestry Division to focus on and refine over the next twenty years as the urban forest and community evolves, as Council Priorities change, and as other technologies or advancements become available.

The adopted Growth Strategies:

1. Strategically invest in growing tree canopy where it will promote resilience and quality of life in Fort Collins.
2. Complete the shift to proactive management of Fort Collin's public trees.
3. Strengthen city policies to protect trees.
4. Collect data to track changes to tree canopy over time and to inform Forestry activities.
5. Sustainably resource the Forestry Division to keep pace with growth of the urban forest.
6. Deepen engagement with the community about tree stewardship.
7. Expand the network of Forestry Division partners.

### Growth Strategy Number 3 - Strengthen City Policies to Protect Trees

In spring of 2025, an interdisciplinary team from Planning, City Manager's Office and Forestry began working with a landscape consultant to analyze the impact of proposed tree policies on future development in Fort Collins related to potential changes in both Municipal and the Land Use Code. In addition to drawing from community engagement conducted during the formation of the Urban Forest Strategic Plan, the team engaged focus group participants in conversations regarding potential tree policy changes. The team then utilized that feedback to create potential tree mitigation policy standards and other changes to simplify and strengthen tree policies and code standards. Much of the work of this team has focused on Growth Strategy Number 3.

Staff intended to balance the following outcomes:

- Maintain current levels of tree canopy coverage
- Prioritize protection of larger trees

- Incentivize tree preservation with development
- Support tree-health infrastructure improvements (silva-cells, structural soils, Low Impact Development (LID), wider parkways, double row of street trees, etc.)
- Balance mitigation requirements (new tree plantings) while supporting new mixed-use and affordable housing development

These outcomes are in addition to the most relevant Council Priorities for this work:

- Council Priority No. 1: Operationalize City resources to build and preserve affordable housing
- Council Priority No. 4: Pursue an integrated, intentional approach to economic health
- Council Priority No. 8: Advance a 15-minute city by accelerating our shift to active modes

#### Previous Council Priority (2021-2023): Improve Tree Policies

Under the previous Council priority, several positive changes have occurred. These include continued overall growth in tree canopy cover based on existing tree policies; the addition of a Forestry Zoning Inspector position; municipal code improvements, including dedicating trees as important community infrastructure; land use code improvements including dedicated irrigation to trees, mulching and other small technical clarifications; and the adoption of the community's first Urban Forest Strategic Plan (UFSP).

#### Land Use, Canopy Cover and Trade-Off Considerations

Across Fort Collins, tree canopy has grown in most land use types over a 10-year period (between the 2011 and 2021 study period). Where canopy is growing includes residential areas, mixed-use areas, open spaces, and industrial areas. Canopy loss has occurred in commercial and "institutional" areas, which is the CSU campus. Commercial area losses often correspond to increased development intensity, including housing unit density, new and infill redevelopment where trees may have existed due to previous development and required tree planting at that time, as well as tree mortality related to tree health or other cumulative urban stressors. Many of these commercial areas along College Avenue and adjacent arterial streets are also where some of the highest canopy density is within the community. Therefore, canopy loss through higher-intensity redevelopment can be a consequence or trade-off for higher density development along major transit corridors. However, trees remain an important part of city infrastructure and green spaces in higher density development, too. Staff have attempted to balance these trade-offs in the following recommended code updates and potential tree mitigation changes.

#### **Proposed Policy Changes**

The following policy recommendations do not pertain to single home projects, including single home additions or to individual Accessory Dwelling Units (ADU). These policies will apply to commercial, multi-family, mixed use and larger neighborhood developments.

The primary goals around these policy and code changes are:

- Simplification of existing code language
- Creating more predictability in potential costs to development and enforcement processes
- An increased focus on preserving established trees across the community

Why should we prioritize established trees?

- Established trees represent decades of investment of time, money and water and are impossible to immediately replace.

- A tree at 30 inches in diameter stores over 90 times more carbon, intercepts 10 times more air pollution and has 100 times more leaf area than a 6-inch diameter tree of the same species, among other great benefits such as positively supporting human physical and mental health, stormwater interception, mitigating urban heat, and crime reduction.
- Microhabitats and niche diversity increase with tree size allowing for greater urban biodiversity.
- One mature tree can harbor upward of 300 other species of organisms (insects, birds, fungi, etc.)

Details of Proposed Policy and Code Changes

|   | <b>Recommendation</b>                                                                                   | <b>Policy applies only to new or redevelopment?</b> |
|---|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 1 | Establish Commercial Tree Removal Permit Program                                                        | No                                                  |
| 2 | Enhanced measures for tree protection during construction                                               | Yes                                                 |
| 3 | 3-year establishment period for Street Trees                                                            | Yes                                                 |
| 4 | Expand exemptions for tree mitigation to include Russian-olive, ash, and Siberian elm species under 11” | Yes                                                 |
| 5 | Enhanced Tree Mitigation Policies                                                                       | Yes                                                 |

**1. Establish Commercial Tree Removal Permit Program (Ordinance Nos. 169 and 170)**

| <b>Current Policy</b> | <b>Proposed Policy</b>                                      |
|-----------------------|-------------------------------------------------------------|
| No permit             | Tree removal permit for established trees, post-development |

There have been cases where a commercial property, outside of the development review process (post-development), will choose to remove trees from their property for a variety of reasons. In some cases, there may be alternatives to removing the tree(s). Establishing a commercial tree removal permit would create a requirement for commercial property owners to seek a no-cost permit to remove a tree 15-inches in diameter or larger. The intent for this proposed policy is to create additional communication prior to tree removal in hopes that the City, commercial property owners, and licensed tree companies can partner to slow down or omit preemptive removal of well-established trees in the community. This permit program will not require additional staffing or resources to support the policy change.

**2. Enhanced measures for tree protection during construction (Ordinance No. 171)**

| <b>Current Policy</b>                                                           | <b>Proposed Policy</b>                    |
|---------------------------------------------------------------------------------|-------------------------------------------|
| Excavating, boring, storing, dumping, pruning and protective barrier guidelines | Updated best management practices         |
| Fencing 6ft from trunk                                                          | Fencing at edge of canopy                 |
| No signage required                                                             | Tree protection signage, provided by City |

There have been many times when a development commits to preserving existing trees onsite, but the trees are either not properly protected and/or damaged during construction unintentionally. Enhanced measures for tree protection during construction include alignment with other protection provisions currently listed in the code to support enforcement of tree protection standards, requiring the tree protection

plan to be onsite and always adhered to, tree protection zone signage, and updates to fencing placed at the driplines (outer edge of canopy) of trees as well as incorporating **updated best management practices** for trees during construction. If a development commits to preserving existing trees onsite, these proposed tree protection measures will help set the preserved trees up for survival during construction and for longevity, providing long-term community benefits, to both the development site and the surrounding area.

**3. 3-year establishment period for Street Trees (Ordinance No. 172)**

| Current Policy                                              | Proposed Policy                                                                |
|-------------------------------------------------------------|--------------------------------------------------------------------------------|
| When all street trees are established and in good condition | Predictable three-year timeline for when City takes over care for street trees |

In the current code and plan requirements, street tree establishment is very gray in terms of when the City takes over responsibility for maintenance and care from the applicant. In some cases, this can be upwards to 5-6 years or more. Setting a three-year establishment period creates more predictability for the development community and gives clear parameters for both the City and development of when the applicant is done replacing trees before the City takes over maintenance and care for street trees. Other parameters have already been codified (March of 2025) to further set this effort up for success. Examples include planting street trees in phases and planting trees during the shoulder seasons to avoid planting in the hottest and coldest timeframes of the year are in practice and working.

**4. Expand exemptions for tree mitigation (Ordinance No. 173)**

| Current Policy                                                                                                                            | Proposed Policy                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Dead, dying or naturally fallen trees, threat to public health and safety                                                                 | Adding in poor condition trees                                                        |
| No mitigation for Siberian elm (11-inches), Russian-olive (9-inches) and ash (8-inches)                                                   | No mitigation for Siberian elm, Russian-olive, ash and tree of heaven under 11-inches |
| No mitigation for Siberian elm, Russian-olive, and ash of wild/volunteer origin, sprouted along fence lines or other unsuitable locations | Adding in tree of heaven (noxious species)                                            |

Currently the Land Use Code requires mitigation of Russian-olive, ash, and Siberian elm at the following diameter thresholds: 9-inches, 8-inches, and 11 inches, respectively. While these species provide urban canopy benefits as well as habitat for wildlife, staff are looking for ways to simplify this section of the code and align with long-term emerald ash borer treatment strategy. Expanding the exemptions for tree mitigation to include Russian-olive, ash, and Siberian elm under 11-inches would decrease the numbers of trees currently required for mitigation.

Staff are also proposing to add the species, tree of heaven, to this list for the following reasons:

- These species are either invasive or susceptible to infestation (emerald ash borer) and are seen to be less valuable than larger trees for mitigation.
- These species are prolific in seeding and many are also high in population numbers, creating monocultures across the community.
- Expanding these exemptions will assist with diversifying and creating a more resilient and healthy urban forest in the future and could reduce costs for development.

In relation to emerald ash borer management, the City does not recommend treating ash trees 11-12 inches in diameter and under in order to balance costs, environmental impact, and a means for improving species diversity across the community.

**5. Enhanced Tree Mitigation & Mitigation Reduction Policies (Ordinance No. 174)**

| Current Policy                                                                                                                    | Proposed Policy                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Based on tree size, condition and condition for trees 6-inches and greater; each tree is assigned <b>1 to 6</b> replacement trees | Poor Condition = no mitigation required<br>6" - 14" = <b>1 tree</b><br>15"- 19" = <b>2 trees</b><br>20"- 24" = <b>3 trees</b><br>25"- 29" = <b>5 trees</b><br>30"- 39" = <b>10 trees</b><br>40" and larger = <b>20 trees</b> |
| Off-site plantings or payment-in-lieu allowed if mitigation cannot be completed on site                                           | Payment-in-lieu allowed if mitigation cannot be completed on site                                                                                                                                                            |
| No reduction                                                                                                                      | <b>50% reduction</b> of the mitigation value of tree saved, <b>75% reduction</b> for Affordable Housing                                                                                                                      |
| No reduction                                                                                                                      | Allow <b>PIL fee reduction</b> for equal value of enhanced tree planting measures                                                                                                                                            |

As mentioned above, tree mitigation currently applies to all trees over 6-inches in diameter on a new development proposal. While the proposed tree mitigation policy adds detail to the code language, it greatly simplifies the tree mitigation process by creating more specificity and predictability for prospective developers in addition to incentivizing the mitigation of larger trees. Well-established and larger trees provide the most benefits in our community and staff believe that the current policy - and compared to peer cities - does not value larger, established trees enough. Other communities utilize different strategies as listed below. For more details on peer City standards, please see the attached Clarion Associates report.

Different tree mitigation strategies include:

- Greater restrictions and mitigation requirements for larger trees
- Canopy coverage by lot size
- Canopy coverage by zoning district (i.e., different canopy goals for residential zone districts vs. commercial districts)
- Replacement based on equal tree canopy
- Assessing large fees and fines
- Appraised value of tree based on a standardized appraisal process
- Prohibiting tree removals in Environmentally Sensitive Areas
- Incentives/reduced mitigation for saved trees

After reviewing case studies and engaging with both internal departments and external entities within the development community, staff has worked to find a similar approach to the current tree mitigation requirement that is intended to be more predictable early in development and emphasizes mitigation of larger trees. The proposed mitigation requirements include a softening of the originally proposed mitigation requirements to find a good fit for Fort Collins. Staff have been weighing the importance of the community's

tree canopy and the changes that will occur over time as we continue to support housing and commercial development as a community.

In addition to the newly proposed mitigation requirements, staff created the potential for mitigation reductions, which does not exist in today's land use code. Below is a list of how mitigation can be reduced or omitted when trees are saved on site as well as other site improvements for tree and landscape health that further reduce an applicant's mitigation requirement. Staff have also explored additional reductions for affordable housing projects as defined in LUC 5.2.1.

### **Tree Mitigation Reductions**

- For every tree saved within the development, total tree mitigation may be reduced by 50% of the mitigation value of the trees saved.
- For payment in lieu, any expenditure related to the following enhanced tree planting measures could further reduce tree mitigation responsibility:
  - Transplanting existing trees
  - The use of Silva cells, structural soils, or similar technologies
  - Low Impact Development (LID) improvements above and beyond current standards
  - Wider parkways
  - Double row of street trees
- For affordable housing development, total tree mitigation may be reduced by 75% of the value of the trees saved

### **Potential Benefits of Proposed Policy:**

- Simplification of existing code language
- Creating more predictability in potential costs to development and enforcement processes
- Prioritizes protection of larger trees
- Incentivizes tree preservation with development:
  - Reduction in mitigation requirements for trees saved
  - An additional reduction in mitigation when trees are saved with affordable housing projects
  - Development projects that protect larger trees may have no mitigation for removal of smaller trees on site
- Allows for enhanced tree planting measures instead of PIL for off-site tree planting
- Balances mitigation requirements (new tree plantings) with supporting new mixed-use and affordable housing development

### **Development Scenarios for Tree Mitigation Policy and Cost Analysis**

Staff looked at 11 different recent development scenarios, including the Bird Whistle (Kechter Townhomes) after Council 2x2 discussions in September. All have been developed with exception to the Kum & Go and Tapestry projects which are still in review stage.

Every project is unique and we never get the same site twice. The biggest take away from the developments analyzed below is that if the same development was developed again under the proposed tree mitigation policy, then 50% of the developments would see an increase in mitigation cost and the other half would see a decrease in cost. However, with the proposed tree mitigation reductions, staff believes

that applicants may have an increased consideration for saving more trees to reduce their mitigation costs for canopy loss with development if this policy is adopted.

Where applicable, each Development is labeled for Housing (H) or Affordable Housing (AH) in the left column below. The table shows a comparison of the current tree mitigation policy to the potential changes in cost with the proposed tree mitigation policy.

|                               | Current Land Use Code             | Change with Proposed Mitigation Changes |                    |
|-------------------------------|-----------------------------------|-----------------------------------------|--------------------|
| Union on Elizabeth (H)        | \$21,000 or 42 mitigation trees   | \$20,000 or 40 mitigation trees         | \$1,000 reduction  |
| Kum&Go – not built yet        | \$20,000 or 40 mitigation trees   | \$27,000 or 54 mitigation trees         | \$7,000 increase   |
| Prospect Sports Club          | \$10,500 or 21 mitigation trees   | \$0 or 0 mitigation trees               | \$10,500 reduction |
| Worthington Storage           | \$24,500 or 49 mitigation trees   | \$3,500 or 7 mitigation trees           | \$21,000 reduction |
| Village on Horsetooth (AH)    | \$7,000 or 14 mitigation trees    | \$8,750 or 18 mitigation trees          | \$1,750 increase   |
| Timberline Road               | \$25,500 or 51 mitigation trees   | \$29,500 or 59 mitigation trees         | \$4,000 increase   |
| Stodgy Brewing                | \$28,250 or 57 mitigation trees   | \$0 or 0 mitigation trees               | \$28,250 reduction |
| The Grainary (Fairway) (H)    | \$140,750 or 282 mitigation trees | \$189,000 or 378 mitigation trees       | \$48,250 increase  |
| Copperleaf (H)                | \$10,750 or 22 mitigation trees   | \$19,750 or 40 mitigation trees         | \$9,000 increase   |
| Tapestry (AH) – not built yet | \$4,500 or 9 mitigation trees     | \$500 or 1 mitigation tree              | \$4,000 reduction  |
| Bird Whistle (AH)             | \$2,250 or 4.5 mitigation trees   | \$0 or 0 mitigation trees               | \$2,250 reduction  |

(H) = Housing; (AH) = Affordable Housing

Note: The Grainary was a very uniquely forested site, previously a tree nursery.

**CITY FINANCIAL IMPACTS**

None.

**BOARD / COMMISSION / COMMITTEE RECOMMENDATION**

On October 16, 2025, the Planning & Zoning Commission heard the Land Use Code tree preservation and mitigation ordinance amendments and unanimously recommended approval.

**PUBLIC OUTREACH**

Several focus groups were held with the development community, both internal and external to the City organization, to explain potential policy changes and how those would affect existing development projects. General support was offered for the recommended policy changes, including expanding species exemptions, enhanced tree protection during construction, the 3-year establishment period for street trees, and the proposed tree removal permit program.

Regarding proposed tree mitigation strategies, several scenarios were shared to show how different mitigation strategies would affect costs for existing development projects if different requirements were applied. Several participants noted that while trees are very important for development projects, mitigation requirements that are too high and may affect the feasibility of development projects, especially affordable housing projects. For additional detail, see the attached Focus Group feedback document.

Concerns heard regarding existing policies:

- May not be adequately valuing large trees based on recent development projects

- Do not provide incentives to protect existing trees with development
- While the language is simple, the current mitigation requirements are vague and unpredictable, and the tree value assignment is only determined upon tree inspection rather than being based on diameter and species

After the focus group meetings, staff revisited the proposed policy changes and restructured them to favor the preservation of larger, established trees, to better balance the mitigation requirements. Staff then applied those to existing and approved projects as case studies. These examples are attached to this AIS and the case studies are addressed in the presentation.

## **ATTACHMENTS**

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1. Urban Forest Strategic Plan Growth Strategy 3 Initiatives
2. Focus Group Feedback
3. Best Practices Report - Clarion Associates
4. Presentation
5. Ordinance No. 169, 2025
6. Ordinance No. 170, 2025
7. Ordinance No. 171, 2025
8. Ordinance No. 172, 2025
9. Ordinance No. 173, 2025
10. Ordinance No. 174, 2025
11. Ordinance No. 175, 2025



# STRENGTHEN CITY POLICIES TO PROTECT TREES.

In 2024, Fort Collins' municipal code focuses on the stewardship of public trees; however, only 12% of the City's tree canopy is publicly owned. Opportunities to protect trees on both public and private land—whether through policy or incentives—can help curb canopy losses, mitigate heat, and protect community tree benefits.

## Outcome Areas:

- Neighborhood & Community Vitality
- Environmental Health

## FOUNDATIONAL INITIATIVES

- Engage the community in adopting a citywide land use code to improve tree preservation and protection while balancing other priorities and needs of the community.
- Draft a heritage tree program that allows for the elective enrollment and protection of trees that have cultural, historic, or ecological value.
- Create policy summaries or tip sheets that clarify the responsibility for tree maintenance in spaces including alleyways, property boundaries, and ditches.
- Plan for education and outreach that will guide tree protection for development scenarios on private land.
- Reference existing good practices—best management practices and manuals, ISA Certified Arborist requirements, wood utilization program—in city code.
- Develop an adaptable response strategy for current and future threats from insect and disease.



## TRANSFORMATIONAL INITIATIVES

- Clarify the legal responsibility for trees within vacant and boundary areas (land without ownership) to encourage the protection and growth of tree canopy.
- Plan for tree preservation and tree canopy expansion within areas in the Growth Management Area that are to remain as future green space as identified by the Parks & Recreation Master Plan and the Natural Areas Strategic Framework.
- Demonstrate the role for trees in outdoor water efficiency by creating water-smart landscapes that incorporate trees on City property.
- Explore and expand tree protection and preservation policies within the Land Use Code to apply to non-development scenarios.
- Create educational support, incentives, and potential policy improvements to help homeowners and private property owners achieve long-term success in tree planting and preservation.
- Require landfill diversion for wood waste that originates from private land.



## Tree Policy – Mitigation Stakeholder Outreach Summary

Targeted feedback from code users, development community, business community (ULI NOCO, Development Review Advisory Committee, Chamber of Commerce LLAC) and Development Review Team staff

### 6/13/2025 Chamber of Commerce Local Legislative Affairs Committee

- Requirements for trees often compete with other city requirements (stormwater, detention, utilities, sight distance at intersections)
- Can we utilize incentives vs. penalties?
- Requiring private landowners to solve a community-wide issue
- Need to clarify what trees would fall under the Commercial Tree Permit for removal. Should not include suckers or naturalizing detention pond trees.
- Could requirements to save older trees increase liability for property owners?
- Increasing tree requirements can create barriers to development/redevelopment
- What is long-term impact of adding multiple new trees to replace each tree?

### 6/13/2025 Planning and Zoning Commission Work Session/Update

- Support the reduction for saving existing trees with development
- When payment-in-lieu occurs, could the developer know where the \$ goes, where ‘their’ trees will be planted?
- Should mitigation be based on tree age rather than size?

### 6/17/2025 City of Fort Collins Development Review Team

- Code should prioritize tree protection vs payment-in-lieu to remove trees
- Tree preservation ‘incentives’ should be stronger to be effective
- Street trees should be considered Infrastructure – important for the community
- Should we consider voluntary ‘landmarked’ trees?
- Mitigation seems complex – can we make it simple to understand and enforce?
- Support for reducing payment-in-lieu when tree health measures are included with development plans
- Should we consider requiring more green/open space in infill/commercial areas?

## 6/17/2025 and 6/24/2025 Tree Policy Engagement Meetings (2 total)

- High land costs and development costs make it difficult to develop and redevelop in the city. This policy will add cost.
- Is the city willing to give up density to save trees?
- Increasing tree mitigation conflicts with city's goals for higher density mixed use development
- City already has robust planting, stormwater requirements
- 3-year Street Tree warrantee is too long, moves the maintenance and replacement responsibility to the HOAs instead of the Developer.
- City requires rain gardens and other LID that could support trees, but does not allow these in street Rights-of-Way
- Requiring wider tree lawns, double row of street trees conflicts with PFA requirements for building access
- Support idea of saving trees with development
- Need to understand regulations early in the planning process (clear, predictable)
- Cumulative impact of multiple regulations. It feels like every department is requiring 'above and beyond' requirements. These requirements will make it more difficult to develop/redevelop in infill areas. What are other communities doing?
- What is the rate of tree loss that we're trying to replace?
- Should requirements vary in different parts of the city? Or by use type?
- The requirements and incentives are confusing.
- Required trees should be allowed for tree mitigation. There is no room for additional trees on higher-density infill sites.
- Sometimes we can't place a building to protect a tree due to other city requirements (i.e. build-to standards)
- Do not support changing mitigation to apply to 3" diameter and above (from current 6"). This will have significant impacts.
- Will you have different requirements/incentives for affordable housing?

# FORT COLLINS ADDITIONAL TARGETED BEST PRACTICES REPORT

Revised Draft  
May 2022

Soils, Xeriscape, Tree  
Protection, Tree Canopy

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# Fort Collins: Nature in the City

## *Additional Targeted Best Practices Report* *May 2022*

### Background

Since 2020, Clarion Associates has been assisting the City of Fort Collins to implement its Nature in the City (NIC) initiative. To date, that support has included:

- Preparation of a Land Development Code Audit to identify barriers to implementing different components of the initiative;
- Finalizing definitions of several key terms that are often used loosely, but which need to be defined objectively in order to be used in regulatory documents like the Land Development Code; and
- Preparation of draft text amendments to the Land Development Code to implement the following aspects of the NIC initiative:
  - Requirements for inclusion of common open space;
  - Limits on impervious surfaces in new development; and
  - Requirements that certain types of development earn at least a minimum number of points in a new Nature in the City Score system, which provides numerous flexible options related to site and building design.

Before the proposed regulatory changes were included in the Land Development Code, however, the City asked that Clarion Associates prepare additional research on Best Practices to promote the NIC goals in four discrete areas:

1. Soil amendments to ensure that new vegetation survives, thrives, and provides maximum environmental and experiential benefits;
2. Xeriscape practices to reduce outdoor water consumption without compromising the public experience of being in nature or the environmental benefits that healthy vegetation provides;
3. Tree protection during site work and construction phases and during the creation of landscaping and planting plans for the proposed development and redevelopment; and
4. Tree canopy enhancement in order increase public perception of nature, increase shading, and reduce the impacts of urban heat islands over time.

To identify these best practices, Clarion Associates agreed with the City staff to:

- Focus on regulations or incentives suitable for inclusion in a Land Development Code or related regulations – rather than advisory policy statements or plans that do not have regulatory effect;
- Identify up to 20 communities across the United States for detailed web-based research on these four topics;
- Focus the research on soil amendment and xeriscape on communities in the Rocky Mountain west, because of the unique dry climate and soil conditions in this region;
- Make initial contact with each community to confirm the accuracy of published regulations and incentives, as well as the continued enforcement and effectiveness of those regulations.
- Refine the list of research communities to eliminate those where initial contacts suggest that further research would not be fruitful, and if possible, replace them with other communities where regulation and incentives appear to be more effective.

After this additional research program was initiated in late 2021, initial contacts revealed that several communities have integrated or overlapping regulations for tree protection and tree canopy protection. In order to reflect these Best Practices accurately, we combined these two topics into a single inquiry and agreed to research a larger number of target communities in that combined category.

After contacting, eliminating, and substituting communities as described above, our initial research and interviews focused our Best Practices research on the following communities:

- **Soil Amendments:** Denver, CO; Thornton, CO; Castle Rock, CO; Brighton, CO; and Greeley, CO.
- **Xeriscape:** Aurora, CO; Castle Rock, CO; Las Vegas, NV; San Antonio, TX; and Tucson, AZ.
- **Tree Protection and Canopy Enhancement:** Boulder, CO; Bloomington, IN; Fort Wayne, IN; Lake Forest Park, WA; Madison, WI; Portland, OR; Reno, NV; San Antonio, TX; and Seattle, WA.

This document includes Clarion Associates’ recommended Best Practices in each of these areas, subject to internal discussion with the City as to which of the recommended practices would best “fit” with the City’s goals and administrative systems. “Best Practices” is, of course, a subjective term, and professionals often differ about what is “best” and why. For this report, we focused on the following factors to identify those regulations that we think are worthy of additional consideration by Fort Collins:

- The clarity and understandability of the regulations to both staff and citizens;
- The administrability of the regulation—i.e., whether the regulation can be efficiently implemented, monitored, and enforced with reasonable levels of effort by City staff; and

- The host community’s comments on the effectiveness of the regulation in achieving its purpose.

Within each topic area, we single out a few communities with regulations that we think best meet these criteria. We also identify additional cities whose regulations or incentives include a provision, incentive, or approach that is worthy of additional consideration. We have termed the first group “Best Practices” and the second group “Additional Valuable Practices.” In several cases, even those communities that meet these criteria stated that their regulations, procedures, and enforcement mechanisms were imperfect and provided suggestions for improvements that would make them more effective.

## Soil Amendments

This section summarizes information from communities that require soil amendments to be added to new landscaping to ensure the proper growth and survival of vegetation. Soil amendments also help conserve water, because newly installed landscaping typically needs to be irrigated more than established landscaping. By increasing the probability that newly planted material survives, the use of soil amendments can help reduce long-term water demand.

### Best Practices

#### Thornton, CO

Thornton’s development code (Chapter 18 of its City Code) establishes basic soil amendment requirements. All landscape areas, except for side yards not visible from public areas and rear yards of single-family dwellings, are required to be amended with at least four cubic yards of organic amendment per 1,000 square feet of ground, and the amendments must be tilled at least six inches into the soil. [Sec. 19-538\(a\)\(4\)](#).

The code references [Section 800, Landscape Improvements](#), of the Thornton Standards and Specifications document, which imposes additional obligations on developers. Prior to the addition of soil amendments, applicants are required to remove all construction debris from the soil, including large rocks, concrete, asphalt, and soil clods; all building materials such as boards, insulation, shingles, rebar, wire, and grading stakes. Applicants must then rip the soil to a minimum depth of 12 inches if it has been compacted by heavy machinery or by working it while wet, in rows no greater than 18 inches apart. Ripping operations must be timed to commence when soil moisture is adequate enough to allow penetration but is not wet or muddy.

The soil amendments are required to be incorporated throughout the landscape areas, not just around areas where trees and shrubs are planted. At least four cubic yards must be distributed across the soil surface in a uniform 1½ inch depth and incorporated into the top eight inches of

soil with a rototiller capable of tilling to eight inches in depth.<sup>1</sup> Additional soil amendments are required for City-maintained landscapes and metropolitan district parks (six cubic yards per 1,000 square feet, distributed to two-inch depth) and for landscaped medians (27 cubic yards, distributed to a 36 inch depth).

Compliance with the regulations is assessed at three inspections performed during the landscape installation process:

- The first inspection takes place prior to soil amendment and tilling and looks for the presence of weeds, especially noxious weeds.
- The second inspection involves a review of the soil amendment before it is tilled into the soil.
- Finally, after tilling and fine grading, the third inspection reviews the prepared soil to ensure it was tilled to the required eight inches, and for overall quality and absence of construction debris.

In addition, the developer/applicant may be required to provide City staff soil amendment load tickets and affidavits that confirm soil amendments have been installed for a set of dwellings before the construction of the next phase of dwellings is authorized.

### Primary Contacts

Grant Penland, Planning Director, [gpenland@ci.thornton.co.us](mailto:gpenland@ci.thornton.co.us); Warren Campbell, Current Planning Manager, [wcampbell@ci.thornton.co.us](mailto:wcampbell@ci.thornton.co.us).

## Denver Water

### Soil Amendment Program

The requirements of Denver Water's Soil Amendment Program are clearly identified on its [website](#).

- The reasons for amending soil are explained in plain language understandable by the public and contractors.
- Areas larger than 300 square feet must incorporate soil amendments before landscaping is installed.
- The standards encourage (but do not require) that organic compost meeting at least Class II standards be installed, lists Class II compost suppliers, and includes a table listing the chemical requirements for Class I and Class II compost (shown below):

<sup>1</sup> While the City's development code requires tilling down to six inches, the Standards and Specification document, which is incorporated into the code by reference, states that tilling is required down to eight inches.

| Minimum Stability Indicator               | CLASS I<br>Stable – Very Stable | CLASS II<br>Stable  |
|-------------------------------------------|---------------------------------|---------------------|
| pH                                        | 6.0 – 8.0                       | 6.0 – 8.2           |
| Ag Index (Nutrients/Na+Cl)                | Must report                     | Must report         |
| Soluble Salts                             | Maximum 5 mmhos/cm              | Maximum 10 mmhos/cm |
| Carbon/Nitrogen Ratio                     | < 12                            | < 18                |
| Ammonia-N/Nitrate-N                       | < 4                             | < 6                 |
| Bulk Density (lbs/CY)                     | Must report                     | Must report         |
| Primary, Secondary, Trace Elements        | Must report                     | Must report         |
| Organic Matter; Moisture Content (% / CY) | Must report                     | Must report         |

- Four cubic yards of compost per 1,000 square feet of permeable areas (including tree lawns and permeable portions of rights-of-way adjacent to the property, which are often owned by the City rather than individual property owners) roto-tilled to a depth of four to six inches, except in the following situations:
  - Two cubic yards of compost per 1,000 square feet of permeable area are required for native grass areas (subject to Denver Water confirmation of seed mix); and
  - Twelve cubic yards per 1,000 square feet are required for amended topsoil.
- The contractor must supply an invoice or load ticket showing that a specific soil amendment product was being delivered to the subject property address, as well as a map showing the square footages of areas required to be amended, and if native grasses are to be installed, a sample of the seed mix. Denver Water can then confirm that the amount of soil amendment was adequate for the area required to be amended and can provide phone or e-mail confirmation that the requirement had been met.
- Water service to the property can be withheld until Denver Water has confirmed that adequate amendment product had been delivered to the property.
- Site inspections are not required, but contractors are warned that spot inspections might occur.
- Although the requirements are publicized as a cost-saving measure for property owners, who would experience higher rates of plant survival, its primary interest is the associated water savings through more effective water absorption and reduced runoff.

As a regional water utility, Denver Water has regulatory authority to enforce the requirements against property owners only when water service is being installed, and even then its capability to do so is limited. The various jurisdictions served by Denver Water have a broad range of landscaping requirements, and many of the governments' land use and other regulations incorporate only limited water conservation controls and few if any soil amendment requirements. Denver Water works with local governments to encourage landscape regulations

similar to those included in the agency’s soil amendment program, and staff is hopeful more consistent regulations will be adopted by local governments over the next several years.

To the (limited) extent that they are enforced, Denver Water’s actions to enforce the soil amendment requirements are taken against the landscape contractors who install the landscaping materials. This is similar to the approach used by many cities to enforce sign regulations (i.e., require licensing of sign contractors and make them responsible for compliance with the regulation with the knowledge that violating the regulation could result in suspension or revocation of their license to install signs).

Although the soil amendment program indicates that spot site inspections may take place, Denver Water staff reported that inspections generally have not occurred for the past six years. Previously, when spot inspections did take place, inspectors found that around 95 percent of contractors complied with the requirements. Compliance with the requirement to provide receipts is generally high, although new development projects are more likely to comply than redevelopment projects, and compliance is higher from large developers than from smaller contractors who redevelop individual single-family properties. Overall, the resources devoted to administration of the soil amendment program occupy about 0.5 FTE of staff time.

In an effort to encourage compliance, Denver Water does not charge fees for participation in its soil amendment program.

### Primary Contact

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### Other Valuable Practices

#### Castle Rock, CO

The Town of Castle Rock landscaping and irrigation standards are contained in its [Landscape and Irrigation Criteria Manual](#), which is adopted by reference into the [Municipal Code](#). Sec. 1.13 of the Manual defines Soil Amendment as “Organic material added to the soil to improve texture, moisture holding capacity, nutrient capacity, water and air infiltration.” Sections 4.4.1 through 4.4.3 of the Manual includes specific provisions for how to amend soil that are mandatory for all new developments and changes to landscaping. The provisions require that:

- A soil analysis to be conducted by professional soil scientist to evaluate texture, exchange capacity, conductivity, organic matter, and acidity along with nitrogen, potassium, phosphorus, zinc, iron, copper, manganese, and lime content in the soil.
- Stripping and stockpiling of indigenous topsoil during construction for successful plant material establishment
- At least four cubic meters of amended soil added per 1,000 square feet planting areas for turf, trees, shrubs, perennials, and annuals.

- Soil amendments material to be compost, which is defined as a “fully finished, stabilized, and mature product, derived from organic materials such as leaves, grass clippings, wood chips, and other yard wastes. Finished compost is dark and crumbly, does not resemble the original contents, and has an earthy smell. Acceptable compost will not contain any human or animal waste.” Staff emphasized that the inclusion of any amount of “hot compost” (compost that has not fully broken down) is prohibited, and that on occasion they have required contractors to remove inappropriate soil amendment from the surface and install replacement amendments that meet Town standards.
- As an exception to the requirement of compost as defined above, soil amendments for native seed areas to be consistent with detail #17 in the Castle Rock [Temporary Erosion and Sediment Control Manual](#). The Town may require written documentation of the types and amounts of soil amendments installed.
- Where soil amendments are required, soil that is roto-tilled to a minimum depth of six inches, and rocks, debris, and clods greater than ¾-inch diameter must be removed (except that dry land seed areas may include clods up to two inch diameter).

Castle Rock pairs these requirements with a robust inspection regime. Single-family detached and attached, duplex, triplex, and fourplex residential properties) are inspected once, after the soil amendment has been added, the soil tilled, and the site graded. Multifamily and nonresidential properties are inspected twice. The first inspection takes place after the soil amendment has been added to ensure that an adequate amount has been used. The second inspection takes place after tilling and grading.

Staff believes compliance with the requirement for adding soil amendment is high, particularly for nonresidential buildings, since the compost is relatively inexpensive and providing the required amount (or even a little more) is less expensive than pausing construction while fixing the work and awaiting reinspection. The high compliance rate is also attributed to Castle Rock’s consistent inspection process and withholding certificates of occupancy until inspections have been completed.

The Town’s water conservation programs are managed by a four-person team, including the water efficiency supervisor, a technician who handles the rebate programs and inspections, an inspector, and an office assistant who manages administration, scheduling, and customer contact. Currently, the site inspections are conducted by an inspector who is a seasonal employee who works four days per week (0.8 FTE), generally from May through October or November. Three other members manage the administration of the programs, including potential updates to the regulations to address any necessary changes. This staff has been managing about 1,000 residential inspections and 50-60 permits per year.

Residential projects pay a \$45 inspection fee. For each required reinspection, the fee doubles, which discourages landscape contractors from scheduling inspections before they are ready.

For commercial projects, compliance with the soil amendment regulations is confirmed through the irrigation permit inspection process. The permit inspection fee is \$610, with a reinspection fee of \$110 if necessary.

### Primary Contact

Rick Schultz, Water Efficiency Supervisor, 720-733-6027

## Greeley, CO

[Section 24-804, Plant Specifications](#), of the Greeley Development Code includes non-regulatory Xeric Guidelines and offers a reduction in raw water requirements for applicants whose landscaping plans include these elements.

- Guideline (d)4 states: “Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas should receive soil amendments of at least 3 cubic yards per 1,000 square feet.”
- Guideline 5(e) provides that: “Prior to the installation of turf-grass and/or other plant materials in areas that have been compacted or disturbed by construction activity, such areas shall follow soil amendment procedures pursuant to Title 20 and the Water and Sewer lawn installation specifications.”

[Section 14, Vegetation and Irrigation](#), of the City’s Construction Standards for water detention areas provides detailed standards that could be applied to mandatory soil amendment ordinances.

- Compost is defined as: 100% humus rich organic matter. The compost shall be a well decomposed, stable, weed free organic matter derived from agricultural, food, or industrial residuals; biosolids (treated sewage sludge); yard trimmings, or source-separated or mixed solid waste.
  - Product must be certified as fully composted at a permitted solid waste processing facility.
  - Product must be registered with the Colorado Department of Agriculture and approved for use on Colorado Certified Organic Farms by the Division of Plant Industry of the State of Colorado.
  - Product shall contain no solid particle greater than one-half inch in length or diameter and be free from un-composted or non-stabilized wood bulking agents.
  - Product shall contain no substances toxic to plants and shall be reasonably free (<1% by dry weight) of man-made foreign matter.
  - The compost shall possess no objectionable odors and shall not resemble the raw material from which it was derived.

- In addition, the applicant shall provide the City a signed statement that the compost has been tested and meets the following standards:
  - Organic Matter Content: 30 - 70% (dry basis)
  - Soluble Salt Concentration (EC paste test): 5 dS (mmhols/cm) or less (as received)
  - PH range: 5.5 to 8.0 (as received)
  - Final carbon to nitrogen ratio: 20:1 or less.
  - Nutrient Content (dry weight basis): N 1% or above, P 1% or above, K 0.5% or above.
  - Bulk Density: 800 - 1,000 pounds/cubic yard
  - Moisture Content: 35% - 55%

### Primary Contact

Sean Chambers, Director of Water & Sewer, [sean.chambers@greeleygov.com](mailto:sean.chambers@greeleygov.com); Paul Trombino, Public Works/Construction Standards, [Paul.Trombino@Greeleygov.com](mailto:Paul.Trombino@Greeleygov.com).

### Brighton, CO

[Article 8, Landscape and Site Design](#), of Brighton's Land Use and Development Code establishes requirements for water-conserving landscaping:

- All landscape plans are required to incorporate soil amendments and use organic mulches that reduce water loss and limit erosion.
- Plant areas are encouraged to receive soil amendments of at least three cubic yards per 1,000 square feet.

City staff reported that though these soil amendment provisions are included in the city's development regulations and apply to all development projects, they are typically not enforced. There are no provisions in the code requiring an applicant to demonstrate that soil amendments have been acquired or installed. Most site inspections take place after the soil has been prepared and sod and other landscaping materials installed, and evaluations for compliance are limited to whether the landscaping is consistent with the regulatory requirements, not the specifics of soil amendment installation.

### Primary Contact

Louis Morris, Project Coordinator, 303-655-2243, [lamorris@brightonco.gov](mailto:lamorris@brightonco.gov).

## Other Communities

In addition to the programs listed above, we reviewed development codes, landscaping and engineering criteria, and related manuals and regulations for Westminster and Greenwood Village but did not identify regulatory approaches or standards of sufficient detail or difference from those described above to justify inclusion in this report. While a number of Front Range communities' land development codes, engineering standards, or park and recreation manuals refer to requirements for including soil amendments in the design and construction of detention areas, we view these as public works standards rather than regulations intended to apply to general landscaping.

## Xeriscaping

### Best Practices

This section identifies three communities that incorporate low-water-use landscaping requirements in their land use regulations and that offer robust turf rebate programs to reduce the number of water-intensive grasses and plants used in residential yards and commercial spaces the City will want to consider. Five other valuable practices are included for further consideration.

## Castle Rock, CO

### Background

The Town of Castle Rock has taken aggressive steps to promote and require water conservation. Its landscaping regulations limit the types of turf that can be incorporated in new development, and also operates two key programs that offer financial rebates to existing residential and commercial property owners who implement specific low-water-use landscaping techniques.

### Landscaping Regulations

Castle Rock's [landscaping regulations](#) limit the amount of high-water-use landscaping material that may be installed. High-water-use grasses such as Kentucky bluegrass and similar turf are prohibited, and other types of turf are also restricted. Single-family and two-family lots that are 7,000 square feet or less in area are allowed to have turf over no more than 30 percent of the lot. Lots larger than 7,000 square feet in area up to 17,000 square feet may have turf over no more than 20 percent of the lot. Lots larger than 17,000 square feet in area may have turf over no more than 20 percent of the lot, up to a maximum of 5,000 square feet of turf.

Staff reports that they are developing updated regulations for new development that would prohibit turf in front yards and limit the turf area in the back yard to a maximum of 500 square feet. These proposed changes are part of the Town's continuing efforts to reduce its water consumption from an average gallons per capita per day (GPCD) of 118 today to 100.

## Coloradoscape Renovation Program

Castle Rock's [Coloradoscape Renovation](#) water-wise landscaping program is an effort to encourage property owners to convert water-intensive landscaping into water-wise landscapes. It provides incentives to current landowners to redesign their landscaping to be more water-efficient in ways that are similar to the Town's regulations for new development. The program uses a variety of tools to encourage participation, including rebates, educational classes, and the opportunity to water landscaping on days that would otherwise not be permitted. The details of this program include:

- A rebate of \$1.20 per square foot of turf removed on any existing development (not new construction) that use Castle Rock water services. The City's water service area extends beyond City limits in some cases, so some unincorporated properties are also able to participate.
- For residential customers, a minimum of 400 square feet (or the entire area of the yard, if smaller) must be removed to qualify for a rebate. The City sets a maximum rebate payment of \$1,800, which translates to an eligible turf area of 1,500 square feet.
- Nonresidential customers are also limited to a maximum rebate amount of \$1,800 for removal of 1,500 square feet of turf.
- The replacement landscaping may be zero-water use or require a small amount of water, consistent with the multiple landscaping options available through the *Coloradoscape* program.
- To qualify for the rebate, nonresidential properties are required to have at least 50 percent of the landscaped area be made up of healthy, irrigated turf. Areas with dead or unhealthy turf are deducted from the eligible square footage. The purpose of this provision is to ensure the program is effective in reducing water usage, and not for beautifying unirrigated landscaping.
- In addition to the rebate incentives, applicants are required to participate in a Water-Wiser workshop to learn how to maintain a low-water yard effectively. Those who complete the workshop are exempt from complying with the City's regulations that restrict watering to once every three days.
- Following the final inspection, compliance with the xeriscape standards is maintained by adjustments to the property's water irrigation budget. Like many communities, Castle Rock Water uses a tiered structure, Tier 1 is the lowest fee schedule, Tier 3 the highest, and Castle Rock Water imposes a surcharge for water use in excess of the Tier 3 cap. Tier 1 rates are charged for indoor uses, and Tier 2 rates are charged for irrigation. The water budget for Tier 2 is established by reference to the monthly water needs of the irrigated plant material on the site. Typically, when a turf lawn is replaced with xeriscape, the water needed for landscaping declines substantially, and the Tier 2 water budget is reduced accordingly. If water is used for irrigation in excess of the water budget, the higher Tier 3 rates or surcharge fees are imposed.

In 2021, the City noted that participation was modest. There were 48 residential properties that participated in *Coloradoscape*; 38 additional properties received an initial inspection but did not qualify for the program or did not complete the sod replacement process. Four nonresidential properties participated in *Coloradoscape*, with four additional properties not qualifying for or completing the process.

City staff also noted that the *Coloradoscape* program is labor-intensive because it requires two site visits by City staff in order to complete the rebate process. One visit occurs before turf removal to demonstrate compliance with the terms of qualification. The second visit occurs after turf removal and new landscaping installation in order to ensure the final result meets City standards. Staff noted that accommodating property owner schedules and providing enough Water-Wiser workshop sessions has been a challenge. In addition, some applicants who are not eligible for the program (generally because they do not have existing high-water-use landscaping) apply anyway, increasing administrative burden required to inspect the property and confirm that the non-eligibility. The program also has a modest budget and available funds can be quickly exhausted.

The residential application can be found [here](#); the nonresidential application be found [here](#).

### **Smart Irrigation Controller System**

Castle Rock's second incentive program is a rebate program for updating irrigation system controllers to Smart Evapotranspiration (ET) irrigation controllers. Smart controllers automate watering by adjusting the watering schedule based on the current moisture content of the soil and local weather. This results in reduced run off and creates money-saving water efficiency benefits to landowners.

Residential and nonresidential development are eligible to receive a rebate for installing Smart ET irrigation controllers through the voluntary [Smart Irrigation Controller Rebate](#) program. Participation in a Water-Wiser workshop is required to be eligible for these rebates.

Residential property owners can receive a rebate to cover 50 percent of the price of a Smart controller, up to \$200, while nonresidential property owners qualify for rebates to cover 50 percent of the cost of up to five controllers.

### **Primary Contact**

Rick Schultz, Town of Castle Rock Water Efficiency Supervisor, 720-733-6027

## Aurora, CO

Aurora has decided that lush, green lawns of Kentucky bluegrass require levels of that the City cannot continue to serve over the long run. Aurora has adopted regulations and financial incentive programs that act as “carrots and sticks” to encourage implementation of xeriscape principles and the use of other water-conservation techniques on landscaping throughout the community.

### Landscaping Regulations

Aurora’s Unified Development Ordinance (UDO) includes extensive water-conservation measures, a fact that is emphasized by the title of a key chapter of the UDO, “Landscape, Water Conservation, Storm Water Management.”

Section 4.7.3, General Landscaping Standards, integrates water-conservation measures throughout all required site landscaping. All shrubs, perennials, groundcovers, and ornamental grasses, and 75 percent of all annuals and trees, are required to be selected from the city’s Water-wise Plant List, a xeriscaping fact sheet maintained by the Colorado State University Cooperative Extension, or other Water-wise or xeriscape plant material references. The list of eligible materials is currently being updated. Except for playfields and golf courses, cool-season grass sod and seed is limited to 33 percent of a site’s landscaped area, and all cool-season grasses must generally be contiguous. Separate irrigation hydrasone areas are required for water-conserving areas versus non-water-conserving areas.

Section 4.7.4 prohibits private covenants that purport to invalidate the xeriscaping provisions in the UDO.

Section 4.7.5 incorporates additional specific landscaping requirements relating to water conservation. Single-family detached and duplex dwellings on lots 4,500 square feet or larger may install no turf at all, or may install between 400 and the lesser of 40 percent or 1,000 square feet of turf, provided that the turf areas are continuous. Homeowners can choose to follow Water-wise options that allow additional landscaping flexibility. Rock or inorganic mulches may be used in the front yard if a Water-wise option is chosen, and permeable pavers such as brick and natural stone can be used on up to 40 percent of the landscape area if a xeric or no-turf option is used. In all cases, rear yards on single-family and duplex lots with no public view may include no more than 45 percent turf. If the rear yards are visible to the public (for example, in a through lot), the front-yard standards apply.

An image from the UDO of a suggested front-yard landscaping configuration is included below.



Compliance with the landscaping regulations is verified during zoning inspections. Irrigation systems are also inspected and are required to comply with regulations in the Aurora Engineering Standards Manual.

Staff is proposing amendments to the UDO to further limit the use of high-water grasses. This summer, the City Council is anticipated to consider a proposal to prohibit the use of cool-season turf in the front yards of all new houses, as well as in tree lawns or curbside landscaped areas.

### **Water-Wise Landscaping Program**

To incentivize residents to retrofit their properties to avoid water-intensive landscaping, Aurora Water created the [Water-Wise Landscaping Rebate Program](#), which includes detailed manuals on compliance for both residential and commercial properties. The program pays residents to eliminate water-intensive varieties of turf such as Kentucky bluegrass and fescue and promotes the exclusive use of xeric landscaping for all plants included in the landscape design.

Aurora offers a rebate up to \$3,000 for residential lawns from which at least 500 square feet of water-intensive grass is removed. The proposal for removal must include at least 60 percent of the water-intensive grass located in a front or side yard and visible to the public. The rebate is calculated using pre-tax material (not labor) costs, verified by inspection of receipts for materials purchased, as well as the amount by which the water bill is reduced after one growing season. Unlike other communities that determine rebate amounts based on the square footage of converted landscaping, Aurora's program reimburses property owners for documented money spent on the plants and materials purchased to be installed in their place.

Sixty-five percent of the rebate is paid after final installation, and the remaining 35 percent is paid following one growing season if the property owner demonstrates that actual water use is less than 110 percent of the recommended xeric water use amount.

As part of the program, applicants are required to enroll in the “Know Your Flow” program which educates about the appropriate levels of indoor and outdoor water use.

The landowner establishes eligibility for the rebate by providing photographs of the existing healthy turf, which also must be visible to the public, and by submitting a proposed alternative landscape design. Previously, the City also reviewed the landowner’s existing water use to ensure the project would result in a reduction of water use, but it stopped doing so because the water use could reflect underwatering of areas of landscape other than the turf.

The program provides [free design services](#) for property owners and offers optional virtual and in-person Water-wise landscaping classes on how to tend to low-water landscaping and how to save water and money. Staff noted that Aurora would be moving to a new program in which applicants take a design class and work with instructors to develop a design for their own site, with the goal of making the design process a little more efficient.

A separate rebate program is offered for large and commercial properties. The commercial rebate covers all documented material (not labor) costs for the approved project, based on a schedule of item-by-item rebate amounts, up to a maximum of \$15,000. Half of the rebate is paid upon final installation and approval of the system, and the remaining half in two equal installments after each of the next two growing seasons documenting water use less than 110 percent of the xeric recommended water use amounts. All approved participants are required to participate in the Large Property Variance Program, which provides monthly emails that evaluate the site’s actual water usage based on recommended water consumption. This information is designed to help participants monitor their water efficiency and may identify any scheduling adjustments required to ensure receipt of the remaining rebate payments.

Previously, under both the residential and commercial programs, two inspections were required. The first inspection took place after plants and irrigation had been installed to confirm everything had been installed according to plans. The second and final inspection was performed after issues identified in the initial inspection are addressed and the mulch is installed. However, the City recently eliminated the second inspection, as being generally not necessary or helpful to ensure compliance with the program.

The City reports that the program has been successful with commercial properties. By contrast, it has underperformed in residential neighborhoods, with fewer than 25 rebates issued to single-family residences in the last year, a low level of participation even on a per-capita basis. Staff suggested that the low participation rate is a function of the complexity of the program, the high cost of re-landscaping even with the Water-Wise rebate, and the fact that the rebate covers only material costs (and not labor costs).

### **Xeric Landscaping Credit Program**

To incentivize the implementation of xeric landscaping, Aurora also created a Xeric Landscaping Credit program. The program is designed to encourage the use of xeric landscaping that does

not require irrigation in so-called “[z-zones](#).” Implementation of zero-water landscaping includes the installation of an irrigation meter that is used only while the native xeric plants are acclimating to their new environment. After the plants have matured and no longer require watering, the irrigation meter is removed from the z-zone. Other portions of the landscaping may continue to be irrigated and permanent irrigation meters remain in place for those areas. This allows savings in initial landscaping installation costs for developers and encourages them to install native, low-water landscapes in common areas watered by irrigation meters. This program is only available to new irrigation-only connections. Existing residential and commercial meters that measure indoor and outdoor use are not eligible. Irrigation meters can be installed in both new residential and commercial properties, and the cost of the connection charges varies based on the type of landscape on the property:

- Irrigation systems for non-water conserving landscapes can be connected a rate of \$3.05/sq. ft. (or \$30,500 for 10,000 square feet of landscaped area).
- Irrigation systems for water-conserving landscapes can be connected at a rate of \$1.63/sq. ft. (or, \$16,300 for 10,000 square feet of landscaped area).
- In a z-zone, the irrigation system can be connected for no cost, subject to a \$20,000 deposit that is refunded after the three-year establishment period has run and the irrigation system is removed.

The following conditions must be met to establish a z-zone and qualify for the irrigation refund:

- The developer must express interest early on in the building process.
- The developer must submit a hydrozone map as part of the landscaping plan that delineates no-water, low-water, and high-water areas. If there are multiple irrigation meters, each must be clearly indicated on this map.
- The hydrozone map is paired with a [water budget](#) that applies during the xeric plants’ three year establishment period. The budget allows for a maximum amount of water that should be used to establish the xeric landscaping. It also employs a reduced assessment for the gallons of water used. However, if the number of gallons used surpasses the maximum allowed amount of water, the assessment rate will be higher.
- After three years, Aurora Water will use the irrigation meter readings to determine whether the xeric landscaping was watered according to the water budget.
- If successful in complying with the water budget and establishing xeric landscaping, the irrigation meter is removed and the \$20,000 deposit refunded.

If landscape development is occurring in phases, the responsible parties must contact Water Conservation and submit a phasing map.

Staff stated that the program was paired with significant increases in the City’s tap fee for outdoor-only use and that it has been highly successful, with a significant reduction in high-water-use grasses on new development and an increase in native grasses.

## Administrative Support

Overall, water conservation staff—part of the City’s Water Department, which is funded separate from the City’s general fund—consists of nine full-time employees and up to 15 seasonal employees. One person is responsible for managing the City’s rebate programs. Several staff perform inspections, in addition to other duties.

## Primary Contact

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## Albuquerque, NM

### Landscaping Regulations

The City’s water conservation measures relating to landscaping are not located in its Integrated Development Ordinance, but in [City Code Sec. 6-1-1, Water Conservation Landscaping and Water Waste](#). These regulations limit the amount of landscaping that can use high-water-use turf. Non-city owned properties other than golf courses and single-family residences may cover only 20 percent of the landscaped area with high-water-use turf and other restricted plants, with a minimum of 300 square feet and a maximum of 3,000 square feet allowed. In addition, the ordinance voids homeowners’ association restrictions or covenants that restrict the use of xeriscape.

According to staff, while existing single-family dwellings are excluded from the landscaping regulations, new single-family home developments must comply, so a developer who is preparing a 60-lot single-family subdivision is subject to the high-water-use turf restrictions. Staff also reports that existing single-family dwellings have made great strides in reducing overall water usage, measured by both external irrigation use and internal water use, so updating the turf regulations to include existing single-family development has not been a priority.

### Rebate Administration

The Albuquerque Bernalillo County Water Utility Authority (“Water Authority”) has a variety of incentive programs. These programs are operated by a staff including six full-time employees and four seasonal employees. Staff includes an administrator who processes applications, answers customer calls, and answers questions; a xeriscape inspector whose full-time job is to inspect sites applying for xeriscape rebates (about three to four inspections per day), and conservation specialists who focus on overall water conservation measures with homeowners’ associations and multifamily developments. The Water Authority also uses a contractor who provides leak audits, inspections, and water management tools to their large users.

## Xeriscape Rebate Program

The Water Authority has a [Xeriscape Rebate program](#) that provides a rebate on a water utility bill if the customer replaces traditional landscaping with low-water use xeriscaping. The program has existed for almost 20 years and has resulted in the conversion of 4,700 single-family residential and 600 commercial properties to low-water landscaping. In total, 10 million square feet of turf have been replaced with xeric landscaping. Currently, about 400,000 square feet of landscaping is converted to xeriscaping each year, and staff hopes a recent increase in payments from \$1 to \$2 per square foot of high-water-use turf removed and replaced will increase participation to 1,000,000 square feet per year.

There is no minimum removal requirement, as the goal to replace as much aging, water-intensive landscaping with xeric landscaping as possible. While applicants sometimes do not understand that they are required to have healthy living turf to qualify for the rebate, staff try to interpret the requirement leniently to encourage removal of turf and implementation of higher-quality xeric landscaping. In addition, large turf removal projects may be done in phases.

Eligibility for the rebate is confirmed through two inspections:

- The first inspection can occur before an application is filed and involves a site visit from a Water Authority staff member who measures the area, provides landscaping tips, and estimates a potential rebate amount. Alternatively, the first inspection can occur after the application is submitted, with staff visiting the site to ensure that the current landscaping proposed to be removed consists of healthy, spray-irrigated turf.
- The second inspection occurs after the xeric landscaping is installed. During this inspection, staff verifies that the plants included in the landscaping plan are installed on the property. The required number of plants is determined by reference to a point system that assigns a certain number of points to each plant, and the final landscaping must meet a certain number of points. (For example, to convert 1,000 sf of turf, the applicant must install 500 points of plants, and a low-water-use tree might be worth 50 points). The inspector also confirms that at least 50 percent of the area for which a grass removal rebate is awarded is covered with xeric plants, and that only drip irrigation (if any) is installed.

Water Authority staff noted that the approved xeric plant list is flexible and that it is easy to satisfy the plant requirements because the plant list includes 270 plants that are native to New Mexico. In addition, Water Authority staff contact participants one year following the final inspection to offer a consultation by an irrigation specialist. Participants who later are suspected of overwatering may be contacted, but no other enforcement actions are taken following final approval.

This program is notable for its relatively high reimbursement rate compared to other systems and its successful track record. Staff said they expect that the recent increase in reimbursement rates will incentivize more participation in the program.

### Tree-Bate Program

The Water Authority also offers a Tree-Bate Program that offers customers 25 percent off the cost of professional tree care services or for the purchase of a new low- or medium-water use tree from the [Water Authority Xeriscape Plant/Tree List Guide](#). The maximum rebate for residential customers is \$100 per year while nonresidential customers are eligible for up to \$500 per year in rebates.

### Rainwater Harvesting Rebate

Under this program, the Water Authority provides rebates to property owners that acquire barrels and cisterns to capture rainwater for use in irrigation or other purposes. The rebate amount increases with the capacity of the barrel or cistern:

- \$25 for 50–149 gallons in rain barrel or cistern capacity
- \$50 for 150–299 gallons
- \$75 for 300–499 gallons
- \$100 for 500–999 gallons
- \$125 for 1000–1499 gallons
- \$150 for more than 1500 gallons

### Efficient Irrigation Rebate Programs

The Water Authority offers five [Efficient Irrigation Rebates](#) for the installation of water-saving irrigation controllers, sensors, pressure regulators, and sprinkler bodies and nozzles. These rebate programs were just instituted in 2020, and represent a change from the Water Authority's prior focus on incentivizing indoor efficiency. About 150 households take advantage of the program each year.

- The WaterSense Smart Irrigation Controller Rebate offers 25 percent of the cost of irrigation controllers (up to \$100 for residential and \$500 for nonresidential customers)
- The Smart Flow Sensors Rebate offers 25 percent of the cost of smart flow sensors (up to \$100 for residential and \$500 for nonresidential customers). These sensors communicate the flow rate of water to the WaterSense irrigation controller to help with leak detection.
- The Smart Pressure Regulators Rebate offers 25 percent of the cost of smart pressure regulators (up to \$100 for residential and \$500 for nonresidential customers). Smart Pressure Regulators (from a specific list of qualified products) are important for optimizing delivery of water via sprinkler or drip irrigation to landscaping. This allows for consistent water distribution throughout the irrigated area.

- The WaterSense Pressure Spray Sprinkler Bodies Rebate offers a \$4.00 rebate per sprinkler body with no annual limit. These WaterSense sprinkler bodies reduce water waste by optimizing the rate of water expenditure to efficiently cover the landscape.
- The Smart High Efficiency Rotating Sprinkler Nozzle Rebate offers a \$2.00 rebate per nozzle with no annual limit. These smart nozzles apply the water stream at a lower rate which allows the water and nutrients to better penetrate the soil.

### **Water Smart CPR Program**

The Water Authority also offers a [Water Smart Customized Performance Rebate \(CPR\) Program](#) to commercial customers. This program incentivizes landowners to update and improve existing irrigation systems with smart irrigation systems that can save as much as 100,000 gallons of water per year. This rebate program is performance-based to incentivize greater water savings. A customer qualifies for \$10 in rebates for every 748 gallons of water saved per year. The maximum rebate is \$50,000 or 50 percent of project costs, whichever is lower, and may include costs such as materials, hardware, and software.

Landowners who apply for the program and whose applications are approved are assigned a “CPR concierge” to guide them through the process of acquiring and installation the irrigation system. The smart irrigation system must be installed within six months after the application is approved, and the applicant must submit receipts for the cost of implementing the upgrades. Within 30 days of completion, the property owner must schedule the post-installation inspection where project cost estimates are revised based on inspection findings. The final rebate amount is determined after 12 billing cycles (one year) after project completion, and the rebate is then applied to the water bill. The property owner must commit to sustaining the project for five years or until the property title is transferred, whichever occurs first. About 150 landowners participate in the program annually.

### **Customer Outreach**

To target areas where significant water savings may be possible, the Water Authority does targeted outreach to the top five percent of water users within each ZIP code. This outreach includes offers for a free consultation to determine ways to save water, such as changes to the landscaping, changes to the irrigation schedule (over-watering is a common problem), and simple changes to the irrigation system such as replacing spray bodies. Of the approximately 5,000 landowners contacted each year, about 100 reach out to the Water Authority for water-saving advice, while others reduce water usage on their own. About 100,000 email addresses are subscribed to the Water Authority’s newsletter, called “505 Outside,” and the Water Authority does other advertising such as outdoor billboards and television ads.

### **Primary Contact**

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## Other Valuable Practices

### Tucson, AZ

Due to its location in the Sonoran Desert, the City of Tucson has implemented a host of water conservation measures, including several relating to landscaping. The City's Unified Development Code (UDC) includes restrictions on the types of plants that may be used in landscaping ([Section 7.6.4, Landscape Standards](#)), and those regulations have been effective in replacing existing water-intensive vegetation with more drought-tolerant varieties.

In general, all plants must be chosen from the Arizona Department of Water Resources' [low water use/drought tolerant plant list](#), which includes only those plants that can survive in the Sonoran Desert without using significant water resources. Areas that have been graded and seeded must use Native Seed List approved species listed in the City's [technical standards](#). The landscaped area must also be designed to take advantage of storm-water runoff and/or include a water-conserving irrigation system.

Other plants may be installed only in defined "oasis areas" that will return maximum benefit in terms of cooling, aesthetic pleasure, and exposure to people, or for special uses such as public parks and botanical gardens. In multifamily residential developments, only five percent of the site, 100 square feet per dwelling unit, or eight percent of the open space (whichever is greater) may be a designated oasis area. For all other uses, no more than 2.5 percent of the site may be an oasis area. Oasis areas are encouraged to be located near main buildings, active use areas, pedestrian areas, and outdoor seating and gathering areas.

Although the City's restrictions limiting the use of turf to oasis areas and other water-conservation landscaping requirements do not apply to single-family dwellings, staff reports that the conservation ethos in Tucson is strong and that turf is rarely found in the front yards of single-family homes.

City staff noted that this program requires fairly intensive administration due to the need for regular inspection and enforcement. When applicants have trouble complying with the detailed specifications of the code, staff work to ensure that the landscaping meets the intent and purpose of the ordinance. Tucson Water has spearheaded public outreach to educate property owners on the requirements. Staffing continues to be a challenge both for public outreach and enforcement of the regulations. There is only one staff member who reviews landscape plans for compliance with regulations (although the City plans to hire more) and only three inspectors. The final constructed landscaping and trees are not always installed or maintained consistent with the approved plans, and the City is not aggressive about enforcing compliance.

A [Green Storm Water Infrastructure](#) fee of \$0.13/100 cubic feet (748 gallons) of water, first assessed in 2020, raises about \$3 million per year to help divert and harvest storm drainage from public streets and parking lots to vegetated water harvesting areas. The City has also

recently instituted a requirement that captured rainwater supply 50 percent of landscaping irrigation needs.

Staff reports that the overall program has been successful and that Tucson ranks high in water conservation among Arizona municipalities.

### Primary Contact

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## Scottsdale, AZ

### Land Use Regulations

[Section 49-245](#) of the Scottsdale Code of Ordinances sets forth limitations on water intensive landscaping and turf areas for new schools, churches, resorts, hotels, motels, and cemeteries, and [Section 49-246](#) does the same for new multi-family residential, commercial/industrial, and nonresidential uses.

- Section 49-245 requires that all new facilities limit water intensive landscaping and turf areas, with the majority of landscaping required to be from the [Arizona Department of Water Resources' Low Water Use Plant List](#). Churches and schools are required to limit water-intensive landscaping to 15 percent of the total lot area, while resorts (including hotels and motels) are limited to between five and 10 percent of the total lot area.
- Sec. 49-246 requires that all new commercial and industrial sites limit the use water intensive landscaping and turf areas to 10 percent of the lot area for sites 9,000 square feet or less. For larger sites, the first 9,000 square feet are limited to 10 percent water-intensive plants and the remainder of the site is limited to five percent water-intensive plants. For these uses, all plants installed must comply with the Low-Water Use Plant List.

Notwithstanding the lack of regulations prohibiting turf use on single-family residential property, staff generally does not see excessive turf installed on new single-family residential development. In addition, the northern part of the City (which is where much recent development has occurred) includes land designated as Natural Area Open Space which cannot be developed or irrigated. Most turf is found in South Scottsdale, which has long been developed and where the incentive programs are the approach used to encourage a transition to more water-conserving landscaping.

### Rebate Programs

The City also offers a variety of rebate programs that are codified in [Section 49-243](#) of the City's ordinances. A single-family residential property can receive \$1 per square foot of turf removed, with a maximum rebate of \$5,000 and a minimum turf removal requirement of 500 square feet.

The turf must be replaced with City approved low-water-use plants and other compatible landscaping material, and the City's Water Conservation Staff are required to verify eligibility before turf is removed. Rebates are not paid until the replacement landscaping is installed. The current rules require that the first 1,000 square feet of replacement landscaping is the homeowner's choice, but the second 1,000 square feet has to be a xeriscape landscape with 25 percent mature plant coverage. Existing plants, including high-water plants but excluding turf, can be used to meet the plant coverage standard. While the program terms and conditions state that the landscaping may be inspected in the future for continued compliance, in practice those have not occurred.

New rules scheduled to be implemented July 1, 2022, will change some of the rebate program rules. The 500 square foot minimum will be eliminated and the rebate amount will increase to \$2 per square foot, although the maximum rebate will remain \$5,000. The revised rules may include a requirement that sprinkler heads be decommissioned for the second 1,000 square feet of landscaping as well.

Three staff members have been performing inspections, and the City has recently hired two additional inspectors. At times, the pre-inspection is performed using photography provided by the applicant, but other times an inspector visits the site. There is at least one in-person inspection for each rebate.

Staff reports that about one-third of those who enter the program are awarded a rebate. Some enter the process but never complete it or do not comply with the program terms (e.g., they want to install more artificial turf than the program allows). About 150 are awarded rebates each year, although staff is hopeful the increase in rebate and the removal of the minimum turf requirement will increase participation.

Multi-family residential and commercial properties can receive rebates for a minimum of 2,000 square feet of turf removal. Properties with up to 10,000 square feet are eligible for up to \$10,000 in rebates (limit one per year and two per lifetime), and properties with more than 20,000 square feet of turf are eligible for up to \$20,000 in rebates and one per lifetime. Staff reported that fewer than 10 landowners participated in the program in 2021. However, with an increase in water bills scheduled to take place in November, staff expects increased interest in the program. While only six homeowners' associations reached out to participate in water-saving programs in fiscal 2021, in the first six months of the current fiscal year 40 homeowners' associations have contacted the City.

Incentives are also offered for removal of pool and spas. While not often used, staff reports that it is often cost-effective for homeowners with aging pools who would have to pay as much or more to repair or remodel the old pool. The City offers \$200 plus \$1 per square foot of pool removed.

Rebates for installation of a WaterSense irrigation controller are also offered. For single-family residential properties, the maximum is \$250 per controller or the cost of the controller, if less; multi-family and commercial properties, as well as nonresidential common areas, are eligible for rebates for up to 50 irrigation controllers, at a maximum rebate of \$400 per controller.

### Primary Contact

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### San Antonio, TX

The City of San Antonio uses a combination of techniques to preserve water in landscaping. In 2021, the City's Gallons per Capita per Day (GPCD) water consumption rate was 111 gallons, which was lower than average due in part to a wet summer. San Antonio's goal is to reduce the GPCD to less than 100 gallons.

### Landscaping Regulations

The City requires all plants in the city to be chosen from a list of drought-resistant plants in [Appendix E](#) of the City's Unified Development Code. The recommended plant list is specifically tailored to xeriscape planting methods, and all are water-friendly. City staff noted that this plant list is limited and could include additional drought-tolerant species. However, applicants are permitted to propose the use of other shrubs or plants, provided they are native or near-native and the applicant can demonstrate they can survive in the area with limited or no irrigation. The City enforces compliance with the regulations through site visits performed by a team of five inspectors.

### Drought Ordinance

Water conservation is also emphasized through the City's [drought ordinance](#), enacted in 2014, which is tied to existing conditions in the Edwards Aquifer that provides much of the water for the city. Once aquifer levels fall below 665 feet (measured as elevation above mean sea level), the City begins preparation for drought restrictions. These restrictions are "staged" in four levels based on the level of the aquifer and are enforced by the City. During all stages, irrigation of commercial and residential properties is staggered based on the property's address.

- In Stage I, which is implemented when the aquifer has dropped to 660 feet, irrigation with a soaker hose, hose-end sprinkler, or in-ground irrigation system is only permitted between 7:00 p.m. and 11:00 a.m. on weekdays specified by address.
- In Stage II, which is triggered when the aquifer has dropped to 650 feet, the irrigation methods allowed in Stage I may only take place from 7:00 a.m. to 11:00 a.m. and 7:00 p.m. to 11:00 p.m. Irrigation with a drip irrigation system or five-gallon bucket is allowed during Stage II at any hour of the day, as is irrigation with a handheld hose.
- In Stage III, which is triggered once the aquifer has dropped to 640 feet, irrigation is only allowed every other week on the designated days beginning on the second Monday

after Stage III has been declared, between 7:00 a.m. and 11:00 a.m. and between 7:00 p.m. and 11:00 p.m. Irrigation with a drip irrigation system or five-gallon bucket is allowed on every Monday, Wednesday and Friday, and irrigation with a handheld hose is allowed at any time on any day.

- In Stage IV, which is triggered at the City Manager’s discretion following a 30-day monitoring period once Stage III has been declared, the Stage III irrigation requirements remain in effect, but a surcharge is assessed on nonresidential San Antonio Water Service accounts whose consumption exceeds 5,236 gallons per month and residential accounts whose consumption exceeds 12,717 gallons in a billing cycle.

### Rebate Programs

The City also offers a variety of rebate programs through its wholly owned public utility, the [San Antonio Water System \(SAWS\)](#). For residential clients, SAWS offers [landscaping coupons](#) that provide \$100 coupons for landowners planning to remove grass. A landowner can receive one \$100 coupon for each 200 square feet of grass and sprinklers proposed to be removed, and can redeem coupons at participating plant vendors. Once the plants are installed, the landowner is required to send a photograph back to SAWS and, if approved, the landowner can participate in additional SAWS rebate programs.

Water conservation staff reported that the coupon program was implemented in 2014 and replaced an earlier program that involved pre-rebate and post-rebate inspections and more extensive requirements to update landscaping. SAWS has found that the rebate program is more popular, and in particular was used much more by lower-income households who were less likely to engage in more holistic landscape makeovers. While staff noted that the biggest water savings come from instituting xeriscaping on higher-income households, which generally have larger landscapes and are willing to spend more on water, they believe it is important to reach the entire community. However, staff also noted that a separate “Outdoor Living” program will be implemented on June 1, 2022, which will be an inspection-based program that encourages households to revise their landscaping to contain no more than 1/3 turf, 1/3 planting area, and 1/3 pervious living area such as pavers.

An [irrigation rebate program](#) allows residential homeowners to earn up to \$5,000 for removing their irrigation system or making it more efficient. The largest rewards are offered for removal of active irrigation systems, and smaller rewards are offered for removal of non-functional irrigation system, removal of an irrigation zone, conversion from spray to drip irrigation, and other conservation-friendly efforts. SAWS also offers a [separate irrigation consultation program](#) at no cost to homeowners that provides recommendations for revising an irrigation schedule. These efforts, according to staff, are generally effective in reducing water usage.<sup>2</sup> Staff has

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<sup>2</sup> Staff reported that it can be tricky to evaluate the effectiveness of individual programs due the variability of weather and other extrinsic factors that may affect water usage. For some projects they try to do a randomized

found that many households over-irrigate their landscapes, and that by providing a consultation that involves modifications to the irrigation schedule, along with less wasteful irrigation equipment, these households use significantly less water.

For commercial water users, SAWS has implemented a [custom rebate program](#) that offers payments for the implementation of a variety of water-conservation techniques. The amount of the rebate depends on the amount of water saved, and eligible options can include installation of smart irrigation systems, upgrades to irrigation systems to include water-saving technology, replacement of irrigated landscaping with xeriscape landscape, and other actions. SAWS also offers a commercial irrigation rebate program similar to the program offered to residential homeowners. Savings are based on the acre-feet of water use that the modifications are projected to eliminate, based on estimates that staff has developed over time. However, it is a complex program, and staff is investigating whether more straightforward, menu-based options would increase participation.

### **Rewards Program**

SAWS also encourages water-conserving landscaping through a points-based WaterSavers Rewards program. Participants can earn points by attending [events relating to water-efficient landscaping](#). These events are sponsored by third-party organizations (some of which are under contract with SAWS) and approved by SAWS. With the points earned, participants receive coupons at local retailers that can be used towards water-conserving materials such as plants, mulch, compost, and rain barrels. Staff reports the program attracts between 100,000 and 200,000 attendees at events each year and has attracted a committed following.

### **Customer Outreach**

The centerpiece of SAWS' public outreach efforts is the [Garden Style San Antonio](#) website, which provides water-conservation advice, as well as evapotranspiration-based accurate watering advice and information about any current watering restrictions due to drought. More than 20,000 people subscribe to the Garden Style newsletter, which provides watering advice and information about other programs offered by SAWS.

### **Primary Contact**

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control trial by matching the participants in a rebate program with non-participants with similar household income and pre-intervention water usage, but that it is complicated and difficult to implement.

## Tree Protection and Tree Canopy Enhancement

### Best Practices

#### Lake Forest Park, WA

##### Background

The City of Lake Forest Park, Washington is a small suburb of Seattle with a population approaching 14,000 across approximately four square miles. The City has had one part-time arborist since 2018, which was the first year the City hired an in-house employee dedicated to forestry. The City previously relied on a resident that was an arborist and expensive consulting services follow the retirement of the resident arborist to implement its tree protection and canopy enhancement program.

##### Tree Protection

[Chapter 16.14](#) of the Lake Forest Park Municipal Code is focused on tree canopy preservation and enhancement.

- The City uses a two-tiered permit structure that prioritizes protection of “significant” trees, trees in environmentally critical areas or buffers, and native tree species. A Minor Tree Permit, which can be obtained without City Arborist review, generally requires replacement of any trees removed from a development site (at a one tree to one tree ratio as long as canopy coverage is equal to or greater than before). If 1:1 replacement will not result in equal or greater tree canopy coverage, a Major Tree Permit based on arborist review will be required.
- Any application for a Major Tree Permit requires approval of a tree replacement plan that maintains canopy coverage or meets the canopy coverage goal for the property (depending on the project type).
- The City offers a Proactive Forest Management Permits for property owners as a method of expediting projects in exchange for increased collaboration with the City on tree maintenance and management and following an arborist plan to maintain canopy coverage. A similar Utility Forest Management Permit offers utility providers an opportunity to work with the City on a plan to balance the needs of utility providers and community goals for canopy coverage.
- Tree removal is generally not permitted in areas that the City has identified as Environmentally Critical Areas and Buffers—regulated by [Chapter 16.16](#)—which includes floodplain, stream buffers, wetlands, steep slopes, landslide hazard areas, erosion hazard areas, and seismic hazard areas. However, trees that present a risk (based on defined standards), are causing damage to buildings and infrastructure, or are invasive species, may be removed.

- The City Arborist notes that standards for protection of trees during construction are vital but not something addressed in the Code. Current uncodified practice is to require that the critical root zone be protect to a distance equal to one foot of radial distance from the tree trunk for every one inch in tree Diameter at Breast Height (DBH). The City often negotiates for an even wider protection area.
- Historically, the City has required chain link fencing on pier blocks to protect the critical root zone, but the City Arborist has found that pier blocks tend to be shifted around, so the City is starting to require that fencing be attached to posts driven into the ground.

Lake Forest Park highlighted the following successes and challenges with enforcement of tree protection regulations:

- The City is generally unable to do proactive code enforcement due to limited staff. Because it is a small city, Lake Forest Park relies on a small number of highly active residents that will report tree removal when they see it. Sometimes reports are made related to removal of trees for which valid Tree Permits have been issued, but false alarms are better than not knowing about the illegal removals for which permits have not been issued.
- The City has a Tree Account for payment of fees and fines for tree removal, which is an effective way to ensure a direct link between funds and tree programs. The process for determining a fine is generally as follows:
  - The City addresses violations of the Code by hiring an appraiser to determine the value of the removed tree(s) and notifying the property owner (and sometimes tree removal company) of the value to be paid. Local tree removal companies have become well aware of the costs of removing a tree without a Tree Permit, which has reduced the number of violations.
  - The City Arborist highlighted the ability of a resident to provide the City with information on the circumstances of the tree removal and to outline financial hardship before paying the fine.
  - Sometimes the City Attorney and an attorney for the Code violators meet to agree on the final fee amount.
  - In practice, the City Arborist noted that although the process of appraisal, fine, appeal, and reaching agreement on the fine amount is generally effective, it is also time consuming. To reduce this time commitment, the City has been assessing a fine for unpermitted tree removals that is essentially double the cost of the Tree Permit fee that should have been paid before removal, but only in circumstances where the City Arborists agrees that the removed tree was one for which removal would have been approved following the Code process.

## Urban Canopy Management

Lake Forest Park has more tree canopy than most surrounding communities and generally prioritizes protecting and expanding tree canopy more than neighboring communities. Existing regulations have been successful in the following ways:

- The City has a clear understanding of parcel-by-parcel tree canopy coverage (see [Canopy Coverage Maps](#)) and clear goals for canopy coverage by zoning district and lot size (see [Community Forest Management Plan](#)). This information is used in determining tree replacement requirements.
- The Code has clear definitions, which make it easier for staff to implement the Code and for community members to understand what is expected. Valuable terms that are defined by Code include:
  - “Canopy coverage” means the area covered by the canopy of trees on the lot. When a tree trunk straddles a property line, 50 percent of the canopy shall be counted towards each property’s canopy coverage. The canopy coverage of the immature trees and newly planted trees is determined using the projected canopy areas in the Lake Forest Park general tree list.
  - “Landmark tree” means a significant tree that is at least 24 inches in diameter (DBH).
  - “Significant tree” means a tree six inches or greater in diameter (DBH) or a required replacement tree of any size. Dead trees shall not be considered significant trees.
  - “Exceptional tree” means a viable tree, which because of its unique combination of size and species, age, location, and health is worthy of long-term retention, as determined by the city’s qualified arborist. To be considered exceptional, a tree must meet the following criteria:
    - The tree must be included in and have a diameter at breast height (DBH) that is equal to or greater than the threshold diameters listed in an adopted table;
    - The tree shall exhibit healthful vigor for its age and species;
    - The tree shall not be considered a significant risk in regard to existing utilities and structures as evaluated per the tree risk assessment defined in LFPMC 16.14.080(A)(1);
    - The tree shall have no visual structural defects that cannot be mitigated by one or more measures outlined in the International Society of Arboriculture Best Management Practices; and
    - If retained under current tree growth conditions, the tree can be expected to remain viable with reasonable and prudent management and care.

- “Viable (tree)” means a significant tree that a qualified arborist has determined to be in good health with a low risk of failure, is relatively windfirm if isolated or exposed, is a species that is suitable for its location, and is therefore worthy of long-term retention
- Although residents often expect that the City is responsible for maintenance of trees in the public right-of-way, the Code makes it clear that the property owner is responsible for those in the tree lawn along property frontages, even if they are located in the public right-of-way.
- The City maintains a detailed [Tree List](#) that include information on the expected canopy area of each species, typical characteristics, drought tolerance, and preferred soil type.

Lake Forest Park has also identified the following improvements that they would like to see in the future:

- The City Arborist would like to see the Code have stronger standards for retaining trees before allowing replacement. Currently, standards allow a tree to be replaced by a tree that will mature into a tree with equal or greater canopy, but replacement trees take years to mature and provide the same benefits as the original, removed tree.
- The City Arborist is concerned about recent changes to the Code that allow accessory dwelling units (ADUs) more broadly and future efforts that could rezone areas to allow for higher density housing, both of which could potentially result in the loss of tree canopy. Historically, the City has not seen much development or redevelopment on its generally large residential lots, so the Code may need to be updated to prevent canopy loss due to more intensive development.
- The City Arborist would like to increase education of new and existing property owners to prevent accidental and unpermitted tree removal.

### Primary Contact

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## Portland, OR

### Tree Permits

Trees on private property and in City of Portland rights-of-way are regulated by [Title 11 of City Code, Trees](#), which is focused on implementation of the City’s [Urban Forest Management Plan](#) (2004) and [Urban Forest Action Plan](#) (2007) and tracking progress on those initiatives. Title 11 establishes the Urban Forestry Program, including appointed supervisory boards and regulations and procedures for tree permits, tree preservation, tree planting, and enforcement of these regulations.

[Chapter 11.30, Tree Permit Procedures](#) outlines a highly nuanced approach to tree protection with permits and standards varying based on ownership and location (private property or public property/street) and the type of activities proposed. Trees that are designated as “Heritage Trees” per [Section 11.20.060](#) (“trees that because of their age, size, type, historical association or horticultural value, are of special importance to the City”) earn the strongest level of protection and regulation, and require approval by the Urban Forestry Commission (UFC) to remove the designation (and subsequent removal of the tree). In other cases, the code requires City Forester approval for any tree removal or maintenance.

[Chapter 11.40, Tree Permit Requirements \(No Associated Development\)](#), details the permit requirements and review criteria when tree removal or maintenance is not associated with development activity. This chapter generally applies to all street trees, City trees three inches or greater in diameter, and private trees 12 or more inches in diameter (among other, more specific situations). Permit standards and review criteria are organized into two categories: City and Street Trees ([Section 10.40.040](#)) and Private Trees ([Section 10.40.050](#)).

City and Street Trees require a Type A tree permit, which requires City Forester review with no public notice period or opportunity for the public to appeal, for the following:

- Tree planting;
- Pruning branches (greater than ½ inch) and roots (greater than ¼ inch);
- Removal of dead, dying, or dangerous trees (with one replacement tree required per removed tree); or
- Removal of up to four healthy trees (per year) that are less than three inches in diameter (with one replacement tree required per removed tree).

City and Street Trees require a Type B permit, which may result in a public notice period and opportunity for public appeal of a pending City Forester decision, for removal of trees that are greater than three inches in diameter if either of the following conditions apply:

- Tree for tree replacement of removed trees is required for trees less than 20 inches in diameter (only if less than four healthy trees are removed per year). If any tree is 20 inches or larger in diameter or more than four healthy trees larger than 12 inches in diameter are removed, trees replacement must be “inch for inch,” which means that trees of an equivalent total diameter are required to be planted.
- Similarly, if any tree is 20 inches or larger in diameter or more than four healthy trees larger than 12 inches in diameter are removed, public notice and opportunity for public appeal of the City Forester approval is required.

Private Trees require a Type A permit for pruning native trees in specified overlay districts, removal of a tree that is dead, dying, dangerous, a nuisance species, located within 10 feet of a building, or no more than four healthy trees smaller than 20 inches in diameter are removed.

Any tree removal under a Type A permit requires tree for tree replacement. Removal of up to four trees that are 20 inches in diameter or larger or removal of more than four trees larger than 12 inches in diameter require a Type B permit, inch for inch replacement, and public notice and opportunity for public appeal.

[Chapter 11.50, \*Trees in Development Situations\*](#), details the permit requirements and review criteria when tree removal or maintenance proposed as part of a development activity. A Tree Plan is generally required for all development projects, unless:

- There are no private trees 12 inches or larger in diameter;
- There are no city trees six inches or larger in diameter;
- There are no street trees three inches or larger in diameter;
- The site or activity is exempt from on-site tree density standards; and
- The site or activity is exempt from street tree planning standards.

Sites larger than one acre (or where all work is occurring in the public right-of-way) may establish a Development Impact Area that provides some flexibility for tree preservation and planting. It also includes a requirement that one street tree be planted or retained for each full increment of 25 linear feet of street frontage with the option of paying a fee-in-lieu if the required number of trees cannot be provided.

[Section 11.50.040, \*Tree Preservation Standards\*](#), details the standards for retention of trees and mitigation of trees not preserved, both on-site and in the public right-of-way. Mitigation is based on payment into the Tree Planting and Preservation Fund with the cost depending on the size of tree(s) to be removed.

[Chapter 11.45, \*Programmatic Tree Permits\*](#), outlines a program to avoid going through individual Tree Permit applications for regular or continuing work by utilities and other public agencies. Although the City Code does not generally apply to State and Federal lands or highways), this permit establishes a method for the City to engage with these agencies to ensure that City regulations are understood and followed while allowing less oversight of day-to-day operations that could result in maintenance or removal of certain trees less than six inches in diameter. Programmatic Tree Permits may be approved by the City Forester for up to five years.

### **Tree Protection**

[Section 11.60.030, \*Tree Protection Specifications\*](#), offers both prescriptive and performance-based option for protection of both privately- and publicly owned trees. Importantly, the prescriptive path does not require any knowledge of trees or plants and is therefore frequently used by homeowners and small developers. It has been adjusted over time and seems to work well, based on the following standards:

- The root protection zone is one foot for each one inch in tree diameter;
- To provide flexibility for *existing* encroachments, provided the encroachment does not affect more than 25 percent of the root protection zone and does not penetrate the inner half of the zone radius;
- Six-foot chain link protection fencing on eight foot metal posts are required at the edge of the root protection zone; and
- The same standards apply to protection of street trees unless the City Forester requires more or less protection.

The performance path is most often used for larger projects and by larger developers because it allows a professional arborist to create a plan for tree preservation that reflects any unique circumstances of the project or site. The performance plan is reviewed for adequacy by City staff.

### Urban Canopy Management

To support the goals of the Urban Forest Action Plan to increase tree canopy coverage to 35-40 percent in residential areas, 15 percent in commercial/industrial areas, 30 percent in parks and open spaces, and 35 percent in rights-of-way, [Section 11.50.050](#) includes on-site tree density standards that specify a minimum required tree area based on the size of the site and the type and size of proposed and existing development. All new development and exterior alteration to existing development above a certain valuation are generally required to comply with these requirements, with a few exceptions. Applicant are provided with two options as follows:

- Option A requires the following minimum tree area:
  - One- and two family residential: 40 percent of site or development impact area;
  - Multi dwelling residential: 20 percent of site or development impact area;
  - Commercial and mixed-use: 15 percent of site or development impact area;
  - Industrial: 10 percent of site or development impact area;
  - Institutional: 25 percent of site or development impact area; and
  - Other: 25 percent of site or development impact area.
- Option B requires that the entire site area, minus existing and proposed building coverage be designated as part of the tree canopy area.

This section also requires that the required tree area by planted with some combination of canopy trees that meets specific standards for number of trees required per size of tree area and the minimum required planting area per tree. The Code provides tree density credits towards any required tree density for trees planted to meet required stormwater or

landscaping requirements, existing healthy trees that are retained on-site, payments in-lieu of planting, and flexibility for small sites where existing trees are retained.

[Section 11.60.030, \*Tree Protection Specifications\*](#), outlines the minimum size and species diversity for all trees required by this Code. Standards include the following:

- Broadleaf trees must be 1.5 inches in caliper for one- and two-family residential development (on-site or on street) or on-site for all other development types.
- Broadleaf street trees are required to be a minimum of two inches caliper for multi-dwelling residential and 2.5 inches caliper for all other types of development types.
- Coniferous trees are required to be at least five feet in height.
- Native trees are permitted to be ½ inch caliper less than required.
- When more than eight but fewer than 24 trees are required, no more than 40 percent of trees may be of one species. When more than 24 trees are required, no more than 24 percent may be of one species. In some overlay districts all trees provided are required to be native species.

Portland also uses some unique approaches to enforcement of tree planting, maintenance, and removal requirements, including the following:

- Street trees are included in the warranty period for infrastructure (e.g., sidewalks and streets) that require a Public Works permit, which generally lasts two years. This means that any required street trees that are damaged, poorly maintained, or die during the warranty period are required to be replaced by the applicant. Staff noted that this has worked well and does not require a separate process for enforcement.
- Penalties for failure to comply with the Code standard for trees and landscaping is based on an internal document that is informed by the Technical Specifications of Chapter 11.60. The City's current approach is not to make it more expensive to follow the Code, which may disincentivize people from coming into conformance. This approach still allows the City to require planting of three to seven trees when a tree is illegally removed. City staff hopes to eventually establish an administrative manual outside of the Code that clarifies penalties for noncompliance that can be easily updated if those penalties change in the future).
- The City Forester is permitted to require payment (based on an adopted fee schedule) into the Tree Planting and Preservation Fund instead of requiring replacement trees if the Forester finds there is insufficient or unsuitable area to accommodate some or all of the replacement trees within the street planting area or site.

Although not a complete success, City staff mentioned that they recently completed a study showing that compliance with various landscaping standards varied from 50 to 75 percent. The City currently enforces landscaping and tree regulations based on complaints by neighbors and

concerned citizens, which can make it difficult to ensure that required landscaping on private property is provided and maintained with limited resources.

Additional Portland tree-related regulations are documented in [Title 33, Planning and Zoning](#).

### Primary Contact

Rick Faber, Permitting and Regulation Coordinator, Urban Forestry Division of Portland Parks and Recreation, [Richard.Faber@portlandoregon.gov](mailto:Richard.Faber@portlandoregon.gov)

### Other Valuable Practices

#### San Antonio, TX

The San Antonio Unified Development Code (UDC) was amended in 2010 to include [Section 35-523, Tree Preservation](#). The regulations are based on a required minimum canopy coverage, which is 38 percent for single-family residential properties, 25 percent for multi-family and nonresidential properties, and 15 percent in the [Community Revitalization Action Group \(CRAG\) area](#), which generally encompasses central San Antonio. Based on these final tree canopy coverage requirements, the applicant may use one of two methods for determining tree preservation. The tree survey method establishes a minimum percentage of all diameter inches of significant or heritage trees, or canopy area, which must be preserved or mitigated (e.g., 35 percent of six inch caliper trees are to be preserved on a single-family dwelling lot). The tree stand delineation method requires a minimum percentage of tree canopy coverage (not including floodplains and environmentally sensitive areas) to be preserved (e.g., 35 percent of non-heritage tree canopy for any project that requires any permit after the master development plan stage or 30 percent with a master development plan). San Antonio allows various alternatives when trees that are required for preservation are removed, including a fee-in-lieu payment into the Tree Mitigation Fund and protection and maintenance of natural areas within the surveyed area.

The City also offers tree preservation incentives, which include:

- Reduction of one required parking space for every four diameter inches of trees protected or mitigated on-site, up to a maximum of 15 percent of required parking spaces (or 30 percent with approval of the Planning Director). Preservation of woodlands and significant tree stands may qualify the site for a 50 percent reduction in parking spaces;
- Reduction in sidewalk width or elimination of a sidewalk requirement;
- Additional tree protection credits for preservation of tree clusters;
- Credit for trees provided to meet required landscape buffers and on-site landscaping (see [Sec. 25-511, Landscaping](#));
- Credit for preservation of native understory plants alongside trees;

- Reduction of lot size and setback requirements for exceeding tree protection requirements.
- Exemption from City tree protection requirements for projects certified under the Texas Parks and Wildlife (TPW) Texas Wildscape Program;
- Credit for planting trees on the south and west sides of habitable buildings (to benefit energy conservation);
- Additional credit for preservation of woodlands, significant trees, and heritage trees;
- Reduction of required tree canopy for athletic fields; and
- Additional credit for incorporation of Low Impact Development (LID) to aid in stormwater management.

San Antonio defines the root protection zone as being one linear foot of radial distance for each one inch in tree diameter, which allows construction within five feet on one side of the tree. Alternatively, the City allows applicants for multi-family and nonresidential development to warranty the trees for five years to ensure trees are otherwise protected and maintained.

City staff noted that the codified list of approved plants and trees should be expanded and also highlighted the need for more detailed direction in the Code and clearer definition of terms. The San Antonio tree protection program is complex, but offers a variety of possible methods, alternatives, and incentives for the City of Fort Collins to consider.

### Primary Contact

Herminio Griego, Assistant City Arborist, [herminio.griego@sanantonio.gov](mailto:herminio.griego@sanantonio.gov)

### Bloomington, IN

The City of Bloomington recently adopted an updated Unified Development Ordinance (UDO) that includes a unique approach to preserving urban canopy during land-disturbance activities. [Section 20.04.030\(i\), Tree and Forest Protection](#) establishes a minimum required canopy cover based on how much of the property is currently covered with tree canopy as shown below:

- 80-100 percent baseline canopy cover requires 50 percent of that coverage to be retained;
- 60-79 percent baseline canopy cover requires 60 percent of that coverage to be retained;
- 40-59 percent baseline canopy cover requires 70 percent of that coverage to be retained;
- 20-39 percent baseline canopy cover requires 80 percent of that coverage to be retained; and
- 0-19 percent baseline canopy cover requires 90 percent of that coverage to be retained.

This approach requires that more of the canopy be preserved when there is less canopy available. City staff indicated that this approach is somewhat complicated because it requires calculation and sometimes on-site review, but general found that the approach is fair to developers and seems to work well. [Section 20.04.080, Landscaping, Buffering, and Fences](#), also establishes standards for landscaping on private property (including single-family dwelling development) and in the public right-of-way, which includes regulations for species diversity, minimum tree sizes, and protection of existing trees.

The City notes the following improvements to the UDO that could help with clarity and implementation of the [Bloomington Urban Tree Canopy Assessment Summary Report](#) (2019):

- A clearer definition of “closed canopy,” or an alternative method of determining what constitutes tree canopy.
- A requirement that trees located in boxes include suitable soils.
- A fee-in-lieu option, especially for sites where there are conflicts between existing and potential planting areas and utility infrastructure).
- Coordination of tree-related regulations between [Chapter 12.24, Trees and Flora](#), which applies to street trees in the public right-of-way, and Title 20 of the Unified Development Code, which governs private development.

City staff highlighted several enforcement challenges and potential solutions or alternatives. The City needs:

- Clearer standards for tree-protective fencing during construction and better enforcement of the required 10 foot setback beyond the dripline, which tends to be encroached upon;
- Clearer direction on who determines when a tree is a “heritage tree,” which is defined as “a tree that is unique and important to the community because of its species, age, size, location, or historic significance;”
- An escrow payment program to ensure street tree maintenance. Currently, the City is responsible for street tree replacement, and poor private maintenance of street trees leads to higher costs to the City for tree replacement.
- Potentially updating UDO standards to require a minimum 10 foot wide tree lawn (where possible) and greater emphasis on planting and protecting native trees.
- A [bond funded program](#) (2022) for tree planting with emphasis on creating a more equitable urban canopy.

### Primary Contacts

Linda Thompson, Senior Environmental Planner, [thompsol@bloomington.in.gov](mailto:thompsol@bloomington.in.gov); Beth Rosenbarger, Planning Services Manager, [rosenbab@bloomington.in.gov](mailto:rosenbab@bloomington.in.gov)

## Boulder, CO

The City of Boulder Code adopted an [Urban Forest Strategic Plan](#) in 2018 to establish a policy framework for urban canopy management. Today, the City offers limited protection for trees on private property (see [Chapter 9-9, Development Standards](#)). During the development process the applicant is required to identify all trees greater than four inches caliper and have a qualified arborist conduct an inventory of the trees worthy of preservation. The City reviews this inventory and works with the applicant on a tree protection plan, including identifying the trees to be preserved and the fencing and measures required to ensure protection during development of the property (see drawings [3.01, 3.02, 3.03, and 3.04](#)). Trees required to be preserved can be removed with payment of a mitigation fee.

Although the City does not currently have a permit process for removal of street trees, the City Forester noted that the City would like to formalize the process with a permit (see [Chapter 6-6, Protection of Trees and Plants](#)). Currently, the City Forester determines what trees are required to be preserved and the mitigation payment to compensate the City for any removed trees. Boulder uses the [trunk formula method](#), which determines the value of trees to be removed based on the value of similar sized trees in a local nursery, the cost of installation, and other factors. Any tree that is illegally removed during the development process results in a mitigation fee to be paid before other permits are issued. Otherwise, the City documents the illegal tree removal and issues a fine (almost always) or requires replacement (rare because of the large share of development that takes place on infill sites that are too small to accommodate additional trees). Tree mitigation fees and fines go towards Capital Improvement Projects in the Parks and Recreation Budget. The City Forester supports the use of mitigation fees instead of tree replacement because it is easier to administer and because funds can be carried forward from year-to-year so that mitigation fees collected late in the year aren't lost when trees cannot be planted during the winter. Boulder has an [Approved Tree List](#) to guide tree planting in the right-of-way and on other municipal property, including information on tree spacing, hardiness zone, water needs, canopy size, and soil preferences.

The City Forester did note the following challenges and potential improvements to Boulder's current Code and practices:

- Standards for mulching and irrigation of trees are only identified during the permitting process and are otherwise difficult to enforce.
- The City could better educate property owners about when they are responsible for care and maintenance of street trees. The City generally manages street trees adjacent to residential properties and businesses manage those adjacent to their property. Alternatively, the City could explore taking over responsibility for all street trees.

- The City should consider alternative arrangements to ensuring required trees are maintained, including having developers prepay for cost of maintenance when the City is required to provide maintenance. An escrow payment program has been considered before, but it is not always clear which party should pay, or be responsible, or receive any funds required to be rebated if not used within a specific period of time.

### Primary Contact

Kathleen Alexander, City Forester, [alexanderk@bouldercolorado.gov](mailto:alexanderk@bouldercolorado.gov)

### Madison, WI

The City of Madison requires private development (except for one- and two-family dwellings) to provide trees and landscaping through a menu of options in [Section 28.142, Landscaping and Screening Requirements](#). These regulations establish a point value for distinct types of vegetation, which encourages the installation of higher quality (and larger) trees and requires a greater number of “points” for larger lots. Higher points are also provided for protection of “existing significant specimen trees” (those greater than 2.5 inches caliper) to prioritize preservation of large trees over removal and replacement with smaller trees that take longer to provide similar benefits. This section also requires any development that provides five or more trees to provide a specified diversity of tree species (with greater diversity required when more than 50 trees are provided) and at least three different street tree species per block. Once landscaping is installed, however, the City does not require or enforce tree protection on private property.

Trees in the right-of-way, however, are highly protected, primarily through [Section 10.101, Regulation of Tree Trimming, Pruning and Removal within the Public Right-of-Way of Any Street, Alley or Highway](#). These standards require permits for tree trimming, pruning, and removal of trees in the public right-of-way, which include requirements for tree inventories and/or street tree report prepared by a certified arborist for any request to remove, prune, or perform most construction activities. The reports are typically triggered by a proposal to do any work that could impact the urban canopy or impact a tree that is six inches or greater in caliper. The City noted that tree protection regulations are relatively cumbersome, but that developers view the street tree report as a way to expedite the process because they can hire a certified arborist to conduct the review.

Madison is unique for codifying detailed standards for how the City and any contractors must protect trees in the right-of-way. [Section 107.13](#) of the City’s Standard Specifications for Public Works projects require that a five-foot area around each tree remain undisturbed, provide information on what City Forester markings indicate, describe methods of root cutting to limit damage to trees, lists best practices for trimming, pruning, and avoiding soil compaction, and establishes penalties for damage to trees. The City Forester noted that current practice has

been to collect a deposit of \$125 per trunk diameter inch (measured 4.5 feet above the ground) prior to any work being done near trees. This ensures that the City is able to collect any damages without hassle.

The City noted that they will be reviewing the City Code in the next year to ensure implementation of the [Urban Forestry Task Force Final Report](#) (2019) and had the following suggestions to improve the effectiveness of current standards.

- Codify standards for soil volumes and require a third-party review and approval for the City to evaluate during the development review process.
- Modify parking lot landscaping requirements to require different parking lot tree arrangements.
- Assess development regulations in urban neighborhoods where the required setbacks are less than five feet, because it can prevent the full, healthy growth of trees if the sidewalk width is also narrow.
- Explore recommendations from the Tree Board for improving maintenance of public and private trees.

### Primary Contacts

Heather Strouder, Planning Division Director, [HStouder@cityofmadison.com](mailto:HStouder@cityofmadison.com); Marla Eddy, City Forester, [MEddy@cityofmadison.com](mailto:MEddy@cityofmadison.com)

### Seattle, WA

The City of Seattle's 2020 [Draft Urban Forest Management Plan](#) has established a goal of increasing tree canopy coverage to 30 percent by 2037. Currently, [Chapter 25.11, Tree Protection](#) focus on preserving "exceptional trees" as opposed to thinking about the overall urban canopy. This reflects an increase in interest in tree protection from citizens and elected officials due to rapid development the past several years. Generally, Seattle has very few standards related to the planting, preservation, or maintenance of trees on private property (no tree removal permits, no tree planning requirements, no standards for tree size, no required species diversity, etc.). Street trees have more protections (removal requires permit approval), but standards for maintenance and replacement are minimal. Although Seattle takes a more hands-off approach to tree preservation, they are in the process of updating some regulations. Fort Collins may consider some of the following existing valuable practices:

- The City has developed an [interactive tree list \(using Tableau\)](#) to allow residents to tailor any new tree plantings to site conditions (sun exposure, width of planting strip for street trees, presence of overhead wires) and desired tree characteristics (drought tolerance, size, native/non-native, and flower and fall colors). Voluntary planning does not require any specific tree type or size to be provided.

- Removal of a street tree without City approval results in a fine that is triple the cost of the permit that should have been obtained prior to tree removal. The City is considering alternative penalty structures (including charging a dollar value per caliper inch of the removed tree), but staff notes that City officials are weary of fines that could disproportionately impact underserved communities.

### Primary Contacts

Chanda Emery, Senior Planner, [Chanda.Emery@Seattle.gov](mailto:Chanda.Emery@Seattle.gov); Nolan Rundquist, City Arborist, [Seattle.Trees@Seattle.gov](mailto:Seattle.Trees@Seattle.gov)

### Fort Wayne, IN

Fort Wayne has struggled with the loss of large trees and clear-cutting of trees on private property prior to or during the development review process, partly because existing regulations are very permissive about tree removal (see [Section 157.408, Landscape Standards](#)). Over the past decade, the City found that they have lost about six percent of existing tree canopy coverage. The City is in the early stages of looking at solutions (and assessing community support) for addressing the issue with new regulations and further implementing the City's [Urban Forest Management Plan](#) (2014), but does have the following regulations and practices that have proven successful or provide lessons learned from current practice:

- To limit conflicts with trees and infrastructure in utility easements, the City recently adopted provisions that allow landscaping to be provided elsewhere without requiring a waiver of standards. This is not yet reflected in the Code.
- Instead of requiring that trees be replaced at one-tree-to-one-tree ratio, the City is considering requiring tree replacement at a ratio of one-inch of tree caliper for every one-inch of tree caliper being removed. The current standard is not resulting in quality replacement trees.
- The City has been actively protecting about 1,000 of the highest value Ash trees (along key corridors, in parks, etc.) with TREE-age Insecticide Treatment and has removed about 10,000 other Ash trees to manage Emerald Ash Borer damage. Any removed tree is replaced with guidance from the Parks Department to ensure species diversity. Otherwise, there is no species diversity requirement for new trees.

### Primary Contact

Derek Veit, Superintendent of Urban Forestry, [Derek.Veit@cityoffortwayne.org](mailto:Derek.Veit@cityoffortwayne.org)

### Reno, NV

The City of Reno is [in the process of updating standards](#) for tree protection, installation, and maintenance. Although this example does not offer an analysis of existing standards, it reflects

related discussion with City staff about what is working well or proving to be challenging, this community does offer an opportunity to see what another Western community is trying based on best practices. The [draft ordinance language](#) (as of 3/28/22) is set for review and recommendation by the Planning Commission, which has already been recommended to City Council for adoption by the Urban Forestry Commission. The draft ordinance focuses on many of the issues identified by the City of Fort Collins, including soil standards, tree protection regulations, enforcement mechanisms, and updated definitions—all with the goal of improving and expanding tree canopy. New standards in [Chapter 8.32, Trees and Shrubs](#), and [Title 18, Land Development Code](#):

- Establish a landmark tree designation for tree protection on private property;
- Establish a process for removal of a public tree by an adjacent property owner;
- Establish a methodology for tree appraisal and financial assurances in public trees are not adequately protected during construction;
- Clarify minimum soil volume and quality standards based on tree size;
- Increase quality standards for street trees and parking lot trees;
- Enhance standards for tree maintenance and replacement if required trees are damaged or removed;
- Establish procedures for landscape permits if required landscaping is removed or negatively impacted; and
- Expand penalties to apply based on number of trees impacted instead of applying the penalty based on a particular property not following regulations.

### Primary Contacts

Matt Basile, Urban Forester, [basilem@reno.gov](mailto:basilem@reno.gov); Kelly Mullin, Principal Planner, [mullink@reno.gov](mailto:mullink@reno.gov).



# Proposed Tree Preservation and Mitigation Policies

Municipal and Land Use Code changes

Sylvia Tatman-Burruss – Sr. Policy & Project Manager CMO

Kendra Boot – City Forester

Does Council wish to adopt Nos 169 through 175, 2025 for the proposed Tree Policy Changes on First Reading?

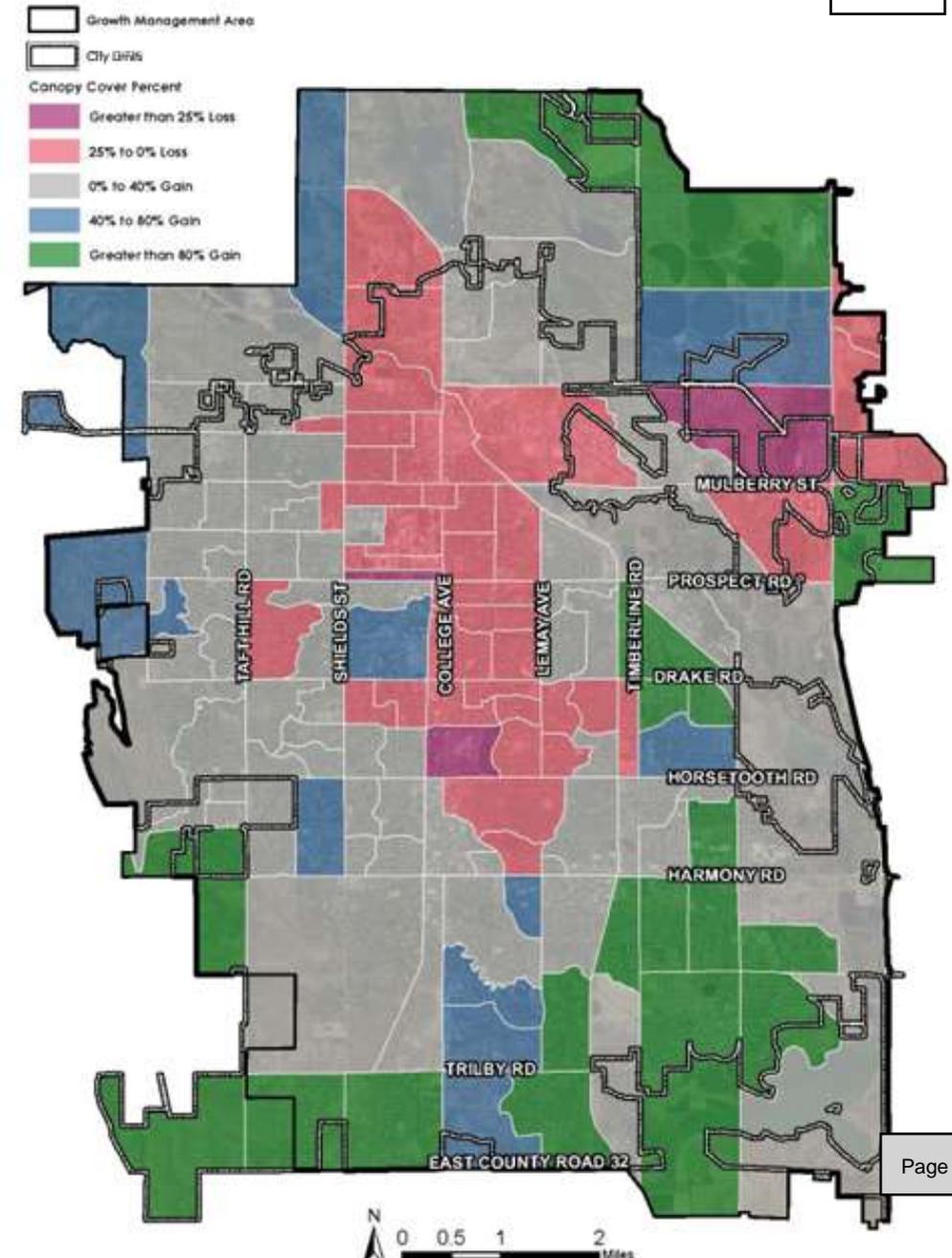
# Tree Mitigation Policy

- **Balance mitigation requirements (new tree plantings) with supporting new mixed-use and affordable housing development**
- **Increase simplicity and predictability of policy requirements**
- **Prioritize protection of larger trees**

- Canopy coverage is generally high within these areas (15% to greater than 25%)
- Often, these are established trees that were a result of past development standards
- Take many years to get same canopy coverage as large trees
- Commercial and Institutional land use types have lost canopy

MAP 3. TREE CANOPY CHANGE BY U.S. CENSUS BLOCK GROUP, 2011-2021. TREE CANOPY LOSSES WERE HIGHEST IN THE DENSELY DEVELOPED URBAN CORE.

Item 14.



## Council Priority



**Council Priority No. 1:** Operationalize City resources to build and preserve affordable housing



**Council Priority No. 4:** Pursue an integrated, intentional approach to economic health



**Council Priority No. 8:** Advance a 15-minute city by accelerating our shift to active modes

## Goals

Balance mitigation requirements (new tree plantings) while supporting new mixed-use and affordable housing development

Increase simplicity and predictability of policy requirements

Prioritize and incentivize protection of larger trees while maintaining the current level of tree canopy coverage

# Recommended Tree-Related Policies

|   | Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Policy subject to new or redevelopment? |
|---|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 1 | <p>Establish no-fee <b>Commercial Tree Removal Permit</b> – to help address removal of large trees outside the development review/construction process</p> <ul style="list-style-type: none"> <li>• Municipal and land use codes</li> <li>• For trees 15-inches and greater</li> <li>• Intervention or conversation prior to tree removal</li> <li>• Slow down or omit preemptive tree removal</li> <li>• No expected increase to staffing or resources needed</li> </ul> | No                                      |

| Current Policy |
|----------------|
| No Permit      |

| Proposed Policy                                             |
|-------------------------------------------------------------|
| Tree removal permit for established trees, post-development |

|   | Recommendation                                                                                                                                                                                                                                                                         | Policy subject to new or redevelopment? |
|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 2 | <p>Enhanced measures for <b>tree protection during construction</b></p> <ul style="list-style-type: none"> <li>Alignment with enforceable protection provisions, updated signage and fencing, etc.</li> <li>Better support for large tree preservation through construction</li> </ul> | Yes                                     |

| Current Policy                                                                  |
|---------------------------------------------------------------------------------|
| Excavating, boring, storing, dumping, pruning and protective barrier guidelines |
| Fencing 6ft from trunk                                                          |
| No signage required                                                             |

| Proposed Policy                           |
|-------------------------------------------|
| Updated best management practices         |
| Fencing at edge of canopy                 |
| Tree protection signage, provided by City |

|   | Recommendation                                                                                                                                                                                                                                                   | Policy subject to new or redevelopment? |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 3 | <p><b>3-year establishment period</b> for Street Trees</p> <ul style="list-style-type: none"> <li>• Currently there is no set period, depends on tree health and staff’s discretion as the SMEs</li> <li>• Current timeline is long and unpredictable</li> </ul> | Yes                                     |

## Current Policy

City takes over street trees “When all street trees are established and in good condition”

## Proposed Policy

Predictable three-year timeline for when City takes over care for street trees

# Recommended Tree-Related Policies

|   | Recommendation                                                                                                                                                                                                                                                                                                                      | Policy subject to new or redevelopment? |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 4 | <p>Expand <b>exemptions for tree mitigation for undesirable species</b> (Russian-olive, ash, Siberian elm and tree of heaven) under 11”</p> <ul style="list-style-type: none"> <li>• Effort to decrease unwanted species in the community and simplify exemption criteria</li> <li>• Could reduce costs for developments</li> </ul> | Yes                                     |

## Current Policy

Dead, dying or naturally fallen trees, threat to public health and safety

No mitigation for Siberian elm (11-inches), Russian-olive (9-inches) and ash (8-inches)

No mitigation for above species of wild/volunteer origin, sprouted along fence lines or other unsuitable locations

## Proposed Policy

Adding in “poor condition” trees

No mitigation for Siberian elm, Russian-olive, ash and tree of heaven under 11-inches

Adding in tree of heaven (noxious species)

# Recommended Tree-Related Policies

|   | Recommendation                                                                                                                                                                                                                                                                                                                      | Policy subject to new or redevelopment? |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 5 | <p>Update <b>tree mitigation policies</b> to better support goals</p> <ul style="list-style-type: none"> <li>Aligns with current mitigation code process, yet more predictable</li> <li>Encourage larger tree preservation</li> <li>Additional mitigation reduction for affordable housing projects defined in LUC 5.2.1</li> </ul> | Yes                                     |

## Current Policy

Based on tree size, condition and condition for trees 6-inches and greater; each tree is assigned **1 to 6** replacement trees

Off-site plantings or payment-in-lieu allowed if mitigation cannot be completed on site

No reduction

No reduction

## Proposed Policy

6" - 14" = **1 tree**  
 15"- 19" = **2 trees...**  
 40" and larger = **20 trees**

Payment-in-lieu allowed if mitigation cannot be completed on site

**50% reduction** of the mitigation value of tree saved, **75% reduction** for Affordable Housing

Allow **PIL fee reduction** for equal value of enhanced tree planting measures

## Benefits

Simplification and predictability of code language

Prioritizes protection of larger trees

Incentivizes tree preservation with development:

- Reduction in mitigation requirements for trees saved
- Development projects that protect larger trees may have no mitigation for removal of smaller trees on site

Allows for enhanced tree planting measures instead of PIL

Attempts to balance mitigation requirements (new tree plantings) with supporting new mixed-use and affordable housing development

## Tree Preservation and Mitigation Recommendations

| Recommendation Number | Recommendation                                                                                                                  |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------|
| 1                     | Establish Commercial Tree Removal Permit – to help address removal of large trees outside the development review process        |
| 2                     | Enhanced measures for tree protection during construction                                                                       |
| 3                     | 3-year establishment period for Street Trees                                                                                    |
| 4                     | Expand the exemptions for tree mitigation to include Russian-olive, ash, and Siberian elm species under 11”, add tree of heaven |
| 5                     | Update tree mitigation policies for commercial development:<br>Tree Mitigation by size, with reductions for trees saved         |

# Scenarios – Comparison with Current LUC

|                               | Current Land Use Code             | Change with Proposed Mitigation Changes |                           |
|-------------------------------|-----------------------------------|-----------------------------------------|---------------------------|
| Union on Elizabeth (H)        | \$21,000 or 42 mitigation trees   | \$20,000 or 40 mitigation trees         | <b>\$1,000 reduction</b>  |
| Kum&Go                        | \$20,000 or 40 mitigation trees   | \$27,000 or 54 mitigation trees         | <b>\$7,000 increase</b>   |
| Prospect Sports Club          | \$10,500 or 21 mitigation trees   | \$0 or 0 mitigation trees               | <b>\$10,500 reduction</b> |
| Worthington Storage           | \$24,500 or 49 mitigation trees   | \$3,500 or 7 mitigation trees           | <b>\$21,000 reduction</b> |
| Village on Horsetooth (AH)    | \$7,000 or 14 mitigation trees    | \$8,750 or 18 mitigation trees          | <b>\$1,750 increase</b>   |
| Timberline Road               | \$25,500 or 51 mitigation trees   | \$29,500 or 59 mitigation trees         | <b>\$4,000 increase</b>   |
| Stodgy Brewing                | \$28,250 or 57 mitigation trees   | \$0 or 0 mitigation trees               | <b>\$28,250 reduction</b> |
| The Grainary (Fairway) (H)    | \$140,750 or 282 mitigation trees | \$189,000 or 378 mitigation trees       | <b>\$48,250 increase</b>  |
| Copperleaf (H)                | \$10,750 or 22 mitigation trees   | \$19,750 or 40 mitigation trees         | <b>\$9,000 increase</b>   |
| Tapestry (AH) – not built yet | \$4,500 or 9 mitigation trees     | \$500 or 1 mitigation tree              | <b>\$4,000 reduction</b>  |
| Bird Whistle (AH)             | \$2,250 or 4.5 mitigation trees   | \$0 or 0 mitigation trees               | <b>\$2,250 reduction</b>  |

(H) = Housing; (AH) = Affordable Housing

Note: The Grainary was a very uniquely forested site, previously a tree nursery.



# Scenario Slides

## Recent Infill and Greenfield Projects

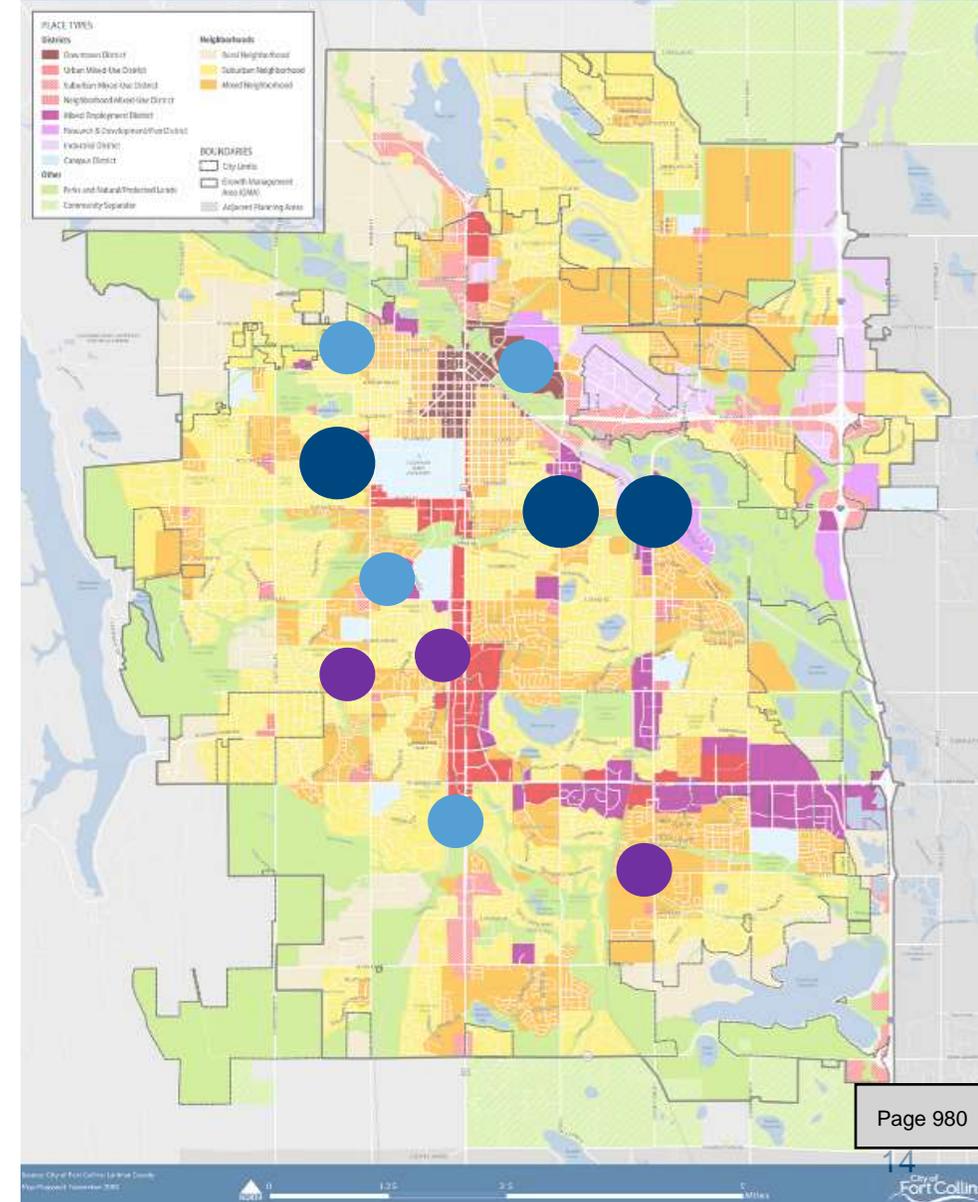
### Illustrated Examples:

- Union on Elizabeth
- Kum & Go at Prospect/Lemay
- Prospect Sports
- Worthington Storage
- Village at Horsetooth
- Timberline Road Expansion

### Others Analyzed:

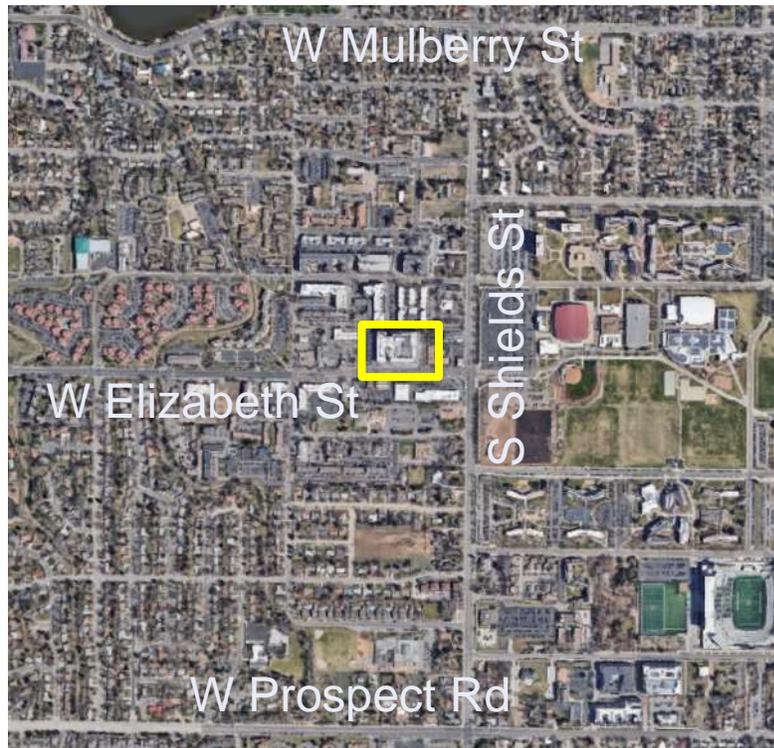
- Stodgy Brewing
- The Grainary (Fairway)
- Copperleaf Subdivision
- Tapestry
- Bird Whistle

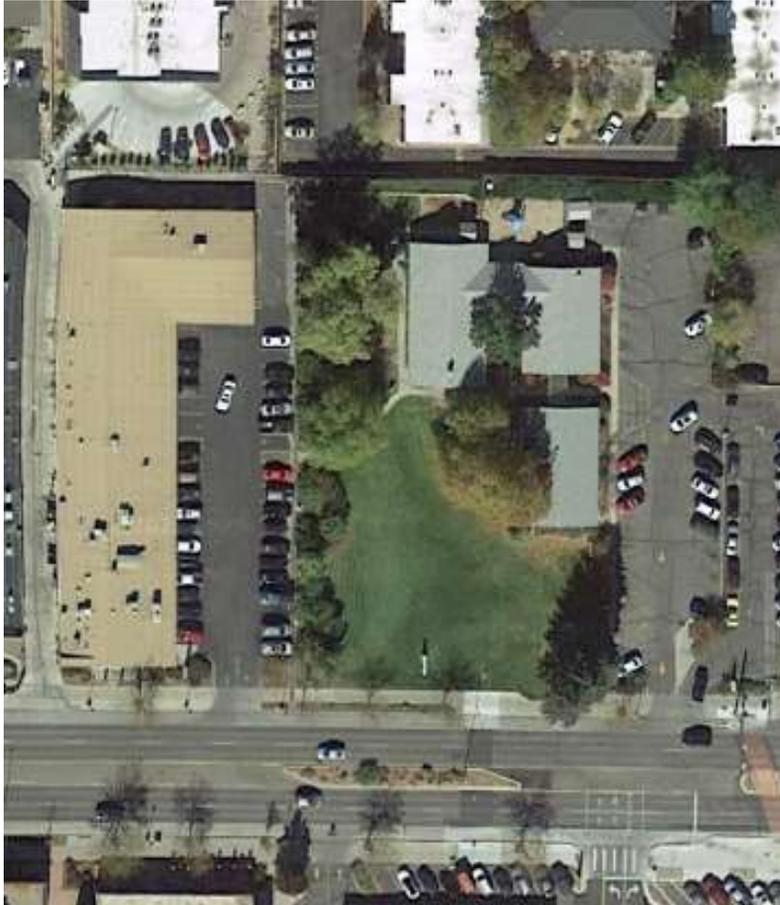
## Structure Plan Map



# Union on Elizabeth

- Multi-family, 102 Units
- Infill Site, 2.3 acres

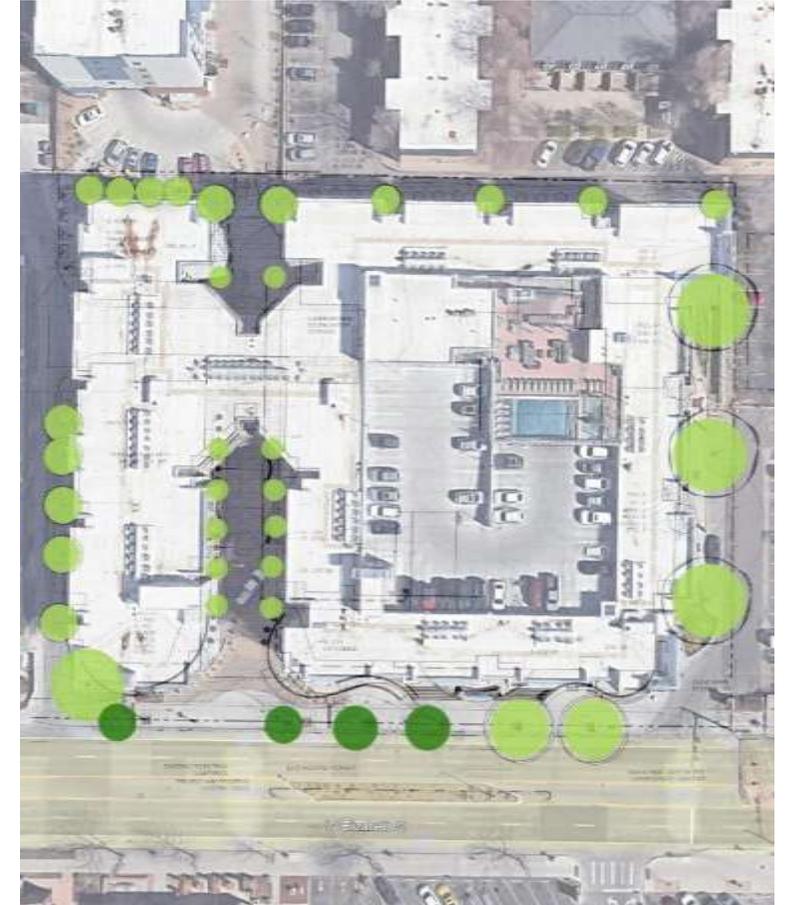




*Site before development*



*26 trees removed, 4 protected*



*Developed site - 55 new trees added  
+ \$1,350 for off-site mitigation*

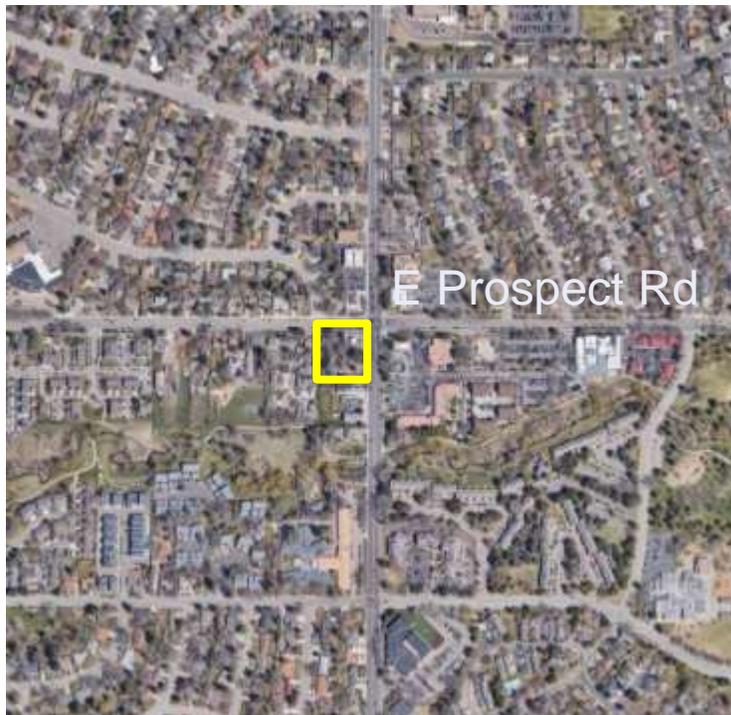
| Mitigation Type                                        | Value                           |
|--------------------------------------------------------|---------------------------------|
| Current Land Use Code                                  | \$21,000 or 42 mitigation trees |
| Proposed Mitigation with 50% Reduction for Trees Saved | \$20,000 or 40 mitigation trees |

## Compared to current Land Use Code:

- 2 fewer mitigation trees required or
- \$1,000 decrease in payment-in-lieu fees/value

# Kum & Go - Prospect

- Commercial/Mixed Use
- Infill Site, 1 acre





*Site before development*



*29 trees removed, 8 protected*



*Developed site - 37 new trees approved*

| Mitigation Type                                        | Value                           |
|--------------------------------------------------------|---------------------------------|
| Current Land Use Code                                  | \$20,000 or 40 mitigation trees |
| Proposed Mitigation with 50% Reduction for Trees Saved | \$27,000 or 54 mitigation trees |

## Compared to current Land Use Code:

- 14 additional mitigation trees required or
- \$7,000 increase in payment-in-lieu fees/value or

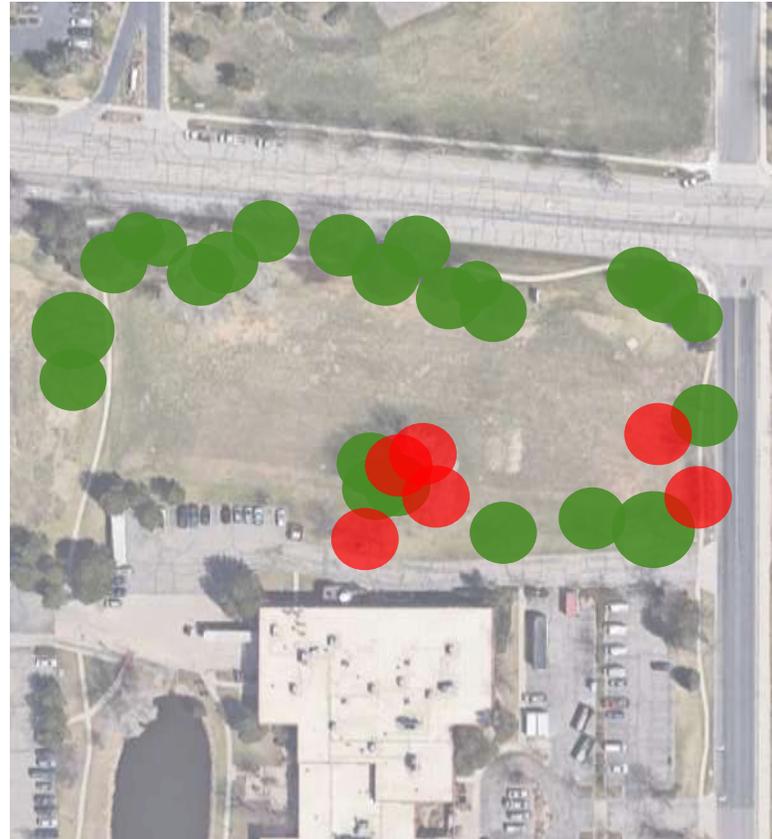
# Prospect Sports Club

- Commercial/Recreation
- Infill Site, 2.5 acres





*Site before development*



*9 trees removed, 40 protected*



*Developed site - 23 new trees added*

| Mitigation Type                                        | Value                           |
|--------------------------------------------------------|---------------------------------|
| Current Land Use Code                                  | \$10,500 or 21 mitigation trees |
| Proposed Mitigation with 50% Reduction for Trees Saved | \$0 or 0 mitigation trees       |

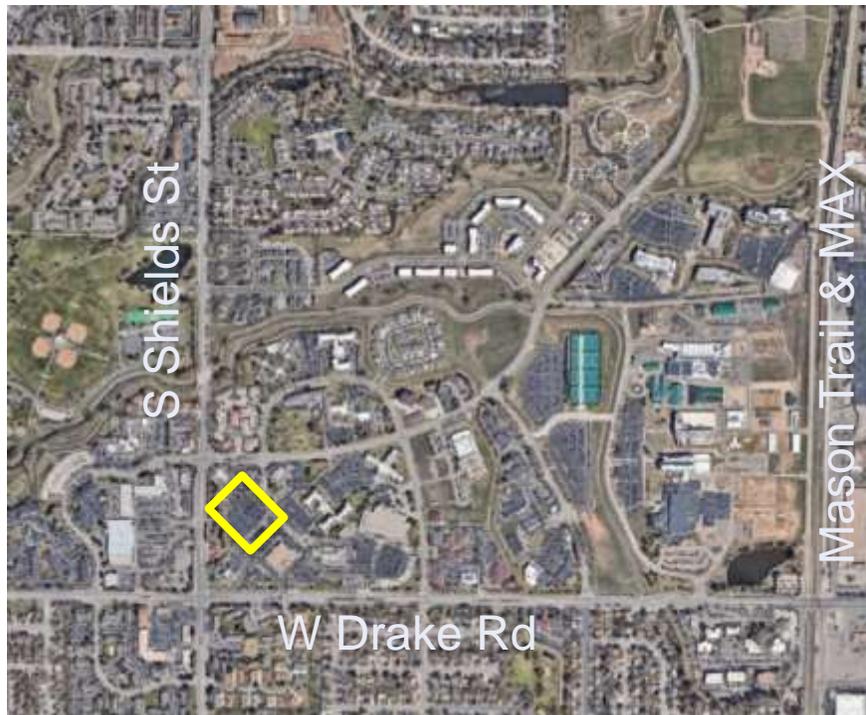
## Compared to current Land Use Code:

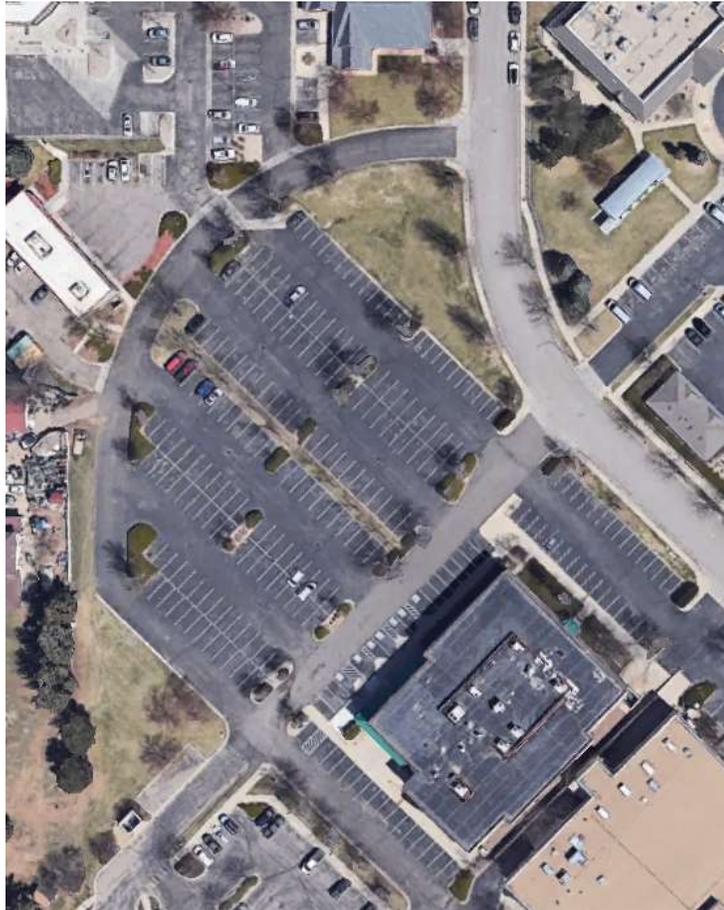
- 67 fewer mitigation trees required or
- \$33,500 decrease in payment-in-lieu value and 0 mitigation required

*Due to significant number of trees protected*

# Worthington Storage

- Commercial/Mixed Use
- Infill Site, 2 acres





*Site before development*



*35 trees removed, 17 protected*



*Developed site - 45 new trees added  
+ \$900 for off-site mitigation*

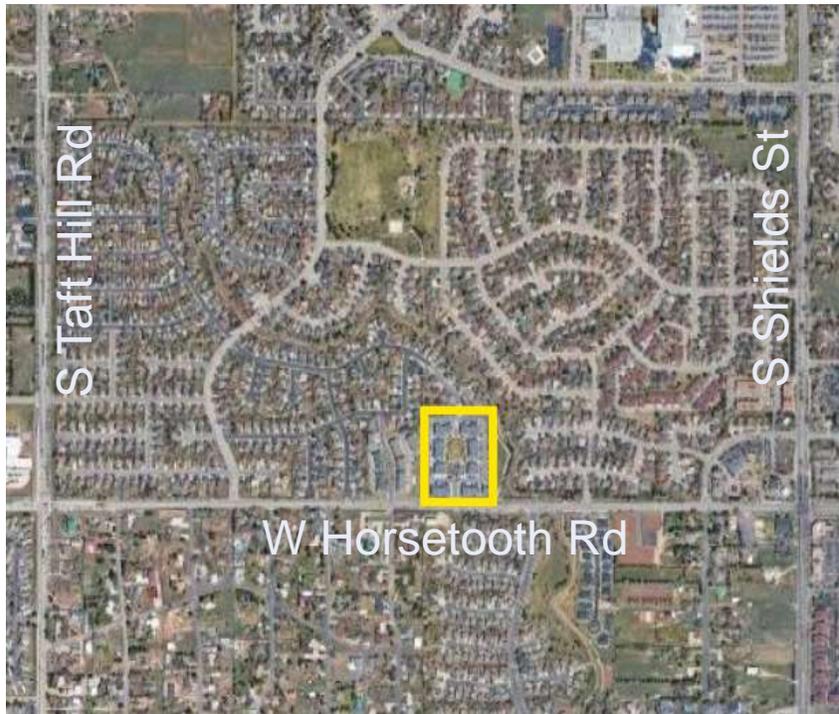
| Mitigation Type                                        | Value                           |
|--------------------------------------------------------|---------------------------------|
| Current Land Use Code                                  | \$24,250 or 49 mitigation trees |
| Proposed Mitigation with 50% Reduction for Trees Saved | \$3,500 or 7 mitigation trees   |

## Compared to current Land Use Code:

- 42 fewer mitigation trees required or
- \$20,750 decrease in payment-in-lieu fees/value

# Village on Horsetooth Apartments

- Multi-family, 96 units
- Infill Site, 8 acres



# Village on Horsetooth Apartments



*Site before development*



*31 trees removed, 26 protected*



*Developed site - 89 new trees added*

| Mitigation Type                                        | Value                          |
|--------------------------------------------------------|--------------------------------|
| Current Land Use Code                                  | \$7,000 or 14 mitigation trees |
| Proposed Mitigation with 50% Reduction for Trees Saved | \$8,750 or 18 mitigation trees |

## Compared to current Land Use Code:

- 4 add'l mitigation trees required or
- \$1,750 increase in payment-in-lieu fees/value

# Timberline Road Widening

- Capital Project
- Infill/Greenfield Site



# Timberline Road Widening



*Site before road widening*



*57 trees removed, 198 protected*



*After widening - 58 new trees planted*

| Mitigation Type                                        | Value                           |
|--------------------------------------------------------|---------------------------------|
| Current Land Use Code                                  | \$25,500 or 51 mitigation trees |
| Proposed Mitigation with 50% Reduction for Trees Saved | \$29,500 or 59 mitigation trees |

## Compared to current Land Use Code:

- 8 additional mitigation trees required or
- \$4,000 increase in payment-in-lieu fees/value

Does Council wish to adopt Ordinances Nos 169 through 175, 2025 for the proposed Tree Policy Changes on First Reading?

ORDINANCE NO. 169, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE 5, SECTION 10 OF THE LAND USE CODE OF THE CITY OF  
FORT COLLINS FOR THE PURPOSE OF REQUIRING A COMMERCIAL TREE  
REMOVAL PERMIT

A. In March of 2025, the Council adopted Rooted in Community, the Fort Collins Urban Forest Strategic Plan (“Plan”). This Plan identifies seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The Plan also addresses the current state of the urban forest, emphasizes why trees are an important component of our community’s infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

B. The City’s Land Use Code encourages the establishment and preservation of trees when properties are developed. On occasion, the owner of a developed property may decide to remove trees from their commercial property. This decision may occur for a variety of reasons. However, given the opportunity, City staff may be able to suggest alternatives to removing the trees.

C. The Plan encourages the establishment of a commercial tree removal permit (“Permit”) program to assist City staff in communicating with commercial property owners seeking to remove existing trees. This Permit would require that commercial property owners seek a no-cost permit to remove a tree 15-inches in diameter or larger.

D. The Permit would create an opportunity for additional communication prior to tree removal in hopes that the City, commercial property owners, and licensed tree companies could partner to slow down or omit preemptive removal of well-established trees in the community. This Permit program will not require additional staffing or resources to support the policy change.

E. This Ordinance amends Division 5.10 of the City’s Land Use Code regarding Landscaping and Tree Protection to require a commercial tree removal permit for the removal of any tree planted on commercial property fifteen inches in diameter or larger. Ordinance No. 170, 2025, amends Chapter 27, Article 32 of the City Code to correspond with this requirement.

F. These Code changes support previous and current Council Priorities and align with policy improvement opportunities identified through the Plan.

G. During a Work Session on August 26, 2025, Council provided input regarding this proposed update to the City’s Land Use Code. On October 16, 2025, City staff sought a recommendation from the Planning & Zoning Commission to update the Land Use Code for the purpose of requiring a commercial tree removal permit.

H. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that Article 5, Section 10 of the Land Use Code be updated, as set forth in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 5.10.1 of the Land Use Code is hereby amended to read as follows:

**5.10.1 LANDSCAPING AND TREE PROTECTION**

...

(E) Landscape Materials, Maintenance and Replacement.

...

- (5) Replacement. Any landscape element that dies, or is otherwise removed, shall be promptly replaced based on the requirements of this Section. Pursuant to Section 27-32 of the Code of the City, a commercial tree removal permit is required for removal and replacement.

...

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Stefanie Boster

Exhibit: None

ORDINANCE NO. 170, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING CHAPTER 27, ARTICLE 32 OF THE CODE OF THE CITY OF FORT  
COLLINS FOR THE PURPOSE OF REQUIRING A COMMERCIAL TREE REMOVAL  
PERMIT

A. The Council adopted Rooted in Community, the Fort Collins Urban Forest Strategic Plan (“Plan”), in March of 2025. This Plan identifies seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The Plan also addresses the current state of the urban forest, emphasizes why trees are an important component of our community’s infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

B. The City’s Land Use Code encourages the establishment and preservation of trees when properties are developed. On occasion, the owner of a developed property may decide to remove trees from their commercial property. This decision may occur for a variety of reasons. However, given the opportunity, City staff may be able to suggest alternatives to removing the trees.

C. The Plan encourages the establishment of a commercial tree removal permit (“Permit”) program to assist City staff in communicating with commercial property owners seeking to remove existing trees. This Permit would require that commercial property owners seek a no-cost permit to remove a tree 15-inches in diameter or larger.

D. The Permit would create an opportunity for additional communication prior to tree removal in hopes that the City, commercial property owners, and licensed tree companies could partner to slow down or omit preemptive removal of well-established trees in the community. This Permit program will not require additional staffing or resources to support the policy change.

E. This Ordinance updates Chapter 27, Article 32 of the Code of the City to require a commercial tree removal permit for the removal of any tree planted on commercial property 15 inches in diameter or larger. Ordinance No. 169, 2025, amends Division 5.10 of the Land Use Code regarding Landscaping and Tree Protection to correspond with this requirement.

F. These Code changes support previous and current Council Priorities and aligns with the policy improvement opportunities identified through the Plan.

G. During a Work Session on August 26, 2025, Council provided input regarding this proposed update to the City’s Land Use Code. On October 16, 2025, City staff sought a recommendation from the Planning & Zoning Commission to update the Land Use Code for the purpose of requiring a commercial tree removal permit.

H. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that Chapter 27, Article 32 be amended, as set forth in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 27-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

**Sec. 27-32. - Request for permit; contents and conditions.**

(a) Any person desiring to plant, treat, cut, trim, prune, or remove any tree within the public right-of-way of any street or sidewalk, or upon other City-owned property within the City, or to remove any tree planted upon any commercial property with a diameter of fifteen (15) inches or greater, must first request obtain a free permit from the office of the City Forester, if a permit is required under § 27-31. The request for a permit must set forth the name and address of the applicant, the name and address of the company or person doing the work, the desired kind or species of tree to be planted, treated, cut, trimmed, pruned, or removed, and the location of the same, together with such other related information as the City Forester shall require.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Stefanie Boster

Exhibit: None

ORDINANCE NO. 171, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE 5, SECTION 10 OF THE LAND USE CODE OF THE CITY OF  
FORT COLLINS FOR THE PURPOSE OF REQUIRING ADDITIONAL ENHANCED  
TREE PROTECTION MEASURES DURING CONSTRUCTION

A. The Council adopted Rooted in Community, the Fort Collins Urban Forest Strategic Plan (“Plan”), in March of 2025. This Plan identifies seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The Plan also addresses the current state of the urban forest, emphasizes why trees are an important component of our community’s infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

B. The City’s Land Use Code encourages the establishment and preservation of trees when properties are developed. Unfortunately, there have been many occasions when a development commits to preserving existing trees onsite, but the trees are either not properly protected, or they are unintentionally damaged during construction.

C. Enhanced measures for tree protection during construction include: alignment with other protection provisions currently listed in the City’s Land Use Code to support enforcement of tree protection standards; requiring the tree protection plan to be onsite and always adhered to; tree protection zone signage; updates to fencing placed at the driplines (outer edge of canopy) of trees; and, incorporating updated best management practices for trees during construction.

D. If a development commits to preserving existing trees onsite, these proposed tree protection measures will help set the preserved trees up for survival during construction and for longevity, providing long-term community benefits, to both the development site and the surrounding area.

E. This Ordinance amends Division 5.10 of the City’s Land Use Code regarding Landscaping and Tree Protection to include enhanced measures to ensure the protection of trees during construction. This Code change supports previous and current Council Priorities and aligns with policy improvement opportunities identified through the Plan.

F. During a Work Session on August 26, 2025, Council provided input regarding this proposed update to the City’s Land Use Code. On October 16, 2025, City staff sought a recommendation from the Planning & Zoning Commission to update the Land Use Code for the purpose of updating enhanced tree protection policies during construction.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that Article 5, Section 10 of the Land Use Code be updated, as set forth in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 5.10.1(G) of the Land Use Code is hereby amended to read as follows

### 5.10.1 LANDSCAPING AND TREE PROTECTION

...

(G) Tree Protection Specifications ~~Tree Protection Specifications~~ **During Construction**. The following tree protection specifications shall be followed for all projects with protected existing trees. ~~Tree protection methods shall be delineated on the demolition plans and development plans.~~ **Any development activity that may cause injury to the existing trees set to be preserved shall be enforced as provided under Section 2.14.1.**

- (1) **Tree Protection Plan Must be Approved.** The landscape plan must be submitted to, and the tree protection portion of the plan approved by Forestry or Zoning before any changes occur on the development site and shall be physically on site and always adhered to.
- (2) **Before Site Work Can Occur.** Tree protection methods identified in the landscape plan shall be delineated on the demolition plans, other development plans and permits and shall be submitted and erected prior to any site changes, including but not limited to, Demolition Permit, Stockpiling Permit, Asbestos abatement, Development Construction Permit, over lot grading or other site preparations.
- (43) **No Disturbance.** Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
- (24) **Pruning.** All protected existing trees shall be pruned to the City of Fort Collins Forestry Division standards.
- (35) **Protective Barriers.** Prior to and during construction, barriers shall be erected around all protected existing trees with ~~such barriers to be of orange construction or chain link~~ **or approved equivalent** fencing a minimum of ~~four (4)~~ **six (6)** feet in height, secured with ~~metal T posts~~ **or weighed to the ground**, placed at the dripline of the tree **no closer than six (6) feet from the trunk if the tree is surrounded by impervious surfaces** ~~or one half (1/2) of the drip line, whichever is greater.~~ Concrete blankets, or equivalent padding material, wrapped around the tree trunk(s) is recommended and adequate **required to provide** ~~for added~~ **and adequate** protection during construction.

- (6) There shall be no placement, storage or movement of equipment, material, debris or fill within the Critical Root Zone or fenced tree protection zone.
- (7) Tree Protection Signage. All protective barriers shall be posted every 50 feet with a Tree Protection Zone sign approved by the City Forester.
- (48) Chemicals and Harmful Materials. During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.
- (59) No Attachments. No damaging attachment, wires, signs, or permits may be fastened to any protected tree.
- (610) Ribboning Off. Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be "ribboned off," rather than erecting protective fencing around each tree as required in Subsection (G)(3) above. This may be accomplished by placing metal t-post stakes a maximum of fifty (50) feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared protected.
- (711) Soil Disturbances. Soil disturbances in proximity to trees must comply with the distances in Table 5.10.1-(6) below, Tree Diameter to Soil Disturbance Distance. Soil disturbances include, but are not limited to, soil loosening or amending, augering or boring, tunnelling, irrigation installation, or excavation within the critical root zone (CRZ). CRZ is defined as the area of soil around a tree where the roots necessary for the tree's health and survival are located, extending one (1) foot for every inch of the tree's diameter measured at the Diameter at Standard Height (DSH), typically four and one-half (4½) feet about ground. Soil loosening and amending shall be pursuant to City Code Section 12-132.
- (812) Underground Facilities Installations. The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches and not directly under the trunks of trees. The auger distance is established from the face of the tree (outer bark) and is scaled from tree DBH as described in the chart below. Low pressure

hydro excavation, air spading or hand digging are additional tools/practices that will required to help reduce impact to the tree(s) root system when excavating at depths of twenty-four (24) inches or less. Refer to the CRZ diagram, Figure 5.10.1- (3), for root protection guidelines. The CRZ shall be incorporated into and shown on development plans for all existing trees to be preserved.

...

- (913) Watering During Development. All existing trees within the plan must be watered using irrigation or hauled water sources throughout the duration of the development process and all development activities to sustain and improve tree health and survivability, under the following schedule: watered weekly at a minimum of forty (40) gallons per week March through October, and monthly at a minimum of forty (40) gallons per month November through April when temperatures are above forty degrees (40°).

...

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Stefanie Boster

Exhibit: None

ORDINANCE NO. 172, 2025  
 OF THE COUNCIL OF THE CITY OF FORT COLLINS  
 AMENDING ARTICLE 5, SECTION 10 OF THE LAND USE CODE OF THE CITY OF  
 FORT COLLINS FOR THE PURPOSE OF ESTABLISHING A THREE-YEAR  
 ESTABLISHMENT PERIOD FOR STREET TREES

A. The Council adopted Rooted in Community, the Fort Collins Urban Forest Strategic Plan (“Plan”), in March of 2025. This Plan identifies seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The Plan also addresses the current state of the urban forest, emphasizes why trees are an important component of our community’s infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

B. In the City’s current Land Use Code and Plan, the requirements for the establishment of street trees are unclear regarding when the City assumes responsibility for maintenance and care. Setting a three-year establishment period creates more predictability and gives clear parameters for both the City and developer regarding when the applicant is done replacing trees before the City takes over maintenance and care for street trees.

C. The Plan sets forth other recommendations to assist in ensuring the long-term survivability of street trees which are in practice and have been successful. Examples of these recommendations include planting street trees in phases and planting trees during the shoulder seasons to avoid planting in the hottest and coldest timeframes of the year.

D. This Ordinance further supports tree establishment and survivability amending Division 5.10 of the City’s Land Use Code regarding Landscaping and Tree Protection to incorporate specific placement and planting requirements for street trees.

E. During a Work Session on August 26, 2025, Council provided input regarding this proposed update to the City’s Land Use Code. On October 16, 2025, City staff sought a recommendation from the Planning & Zoning Commission to update the Land Use Code for the purpose of requiring a commercial tree removal permit.

F. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that Article 5, Section 10 of the Land Use Code be updated, as set forth in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 5.10.1(D) of the Land Use Code is hereby amended to read as follows:

## 5.10.1 LANDSCAPING AND TREE PROTECTION

...

- (D) Landscape Planning and Design. Any landscape plan required must meet at least the standards in this Subsection.

...

...

- (e) Street Trees. Planting of street trees shall occur in the adjoining street right-of-way, ~~after first obtaining a street tree permit (free of charge) from the Forestry Division as stated in Fort Collins Municipal Code Article 3, Section 27-31.~~ Except as described in Subsection (D)(1)(e)(~~II~~)**b.** below, the street tree plantings in connection with the development shall occur as described in Subsections (D)(1)(e)(~~II~~)**a.** through ~~e.~~**(V)** below:

**(I) Placement:**

- (~~II~~)**a.** **Between curb and sidewalk.** ~~Wherever the sidewalk is separated from the street by a parkway, c~~Canopy shade trees shall be planted at ~~thirty~~**twenty**-foot to ~~forty~~**thirty**-foot spacing (averaged along the entire front and sides of the block face) in the center of all such parkway areas. If two (2) or more consecutive residential lots along a street each measure between forty (40) and sixty (60) feet in street frontage width, one (1) tree per lot may be substituted for the ~~thirty~~**twenty**-foot to ~~forty~~**thirty**-foot spacing requirement. ~~Such street trees shall be placed at least four (4) feet away from the edges of driveways and alleys and separated from streetlights and utilities lines as required in Subsection (D)(1)(f) below.~~
- (~~II~~)**b.** **Behind attached sidewalk.** ~~Wherever the sidewalk is attached to the street in a non-standard way or in a manner that fails to comply with the Larimer County Urban Area Street Standards, c~~Canopy shade trees shall be established in an area ranging from three (3) to seven (7) feet behind the sidewalk at the spacing intervals as required in Subsection (D)(1)(e)(I) above.
- c.** **Attached sidewalk greater than 10 feet.** ~~Wherever the sidewalk is attached to the street and is ten (10) feet or more in width, or extends from the curb to the property line,~~

eCanopy shade trees shall be established in planting cutout areas of at least thirty-two (32) square feet at twenty-foot to thirty-foot spacing, except in the Downtown District where tree cutouts shall mimic or exceed existing design or character to adjacent Street Frontage Types as provided in Section 2.4.1.

(III)d. **Overhead utility lines.** Ornamental trees shall be planted in substitution for the required canopy shade trees where overhead lines, fixtures, and underground utilities may prevent normal growth and maturity. ~~Ornamental trees shall be placed at least fifteen (15) feet away from any streetlight as required in Subsection (D)(1)(f) below.~~

~~(IV) Wherever existing ash trees (Fraxinus species) are in the adjoining street right-of-way, the applicant must coordinate and obtain an onsite analysis with the City Forester to determine replacement canopy shade trees either through shadow planting or other emerald ash borer mitigation methods. The City Forester is available also to recommend shadow planting or emerald ash borer mitigation methods for existing ash trees on private property.~~

~~(V) In any multi-phase development plan, all street trees per phase must be planted at once rather than on a lot by lot over time to the maximum extent feasible; and such planting may only occur after the irrigation is functioning and right-of-way turfgrass, if present, is established. The City Forester, through conversations with the landscape contractor and applicant, makes the final decision as to what timing is feasible. Street trees must only be planted during shoulder seasons, March through June, and September through November, to avoid the hottest and coldest periods of the year.~~

**(II) Planting:**

a. **Street tree permits.** Street tree permits must be obtained by the City before any planting in the right-of-way is conducted per Municipal Code Article 3, Section 27-31.

b. **Planted in phases.** In any multi-phase development plan, all street trees per phase must be planted at once rather than on a lot by lot over time to the maximum extent feasible; and such planting may only occur after the irrigation is functioning and right-of-way turfgrass, if present, is established. The City Forester, through

conversations with the landscape contractor and applicant, makes the final decision as to what timing is feasible.

- c. Timing. Street trees must only be planted during shoulder seasons, March through June, and September through November, to avoid the hottest and coldest periods of the year.
- d. Three-year establishment period. The establishment period of three full growing seasons (March through November) begins once all street trees in a development plan phase have been permitted and planting has been approved by City of Fort Collins Forestry Division and Zoning Department, and the following applies:
  - (I) The applicant is responsible for replacing dead, dying or damaged street trees as identified by the City during semi-annual spring and fall inspections. Any tree identified pursuant to a semi-annual inspection shall be replaced within the year of the inspection.
  - (II) At the end of the three-year establishment period, any remaining dead, dying or damaged street trees identified at final inspection shall either be replaced by the applicant or the applicant shall submit payment in lieu to the City of Fort Collins Forestry Division to plant any remaining street trees identified at final inspection. The fair market value payment in lieu fee per tree is determined by the City Forester and may be adjusted annually based on market rates.
  - (III) After the establishment period, the Forestry Division will plant any remaining street trees with the provided payment in lieu and assume maintenance responsibility of the street trees.
- (f) Utilities and Traffic. Landscape, utility and traffic plans shall be coordinated. Minimum dimension requirements for the most common tree/utility and traffic control device separations are shown below. Exceptions to these requirements may occur, as approved by the Director, where utilities or traffic control devices are not located in

their standard designated locations. Tree/utility and traffic control device separations shall not be used as a means of avoiding the planting of required street trees. Required separations are:

...

(VI) Street trees must be placed at least four (4) feet away from the edges of driveways and alleys.

(VII) Street trees on local streets planted within the standard abutting utility easement may conflict with utilities. Additional conduit may be required to protect underground electric lines.

...

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: November 13, 2025  
Approving Attorney: Stefanie Boster

Exhibit: None

ORDINANCE NO. 173, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE 5, SECTION 10 OF THE LAND USE CODE OF THE CITY OF  
FORT COLLINS FOR THE PURPOSE OF UPDATING TREE MITIGATION  
EXEMPTIONS

A. The Council adopted Rooted in Community, the Fort Collins Urban Forest Strategic Plan (“Plan”), in March of 2025. This Plan identifies seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The Plan also addresses the current state of the urban forest, emphasizes why trees are an important component of our community’s infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

B. Trees play a vital role in carbon sequestration, air purification, and soil stability. Tree removal not only affects these functions but also contributes to climate change and habitat loss. However, while species such as Russian-olive, ash, tree of heaven and Siberian elm provide urban canopy benefits as well as habitat for wildlife, these benefits are significantly outweighed by other considerations. These considerations include the likelihood of infestation of insect or disease, and in the case of Russian-olive and tree of heaven trees, their invasive nature and the negative impact they have on native ecosystems.

C. Currently, the Land Use Code requires mitigation of Russian-olive, ash, and Siberian elm trees at the following diameter thresholds: 9-inches, 8-inches, and 11 inches, respectively. Staff recommended that the species tree of heaven be added to this list because these species are either invasive or susceptible to infestation (emerald ash borer) and are seen to be less valuable than larger trees for mitigation. In addition, these species are prolific in seeding, and many are also high in population numbers, creating monocultures across the community. Expanding these exemptions will assist with diversifying and creating a more resilient and healthy urban forest in the future and could reduce costs for development.

D. In relation to emerald ash borer management, City staff does not recommend treating ash trees 11-inches in diameter or smaller because not treating these trees would aid in balancing costs, decreasing environmental impact, and will provide a means for improving species diversity across the community. Further, aligning existing code to follow the long-term emerald ash borer treatment strategy would streamline the mitigation of remaining ash trees, resulting in a decrease of the numbers of trees currently required for chemical treatment and mitigation.

E. For these reasons, this Ordinance simplifies existing code by amending Division 5.10 of the City’s Land Use Code regarding Landscaping and Tree Protection to provide for a unified exemption from mitigation for Russian-olive, ash, Siberian elm and tree of heaven trees, which should not be preserved or restored.

F. During a Work Session on August 26, 2025, Council provided input regarding this proposed update to the City’s Land Use Code. On October 16, 2025, City staff sought a recommendation from the Planning & Zoning Commission to update the Land Use Code for the purpose of requiring a commercial tree removal permit.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that Article 5, Section 10 of the Land Use Code be updated, as set forth in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 5.10.1(F)(3) of the Land Use Code is hereby amended to read as follows:

**5.10.1 LANDSCAPING AND TREE PROTECTION**

...

(F) Tree Preservation and Mitigation.

...

(2) Exemptions. Trees that meet one (1) or more of the following removal criteria shall be exempt from the requirements of this subsection unless they meet mitigation requirements in Section 5.6.1(E)(1) of this Code:

- (a) **Poor condition, d**Dead, dying or naturally fallen trees, or trees found to be a threat to public health, safety or welfare;
- (b) Trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;
- (c) **Siberian elm, Russian-olive, ash (all Fraxinus species), and tree of heaven** less than eleven (11) inches diameter-at ~~breast~~ **standard**-height (D**S**BH)-and ~~Russian-olive or ash (Fraxinus species) less than eight (8) inches DBH;~~
- (d) **Siberian elm, Russian-olive, Siberian elm, and**ash (all Fraxinus species) **and tree of heaven** of wild or volunteer origin, such as those that have sprouted from seed along fence lines, near structures or in other unsuitable locations.

~~(3) Depiction of Street Trees. All existing street trees that are located on City rights-of-way abutting the development shall be accurately identified by species, size, location, and condition on required~~

~~landscape plans, and shall be preserved and protected in accordance with the standards of subsection (G).~~

...

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Stefanie Boster

Exhibit: None

ORDINANCE NO. 174, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE 5, SECTION 10 OF THE LAND USE CODE OF THE CITY OF  
FORT COLLINS FOR THE PURPOSE OF ENHANCING TREE MITIGATION

A. The Council adopted Rooted in Community, the Fort Collins Urban Forest Strategic Plan (“Plan”), in March of 2025. This Plan identifies seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The Plan also addresses the current state of the urban forest, emphasizes why trees are an important component of our community’s infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

B. Trees are a fundamentally important part of any urban environment because they provide essential ecosystem services like carbon sequestration, oxygen production, soil stabilization, water cycle regulation, and biodiversity support. Trees also contribute significantly to planetary health and human well-being. However, as development occurs, trees are often cut down or transplanted to make way for commercial, residential, and personal use. To compensate for this loss, the City requires mitigation as part of its tree preservation Plan and related ordinances.

C. Under existing Code, tree mitigation currently applies to all trees over 6-inches in diameter on a new development proposal. This Ordinance adds detail to existing Code language which greatly simplifies the tree mitigation process by creating more specificity and predictability for prospective developers. In addition, this Ordinance also incentivizes the mitigation of well-established and larger trees which provide the most benefits in our community. Existing policy, when compared to peer cities, does not adequately value larger, established trees.

D. Under this Ordinance, for every tree saved within the development, the total tree mitigation may be reduced by 50% of the mitigation value of the trees saved. With regard to affordable housing development, the total tree mitigation may be reduced by 75% of the value of the trees saved. For payment in lieu (PIL), any expenditure related to the following enhanced tree planting measures would further reduce the PIL fee responsibility: transplanting existing trees; the use of Silva cells, structural soils, or similar technologies; low Impact Development improvements above and beyond current standards; wider parkways; and double rows of street trees.

E. The benefits of this Ordinance include the following: simplifying existing Code language; more predictability in potential costs to development and enforcement processes; prioritizing protection of larger trees; incentivizing tree preservation with development; allowing for enhanced tree planting measures instead of PIL for off-site tree planting; and, balancing mitigation requirements (new tree plantings) with support of new mixed-use and affordable housing development.

F. During a Work Session on August 26, 2025, Council provided input regarding this proposed update to the City’s Land Use Code. On October 16, 2025, City

staff sought a recommendation from the Planning & Zoning Commission to update the Land Use Code for the purpose of requiring a commercial tree removal permit.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that Article 5, Section 10 of the Land Use Code be updated, as set forth in this Ordinance.

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

Section 1. Section 5.10.1(F) and (F)(1) of the Land Use Code is hereby amended to read as follows:

### 5.10.1 LANDSCAPING AND TREE PROTECTION

...

- (F) Tree Preservation and Mitigation. Existing significant trees (six (6) inches and greater in diameter) within the LOD and within NHBZs must be recorded in a tree inventory and preserved to the extent reasonably feasible and may help satisfy the landscaping requirements of this Section as set forth ~~above~~ below. Such trees shall be considered "protected" trees within the meaning of this Section, subject to the exceptions contained in Subsection (F)(2) below. Streets, buildings and lot layouts shall be designed to minimize the disturbance to significant existing trees. All required landscape plans, demolition plans, grading plans, building plans, engineering plans, and utility plans shall accurately identify the locations, species, size and condition of all significant trees, each labeled showing the applicant's intent to either remove, transplant or protect.

Where the City determines it is not feasible to protect and retain significant existing tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) according to the following requirements and shall satisfy the tree planting standards of this Subsection.

To the extent reasonably feasible, mitigation trees shall be planted on the development site or, if not reasonably feasible, ~~in the closest available and suitable planting site on public or private property. The closest available and suitable planting site shall be selected within one-half (½) mile (2,640 feet) of the development site, subject to the following exceptions. If suitable planting sites for all the replacement trees are not available within one-half (½) mile (2,640 feet) of the development, then the City Forester shall determine the most suitable planting location within the City's boundaries as close to the development site as feasible. If locations for planting replacement trees cannot be located within one-half (½) mile of the~~

development site, the applicant may, instead of planting such replacement trees, submit a payment in lieu to the City of Fort Collins Forestry Division to be used to plant replacement trees to plant replacement trees as close to the development site as possible. The fair market value payment in lieu mitigation fee per tree is determined by the City Forester using the current editions of the Council of Tree and Landscape Appraisers *Guide for Plant Appraisal*, the industry's international standard and best practice and may be adjusted annually based on market rates. Payment must be submitted before a Development Construction Permit or other required permit or pre-construction approval is issued, as applicable.

- (1) **Mitigation Trees.** A significant tree that is removed shall be replaced with not less than one (1) nor more than six (6) replacement trees sufficient to mitigate the loss of contribution and value of the removed significant tree(s). The following mitigation values by size class are as follows:

| Existing Tree Diameter Range | Mitigation Value Equivalent |
|------------------------------|-----------------------------|
| 6" - 14"                     | 1 tree                      |
| 15" - 19"                    | 2 trees                     |
| 20" - 24"                    | 3 trees                     |
| 25" - 29"                    | 5 trees                     |
| 30" - 39"                    | 10 trees                    |
| 40" and greater              | 20 trees                    |

The applicant shall coordinate with the City Forester to determine such loss based upon an onsite tree assessment, including, but not limited to, shade, canopy, condition, size, aesthetic, environmental and ecological value of the tree(s) to be removed. Mitigation trees shall meet the following minimum size requirements defined in Subsection (D)(d), unless otherwise determined by the City Forester:

- (a) Canopy Shade Trees: 2.0" caliper balled and burlap or equivalent.
- (b) Ornamental Trees: 2.0" caliper balled and burlap or equivalent.
- (c) Evergreen Trees: 8' height balled and burlap or equivalent.

Section 2. A new Section 5.10.1(F)(2) of the Land Use Code is added to follow Section 5.10.1(F)(1), to read as follows:

- (2) Depiction of Street Trees. All existing street trees that are located on City rights-of-way abutting the development shall be accurately identified by species, size, location, and condition on required landscape plans, and shall be preserved and protected in accordance with the standards of subsection (G).

Section 3. A new Section 5.10.1(F)(3) of the Land Use Code is added to follow new Section 5.10.1(F)(2), to read as follows:

- (3) Tree Mitigation Reduction Options: Tree mitigation can be reduced by the following options:
- (a) For every tree saved within the LOD, total tree mitigation may be reduced by 50% of the mitigation value of the trees saved.
  - (b) For every tree saved within the LOD for an affordable housing development, total tree mitigation may be reduced by 75% of the value of the trees saved.
  - (c) For payment in lieu, any expenditure related to the following enhanced tree planting measures could further reduce tree mitigation responsibility:
    - 1. Transplanting existing trees.
    - 2. The use of Silva Cells, structural soils, or similar technologies.
    - 3. Low Impact Development (LID) improvements above and beyond current standards.
    - 4. Wider parkways.
    - 5. Double row of street trees.

Section 4. All subsequent subsections of Section 5.10.1(F) shall be renumbered accordingly.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

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Mayor

ATTEST:

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City Clerk

Effective Date: November 13, 2025  
Approving Attorney: Stefanie Boster

Exhibit: None

ORDINANCE NO. 175, 2025  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE 5, SECTION 10 OF THE LAND USE CODE OF THE CITY OF  
FORT COLLINS AMENDING TREE PLANTING SPACING REQUIREMENTS AND  
TREE MAINTENANCE

A. The Council adopted Rooted in Community, the Fort Collins Urban Forest Strategic Plan (“Plan”), in March of 2025. This Plan identifies seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The Plan also addresses the current state of the urban forest, emphasizes why trees are an important component of our community’s infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

B. Across the City, tree canopy has grown in most land use types over a 10-year period. The areas where canopy is growing include residential areas, mixed-use areas, open spaces, and industrial areas. However, canopy loss has occurred in commercial and “institutional” areas, which is the CSU campus. Commercial area losses often correspond to increased development intensity, including housing unit density, new and infill redevelopment where trees may have existed due to previous development and required tree planting at that time, as well as tree mortality related to tree health or other cumulative urban stressors.

C. Many of these commercial areas along College Avenue and adjacent arterial streets are also where some of the highest canopy density is within the community. Therefore, canopy loss through higher-intensity redevelopment can be a consequence or trade-off for higher density development along major transit corridors. Trees remain an important part of city infrastructure and green spaces in higher density development, too. As a result, the planting of new trees is crucial to the overall health and wellbeing of the City.

D. Established trees should also be a priority because these trees represent decades of investment of time, money and water and are impossible to immediately replace. A tree at 30 inches in diameter stores over 90 times more carbon, intercepts 10 times more air pollution and has 100 times more leaf area than a 6-inch diameter tree of the same species, among other great benefits such as positively supporting human physical and mental health, stormwater interception, mitigating urban heat, and crime reduction. Microhabitats and niche diversity increase with tree size allowing for greater urban biodiversity. One mature tree can harbor upward of 300 other species of organisms (insects, birds, fungi, etc.).

E. For these reasons, this Ordinance both encourages the growth of new trees and protects established trees by amending Division 5.10 of the City’s Land Use Code regarding tree planting spacing requirements and works to clean up the Code.

F. During a Work Session on August 26, 2025, Council provided input regarding this proposed update to the City’s Land Use Code. On October 16, 2025, City

staff sought a recommendation from the Planning & Zoning Commission to update the Land Use Code for the purpose of requiring a commercial tree removal permit.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that Article 5, Section 10 of the Land Use Code be updated, as set forth in this Ordinance.

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

Section 1. Section 5.10.1(D) of the Land Use Code is hereby amended to read as follows:

**5.10.1 LANDSCAPING AND TREE PROTECTION**

...

(D) Landscape Planning and Design. Any landscape plan required must meet at least the standards in this Subsection.

...

(b) Minimum Tree Stocking Requirements. All developments must establish groupings of trees along all city streets, in and around parking lots, and in landscape areas shown in the landscape plan. These stocking requirements outline the required minimum tree canopy and are in addition to requirements for preserving existing trees, parking lot landscape requirements and required tree mitigation. These stocking requirements are not intended to limit additional tree plantings in any remaining portions of the development. Required tree stocking comprises:

...

(V) Full tree stocking under this Subsection (D)(1)(b) shall mean formal or informal groupings of trees planted according to the following spacing dimensions depending on species and desired degree of shading of the ground plane:

Table 5.10.1-(1) – Spacing

| Tree Type             | Minimum/Maximum Spacing     |
|-----------------------|-----------------------------|
| Canopy shade trees    | 30'—40' spacing             |
| Coniferous evergreens | 20'—40' spacing             |
| Ornamental trees      | 20'—40' Maximum 30' spacing |

...

(VIII) Canopy shade trees must constitute at least fifty percent (50%) of all tree plantings ~~Trees required in Subsections (D)(1)(b)(I) or (II) above. may be used to contribute to this standard. If additional trees beyond the minimum tree stocking and mitigation requirements under this Section are planted, the additional trees must meet the minimum species diversity requirement but are not subject to the fifty percent (50%) canopy shade requirement.~~

(c) ~~Minimum Tree Species Diversity. The City Forester shall provide a recommended list of trees that are acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees. To prevent uniform insect or disease susceptibility and eventual uniform senescence within a landscape planned area or in the adjacent area or the district, species diversity is required, and extensive monocultures are prohibited. No more than three (3) consecutive trees of the same cultivar or variety may be planted in a row, including corners and groupings. The following minimum requirements apply to any landscape plan.~~

...

(d) ~~Tree Species and Minimum Sizes. The City Forester shall provide a recommended list of trees that are acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees.~~

...

(II) ~~Reduced Minimum Sizes for Affordable Housing Projects. In any affordable housing project, the following minimum sizes shall be required:~~

Table 5.10.1-(4) – Affordable Housing Minimum Tree Size Table

| Type                                                                              | Minimum Size                                     |
|-----------------------------------------------------------------------------------|--------------------------------------------------|
| Canopy Shade Tree                                                                 | 1.0" caliper container or equivalent             |
| Evergreen Tree                                                                    | 4.0' height container or equivalent              |
| Ornamental Tree                                                                   | 1.0" caliper container or equivalent             |
| Shrubs                                                                            | 1 gallon                                         |
| <del>Canopy Shade Tree as a street tree on a Local or Collector street only</del> | <del>1.25" caliper container or equivalent</del> |

...

Section 2. Section 5.10.1(E) of the Land Use Code is hereby amended to read as follows:

(E) Landscape Materials, Maintenance and Replacement.

...

(4) Maintenance. Trees and vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements and infrastructure of the development in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements in good condition. Required maintenance includes, but is not limited to, the following:

...

(d) Preserve and protect trees and the critical root zone (CRZ) designated for preservation. Preserving and protection includes but is not limited to avoiding damage to the tree and CRZ. Damaging actions include but are not limited to ~~backing into a tree~~ **damaging the bark**, excavating or trenching in the CRZ, storing heavy equipment on the CRZ, and over pruning.

...

(6) Mitigation. Healthy, mature trees that are removed by the applicant or by anyone acting on behalf of or with the approval of the applicant shall be replaced per Subsection (F) to mitigate the loss of value of

~~existing canopy. The applicant shall select either the City Forester or a qualified landscape appraiser to determine such loss based upon a fair market value appraisal of the removed tree, using the resources listed in Subsection (F) of this Section.~~

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

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

Effective Date: November 13, 2025  
Approving Attorney: Stefanie Boster

Exhibit: None