

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## ECONOMIC ADVISORY BOARD

### TYPE OF MEETING – REGULAR

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December 21, 2022 4:00 – 6:00 pm  
[Via Zoom](#)

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#### 1. CALL TO ORDER

4:00pm

#### 2. ROLL CALL

- List of Board Members Present
  - Denny Coleman
  - Braulio Rojas
  - John Parks
  - Mistene Nugent
  - Blake Naughton
- List of Board Members Absent – Excused or Unexcused, if no contact with Chair has been made.
  - Renee Walkup
  - Thierry Dossou
  - Jeff Havens
- List of Staff Members Present
  - Jillian Fresa, Staff Liaison, Economic Sustainability
  - Rebecca Everette, Senior Manager, City Planning

#### 3. AGENDA REVIEW

- No changes

#### 4. CITIZEN PARTICIPATION

- Four guests were present. Three will be Board members starting in January. The last was there to listen.

#### 5. APPROVAL OF MINUTES

- Denny moved to approve the December minutes and Blake seconded. Minutes approved unanimously 5-0.

#### 6. UNFISNISHED BUSINESS

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- **Swat Analysis**

- **Comment (Denny)** From a business perspective I don't think we have good direct access to the airport unless you want to pay a small fortune to park. We should have easy inexpensive access to DIA. It is currently inconvenient and expensive.
  - Jillian will share this with the consultants. They are wrapping up their engagement this week.

## 7. NEW BUSINESS

- **2022 Land Use Code Update**

- Rebecca Everette provided an update to the 2022 Land Use Code.
- **Comment (John)** The issue is quite nuanced and dense. There have been some divisions raised around this so it is important for us to maintain an open mind because this will likely be coming up as a referendum vote in the next election cycle. Our charter as an Economic Advisory Board is to advise Council. City Council has already made a decision about this on November 1<sup>st</sup> but when Jillian and I met we were thinking about our roles as an advisory role in a broader sense. We do have other connections and I think it is important for us to be well informed before jumping to any conclusions.
- **Presentation (Rebecca)** The Land Use Code is currently in place, the Land Development Code is the new version of the code adopted by Council on November 1<sup>st</sup>. It was updated to align the code with other adopted city plans and policies with a focus on housing related changes; useability and predictability of regulations; and equity in process and outcomes. Analysis pointed to the code being outdated or unmatched to priorities. All areas of the code will eventually be touched but the first phased focused on residential development. They also reorganized the code to make it more useable and easier to navigate. There were five guiding principles that drove the updates in the code. They were increase overall housing capacity, enable more affordability, allow for more diverse housing choices, make the code easier to use and improve predictability.
- A lot of people felt this code update was new information to them, caught them off-guard, and they were not aware of some of the changes that were coming until after it was adopted. There was an initial process and there was a community engagement as part of the plan. Community engagement around policy and code projects look different than big policy building like the City plan. Outreach was done with people who were already knowledgeable about the code like the Planning and Zoning Commission, development

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review staff, Community Engagement Committee, Technical Advisory Committee and City Council. Information sessions and community input sessions were also conducted. When the draft code was released, they also conducted a series of workshops. A consultant team and staff also tested it to ensure the code functioned like it was expected to and delivered outcomes as anticipated.

- **Q (Blake)** How many people participated in the community engagement?
  - **A (Rebecca)** Not an overwhelming amount of people. A lot more people engaged in this code update compared to other projects but a smaller number when you total the numbers. Some workshops had 40-50 and others had 5-10. It depended on the workshop, session, and time of day. All sessions were recorded and online. We have had more views than live participants. People who are most likely to have been reached and were engaged also participated in the Housing Strategic Plan and City Plan. The team has learned a lot how the process unfolded and how they get word out. There are major consequences to get something adopted and then go back to the drawing board. We wanted to get it right for the community and get it right the first time.
  - **Comment (Mistene)** I was involved in one of the panels and committees in the review process. We met several times over a nine-month period. From my standpoint and I understand I had more engagement than most, but it was very interactive and the City took a lot of feedback from the group. It was a group of developers, affordable housing folks and habitat folks. From the perspective from that team, it was great. I haven't been involved in that degree with some other changes throughout the years. I understand a lot of people didn't have visibility to that, but it was handled really great in terms of interaction feedback and making modifications. Braulio was also involved and agreed.
- **Presentation (Rebecca)** Some of the changes to the code included expanded affordable housing incentives and requirements; menu of building types and form standards to guide compatibility and building design; allow Accessory Dwelling Units in all residential and mixed use ones; focus on "missing middle" housing types, expedited processing for housing projects; increased housing capacity along key transit corridors and in zones with high amount of buildable land; and adjusted parking requirements to incentivize smaller housing units.
- **Q (Denny)** Could you talk a little more on what direct incentives are in the

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plans for affordable housing?

- **A (Rebecca)** One is a height bonus for apartment buildings in certain zone districts. If affordable housing is included, they can get an extra story or two of building height. The second is parking reduction. Affordable housing projects have a different parking ratio per unit that allows for more units to be built onsite. In one zone district in particular there used to be a density cap of 12 units per acre and there is not longer that cap but there are other functional limitations like height of building. In some of the lower density residential districts, duplex and triplexes are now allowed. Triplexes are only allowed if an affordable housing unit is included.
- **Q (Denny)** Are these incentives show as effective to do this?
- **A (Rebecca)** Yes, and too soon. In some communities, yes. These incentives do generate more affordable housing production and in other communities they have just adopted these incentives so there can be years of lag time until you start seeing these results. One of the consultants we had working on this code did a full analysis of development in different zone districts to see what the financial breakpoint is for different housing products. They also looked at financials for parking spaces and parking garages and looked at what point do we think the market would take some of those incentives.
- **Comment (Denny)** I listened to one of the zoom calls by one of the people who was trying to put this issue back on the ballot and I was pleasantly surprised that there wasn't too much negativity toward the concept of affordable housing. The only question as does it work and were the changes worth the "risk". I think going forward, a little better explanation of what you just said where it seems to be working and the rationale would be helpful. Again, the biggest issue on the zoom call was the issue of nobody knew about it and that can be as simple as five people on the block didn't read it or notice until it was out there, so that meant nobody knew.
  - **Comment (Rebecca)** I sat in on those zoom calls and it was well done. I think there is plenty of room for improvement in the code so I think having the opportunity to go back and focus on some additional changes and respond to what we have heard is not a bad thing. I think anyone who could bring suggestions to the table and talk through it is welcome. I appreciate the feedback about taking the time to explain that more thoroughly.
- **Presentation (Rebecca)** Requirements for historical preservation and habitat/open space protection did not change as Fort Collins has a really high

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bar for development standards. When it comes to building new housing units especially on existing developed lots where you already have a single-family home, a lot of these things create additional constraints that functionally limit how many property owners may be willing to take on that challenge of adding another unit or how many lots is actually feasible. Things like utility separation, fire access, and fire protection within a building are all constraints or costly, so realistically it is hard to know in existing neighborhoods how much change we would see in a short period of time because of the things that have not changed in the code.

- The code does not call for hearings or neighborhood meetings on hosing projects and that is something we have heard a lot of concern about. Depending on the outcome of the ordinance, if it gets repealed and there is additional work to do on it, this is something we would want to take a look at based on some concern we have heard. There is still public notice that goes out including posting of a sign, mailing to property owners within 800ft prior to a decisions, decision letters are mailed to the commenters and abutting property owners, and emailed newsletters.
- **Q (John)** How often do neighborhood meetings impact the outcome of decisions?
  - **A (Rebecca)** I think there is an aspect of the hearing in particular where there is not a lot of room for influence at that point in the process. Part of it is our code is really prescriptive so there are things you just can't argue with such as did it meet the building height requirement yes or no. The margin of where there is room for influence becomes pretty narrow and that can lead to an unsatisfying participation and hearing where you are informed and try to influence the out but the project still gets approved because it met the code. It can feel disingenuous and that is part of the reason that change was made as well. I would say the projects that really benefit from neighborhood meetings and hearings is when the developer is willing to listen and make changes that go beyond code requirements to work together and be a good neighbor. It tends to do more with the developer than the neighborhood. There is not a lot of room to influence the code.
  - **Comment (Mistene)** I am working on a commercial project right now and recently had a neighborhood meeting. This meeting in particular was exceptionally late in the approval process but some of the neighbors were concerned about traffic and timing of deliveries. Eventually the user agreed to limit delivery times so that is feedback that doesn't stop that development or change any aspect of it. It

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depends on the developer; they want to be good neighbors too. There is some feedback taken there for neighbors to have some input, voice concerns, and see modifications.

- **Comment (Rebecca)** We see it all the time, development projects that change for the better as a result of neighborhood input. Often it is more about the developer's willingness and that is something we can continue to learn from and look at.
- **Q (Blake)** Right now is that input out?
  - **A (Rebecca)** The neighborhood meeting and public hearing are not required. We will certainly still encourage it and staff those. When there is a lot of controversy on a project and it goes through a basic development review, is processed, and approved at the staff level, the neighborhood could appeal the project. That would result in a Planning and Zoning Commission hearing, more controversy, more risk for the developer and more delays in timeline. It is in the developer's interest to make sure neighbors are on board. We would always still encourage it. We encourage it now for projects that don't require it to make sure issues are aired upfront and there is an opportunity to collaborate trying to avoid appeals later down the road. Again, like I was saying this is one we have heard a lot from the community, and this might be something we look at as a potential change.
  - **Q (Blake)** The neighbors that are very vocal about this are characterized as giving away family neighborhoods to developers. I am trying to figure out in my head that they feel like they are cut out. I am curious if neighborhood restrictions are still there and that there is still an appeal process if it is a really big deal as a response as something negative. You didn't take the appeal away.
  - **A (Rebecca)** No we want checks and balances within the process, and everyone is entitled to do processes within the process including impacted property owners that might be nearby. I think the opportunity to appeal is one of those things and a pretty low bar. You don't need much of a reason to appeal a project. You don't need to hire an attorney but some people perceive that as a barrier as opposed to being invited to a hearing, so I understand. I think there are other things in the code that encounter the idea that someone is going to come in a buy three lots, demolish it, and put up an apartment building. That is not allowed in most of the old town neighborhoods and area to assemble lots like that and develop at that scale. There are actually more restrictions on the size in the new code than the

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current code. I sense there is some frustration from people that is coming because they don't like what is being built now. Some of the really large houses that are maxing out a whole lot that feel different than the historic bungalows can't be built under the new code because there is a size limitation on new houses. You might see a duplex rather than a single-family house but it would need to be in a smaller footprint than what you can build now on some of the lots in old town. That is where some of the nuance comes in. I think it is easier to make a board brush statement and that is easier to digest to people rather than the nuance behind it.

- **Presentation (Rebecca)** I will mention to currently take advantage of affordable housing incentives, you need to deep restrict a unit for 20 years. In the new code we have updated that to 99 years which is the maximum we can legally do, so that guarantees a housing unit will remain affordable through several generations.
- **Q (John)** What is the definition of affordable?
  - **A (Rebecca)** It is different for rental versus sale housing. Essentially 10% of units at a certain % of the area median income level or 20% of units at a slightly higher median income level. Basically, for rent, we call for a deeper level of affordable than sale housing. For rent it is 60% of area median income or below and 80% area median income or below for sale. It is a certain number of units within the development for it to be called affordable housing. If you do more housing units that are affordable you can go to a slightly higher income level. If you do a lower income level, you don't need to do as many of the affordable units so that is part of the collaboration, we did there. That increases the overall capacity for affordable units. It doesn't guarantee that many affordable units will be built. That is happening in zone districts where they have more undeveloped land where they have higher density housing.
- **Presentation (Rebecca)** Some things that are now allowed in residential zones are accessory dwelling units (attached or detached to an existing buildings) in our low density residential or old town zone, duplexes and triplexes, and another type called cottage court houses. Cottage court houses created some confusion around what it is and how many lots could accommodate that. The new square footage max is 2400 sqft for a single unit home. It is a different amount for duplexes.
- Regarding the referendum the ordinance was passed by City Council, then petitions were gathered, and the signatures were submitted this week. They



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don't have the official certification until next week, but Rebecca has heard that enough signatures have been verified to ensure this, so it has basically been a successful petition. There are two next steps that could happen. At City Council on January 17<sup>th</sup> Council could have the opportunity to decide to repeal the ordinance themselves and respond to the petition or refer the ordinance to the voters. Rebecca sat at Council last night and listening to some of the comments, the organizers of Preserve Fort Collins made comments and one of them specifically asked for Council to repeal the ordinance themselves rather than refer it to voters. There are people pushing both ways.

- **Q (Blake)** Is this the entire code or just parts?
  - **A (Rebecca)** The petition was written for the entire code. We would refer to the same code we have been operating under up until this point and will continue until a new code gets adopted.
  - **Q (Blake)** Could they repeal the entire thing but then still add in parts they like?
  - **A (Rebecca)** So they could do a lot of different things. They could repeal it and direct a new public outreach program, they could repeal it and direct specific changes, or they could repeal it and stick to the code we currently have. It is in their discretion to pick the pathway. They could also refer it to voters in a special election or our next municipal vote in November. There are multiple different scenarios that we are doing some planning on how to respond to any option and what we need to gear up for. We are in a limbo state right now.
  - **Comment (Denny)** This is a personal belief, but I hope they don't just throw it to a vote and run the risk of being denied and causing more destruction. A lot of people said there is a lot of good stuff. I hate to throw the whole thing out.
  - **Comment (Rebecca)** I think there would be a lot of benefit in that and a focused public process that seeks to respond to what is being heard and open up dialog on some of these topics, do some shared learning, and adjust aspects of the code that are not delivering on where people don't believe it is delivering. Ideally for me as staff working on this would be a code that doesn't compromise on the whole overall guiding principals; where those are kept in mind but maybe have some changes that reflect what we are hearing from the community. We already as staff have been brainstorming some of those things, we have been responding to all the questions that have been coming in and been seeing things we would want to clarify. There are unintended



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consequences we didn't see when we were drafting the code but now that we have a property, we are looking at we can see some of those scenarios. We are learning a lot through these conversations already and I absolutely think there is some room for improvement.

- **Presentation (Rebecca)** Phase two seems far off in the future at this point but this Board is going to be relevant to you and staff will want to engage quite a bit in phase two of the code update. It is focused on a lot of the nonresidential development and development standards that are in the code. There are four different work streams (nonresidential development, support 15-minute cities, modernize development standards, and revise processes and procedures) that the City will be looking at in phase two but they don't yet have a proposed sequencing of these conversations or prioritization of these topics. Staff is not going to try to tackle all these things all at once in one effort. There will be prioritization and mini phasing that happens in some way, so it is digestible for the community, decision makers, and staff or consultants.
- **Q (Blake)** Is there that type in rezoning at all?
  - **A (Rebecca)** We already have zoning that matches this concept we have called the commercial neighborhood zoning located at most of our arterial intersections or some type of other commercial zoning to try and encourage more of those neighborhood serving commercial uses spread throughout the community. We are not necessarily seeing those things get built. The zoning is there but it is not translating to that type of development that the market wants to build. I think there is some deep thinking that needs to happen there and how do we actually drive the type of land uses we want. I will use the example of Brothers BBQ that went in at Taft and Mulberry that is in a zone that is zoned for commercial development. It was a really difficult process for a small business to go through to retrofit an old gas station site and try to fit in something that is a real benefit to the neighborhood, but the code created a lot of barriers.
  - **Q (Blake)** Did they scrape the site?
  - **A (Rebecca)** They scraped the site but retrofitting things like sidewalks, parking, trees, and other things on the site can be really challenging to get access points in and out of the site. Even if you are scraping a building and trying to fit within an already built out context, it gets really tricky with utilities, engineering and things like that. That relates to modernizing our development standards in general. We need to look at xeriscaping and get as many trees planted as possible. How do new

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neighborhoods get laid out. We get complaints about the new look of buildings from community members and architects who don't like the standards. Standards that relate to natural resources and historic resources haven't been updated in many years.

- **Q (John)** I am interested in a timeframe for phase two. Is that in limbo until phase one is resolved?
  - **A (Rebecca)** It is. We were hoping to start phase two in the second quarter of 2023. We had some work we were planning on wrapping up in the first few months of next year and then start digging into phase two. With phase one up in the air and because our staffing levels and the community's ability to understand other code changes, we will be waiting until after phase one is resolved. It could be that we are starting next summer, next fall or it could be later than that. Council has already budgeted for the project starting next year, even if next year is doing more behind the scenes stuff of auditing the code and building the list of what needs to be looked at. We will at least be starting someday next year.
- **Comment (John)** I imagine Mistene might be interested in participating in that piece.
  - **Comment (Mistene)** For sure. One of the things that wasn't mentioned was the amount of work you all put into this is unbelievable so thank you for doing that. One of the other aspects of it is the ease of use with the Land Use Code. The changes that have been made take us lightyears into the future just in terms of user interface and the ability to engage with the code.
  - **Comment (Rebecca)** Thank you for that. I am glad that is how it feels because that was one of the goals. It certainly feels that way for me as I try to do cross comparison between old and new code.
- **Q (Mistene)** It may be too soon to ask this, and I understand if you are not comfortable answering. Knowing where we are now with the feedback signatures and so forth, what would you have done differently from a community engagement standpoint?
  - **A (Rebecca)** I'm happy to try to answer the question. It still might be too soon because we are still learning. I will say the type of community dialog happening around this topic is very similar to the dialog happening in other communities around the country right now. This is a prime issue nationwide. We are seeing a lot of the same talking points and discussions on all sides of this. In some ways this is just

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some of the conflict that comes when you start to talk about how do you add more housing into communities that are built out. In terms of doing engagement differently, there are other platforms we could have leveraged better like social media and next door that we could have been effective with. Really breaking down the code changes in an understandable way versus just saying here is the draft code provide feedback. The Coloradoan did an article in the last week that went zone district by zone district of what is changing and what this could mean for you. That was really great, and I think if we would have done that kind of communication, it would have been helpful. I don't think it would have avoided the kind of frustration or concern we are hearing but would have helped people feel more informed earlier on. I think there is a lot more we are learning as well.

- **Comment (Denny)** All of the items you are looking at in phase two is great. It is really the guts of what this community is all about.
  - **Comment (Rebecca)** Thank you and it is very overwhelming. When I throw that list up, I start to get heart palpitations. Our next major step is to try and break down what we do first and what order we do things in because we are talking about pulling the entire remainder of the code that hasn't been touched yet and revising a lot.
- **Comment (Blake)** This should be on the Board's work plan we talked about. This seems like one of the more substantial subjects for this Board to be involved in. I know we are not sure when go time is but when it happens...I will also pause to say hearing you today, being so committed and truly working on principals everyone agrees with, you are so positive on how to track around this challenge going on and it is probably difficult for you.
  - **Comment (Rebecca)** There are moments where it is hard to maintain optimism around, but I think a lot of our job is as City Planners is listening to the community and hearing what is at the root of people's concerns, comments, and recognizing people don't get involved with something like this unless they care about the community. We also really care about the community so just knowing that is the foundation we are all working from. I will make a note to make sure the Board is involved along the way.
- **Comment (John)** It seems like next steps are uncertain at this point, but it looks like it could be a good move for Council to retract the code and work on git. I wonder if we as a Board should think about drafting a memo to Council suggesting that. It sounds like maybe that is what you were recommending as well.

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- **Comment (Rebecca)** I don't think I have a recommendation per say. I think it is up to Council and it is really in the political realm now. I also think that if you want to provide that recommendation, Council would appreciate hearing from some of the boards.
- **Comment (Blake)** Denny's point to if it just goes down in flames in a vote. This Board would be concerned about would the next step be really delayed. Maybe it is our place to say if Council can figure out a path that doesn't do that. That may help not delay important economic development conversations that we need to have. Just a quick note saying repeal and rebuild more quickly.
- **Comment (Denny)** I agree with suggesting that approach and indicating we should prioritize some of the most vocal, consistent, or a majority of the concerns about it. There are some really wonderful things in this and to tweak it rather than dump it and bring it back to Council.
- **Q (Blake)** I would assume that kind of complete referendum repeal and delay has economic impacts.
  - **A (Rebecca)** Yes, we already know we have developers who were planning to submit applications the first week of January on projects and now that is on hold so there are implications.
- Mistene agrees with a recommendation for Council to repeal as it gives the City more control of managing that process and timelines. Since there is not quorum John will reach out to Braulio since he got disconnected to get his opinion. Council will meet January 17<sup>th</sup> and staff packets are due January 4<sup>th</sup>. Mistene will work on a draft.
- **EAB 2022 Annual Report Work Session**
  - The Board went through the 2022 Annual Report and word smithed the document.

## 8. BOARD MEMBER AND STAFF REPORTS

- This is Blake and Jeff's last meeting as Board members.
- Denny recommended a promoter for Fort Collins. He also loves the Downtown area at Christmas as it is a wonderful place to be and stated the City does a wonderful job with the lights.
- **Blake-** When you have a huge institution like CSU .... Not thinking like the board would be thinking... I know that comes up more with Land Use, but it is more about the business that serve the large institution like that and the eco system around not

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here just adjacent and the students in the way that they interact with this 3000 coming in and out of the door matters a lot to them and so I think deeper conversations should be had between the University and the City. I presume that happens between the President and Mayor and such, but I think that is the ability for different voices to engage in topics of that sort.

- **Comment (John)** It is a really important point you bring up and something that we really haven't focused on so much in EAB and would be a good topic to focus on in the future.
  - **Comment (Blake)** I just recall when we were talking about business incubators and the foothills campus and so siloed off from what CSU wanted its like do you interact with the city do you talk to the city? I guess just be intentional about this.
- **Mistene-** I think Blake's comments are interesting. By definition CSU is its own entity so that makes things a little difficult and thinks like Hugh Stadium land brings a new nuance to things there. As a Board member I really appreciate the knowledge and understanding of what the City is working on. Personally, I would like us to have a little bit more influence input in terms of what is coming out of those meetings. It seems like we have a lot of information meetings. I would like to take it to the next level. I don't know what that looks like. It is great to understand what the City is working on and take that into the community.
  - **Comment (John)** Thank you for stepping up to draft that memo for Council on the Land Use Code. That is traditionally the most important way we have acted as a Board. I think this is really timely one to comment on and we have some influence there.
- **John** – I just want to say thank you Jillian for stepping in this year in this new role for you and appreciate you guiding us through. I agree that it is important that we act whenever possible. We have so much variety of knowledge here, we want to utilize it.
  - **Comment (Mistene)** It is great to hear different perspectives even very specifically in terms of Land Use Code. My experience is different than everyone else's in terms of being more engaged. It is important to understand other's viewpoints.

## 9. OTHER BUSINESS

## 10.ADJOURN - 5:59 pm