

January 21, 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 January 26-February 1, 2025 as National Catholic Schools Week.

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

**ABSENT**

None.

**STAFF PRESENT**

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

## E) CITY MANAGER'S AGENDA REVIEW

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

- No changes to the published agenda.
- Items 1-7 on the Consent Calendar are recommended for adoption.
- Three Discussion items with Item No. 8, First Reading of Ordinance No. 006, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places, being on the Discussion Agenda as the Mayor needs to recuse herself due to a conflict of interest.

## 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.)*

Joe Rowan commented on Kevin Jones' retirement from the Fort Collins Chamber of Commerce and stated he will be sorely missed. Additionally, Rowan stated he was encouraged by the conversation at last week's work session and commented on the importance of small businesses in the community and ensuring their needs are considered when approving new regulations.

Jenna Robinson, Executive Director of Saint Volunteer Transportation, discussed the organization which provides rides to seniors and people with disabilities, and is partly funded by the City. Robinson provided statistics on the on the trips provided in 2024 and thanked Council for its support.

Rich Stave expressed concern regarding Item No. 4 related to the appeals process. Additionally, he opposed the opt out fee for the City's contracted trash service stating it is akin to a police powers reference. He stated a private contractor should not be able to charge him for a service it does not provide to him.

Nicholas Sahwin, Connexion Workers' Coalition, spoke in favor of the union and commented on the need for Fort Collins to develop a framework similar to Denver's 2U measure that can go on the ballot to allow for unions to be recognized.

Adam Hirshhorn noted there will be a new Director of National Intelligence, Tulsi Gabbard, and stated he trusts that she will bring civil and productive dialogue to the position. Hirshhorn also concurred that small businesses need to be supported and find a way to form cooperatives, so they are not forced out by larger companies. He congratulated Hamas on their victory.

Greg Zoda noted that last night President Trump signed an executive order that reclassified federal workers as political appointees subjecting them to firing without union protection. He noted the National Treasury Employees Union sued the administration aiming to block that reclassification process and stated federal workers are not the only public sector workers who face risks under the administration. Zoda stated the Connexion Workers' Coalition is needed to protect Connexion employees and stated the City Manager's refusal to recognize the union puts all similar organizations at risk.

Public comment concluded at 6:24 p.m.

## H) PUBLIC COMMENT FOLLOW-UP

Councilmember Canonico thanked Saint for the services it provides and noted Ride NoCo is another organization set up for Larimer and Weld counties that can help people find rides or transit.

Mayor Arndt commended Kevin Jones on being a steadfast observer and trusted source of information. She thanked him for his years of service and noted how much she appreciated him.

Councilmember Pignataro responded to Mr. Stave's concerns about the appeals process and stated she views the changes as being less bureaucratic and representative of actual costs. Regarding the opt out fee for trash service, she noted a great deal of research was done related to best practices and benefits of the contract. She stated staff will continue to look at the program and make changes as appropriate.

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

Councilmember Potyondy withdrew Item Nos. 6, *First Reading of Ordinance No. 005, 2025, Approving the First Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan* and 7, *Resolution 2025-004 Approving the First Amendment to the Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan*, from the Consent Calendar.

## J) CONSENT CALENDAR

### 1. Consideration and Approval of the Minutes of the January 7, 2025 Regular meeting.

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

***Approved.***

### 2. Second Reading of Ordinance No. 001, 2025, Amending Chapters 15 and 23 of the Code of the City of Fort Collins Relating to Small Cell Contractors and Provider Bond Requirements for Operating in the Public Right-of-Way.

*This Ordinance, unanimously adopted on First Reading on January 7, 2025, presents a recommendation from the City Planning Development Team to:*

*1. Increase the bond requirements for all contractors working in the public right-of-way. These bond amounts have not been updated since 1998.*

*2. Increase the bond requirements for boring contractors stems from damage caused by telecommunication providers to underground facilities.*

*3. Create a performance bond requirement for all small cell facility installations.*

***Adopted on Second Reading.***

### 3. Second Reading of Ordinance No. 002, 2025, Authorizing the Conveyance of a Temporary Construction Easement on Whitewater Park to Public Service Company of Colorado for Construction of Infrastructure Improvements at the Poudre River Regulator Station H-111-A.

*This Ordinance, unanimously adopted on First Reading on January 7, 2025, authorizes the conveyance of a Temporary Construction Easement (the TCE) on 0.469 acres (the "TCE Area") being a portion of City property presently known as the Poudre River Whitewater Park and located*

at 201 East Vine Drive. The TCE will be used by Public Service Company of Colorado d/b/a Xcel Energy ("Xcel") for required infrastructure improvements at the Poudre River Regulator Station H-111-A.

***This Agenda Item Summary addresses questions raised by Council on First Reading; see underlined areas.***

***Adopted on Second Reading.***

- 4. Second Reading of Ordinance No. 003, 2025, Repealing and Reenacting Chapter 2, Article II, Division 3 of the Code of the City of Fort Collins Pertaining to Appeals Procedure.**

*This Ordinance, unanimously adopted on First Reading on January 7, 2025, incorporates process improvements to the procedures for addressing appeals and other questions of final decisions that are appealable to Council. The City Code changes address previously identified concerns with the current Council appeals procedure as discussed among Council, administrative staff, hearing officers, City boards and commissions, and members of the public. The City Code changes also clarify the processes and offer different routes for different types of questions on review.*

***Adopted on Second Reading.***

- 5. First Reading of Ordinance No. 004, 2025, Vacating the Riverbend Court Right-of-Way and Approving Easements.**

*The purpose of this item is to vacate the public right-of-way at Riverbend Court and create drainage, utility, access, and emergency access easements over the property.*

***Adopted on First Reading.***

- 6. First Reading of Ordinance No. 005, 2025, Approving the First Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.**

*The purpose of this item is for Council to consider the First Amendment to the Planned Unit Development (PUD) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan between the City and the Developer. The amendment would extend the five (5)-year contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for two (2) additional years.*

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.*

***Removed from Consent Calendar – Adopted on First Reading.***

- 7. Resolution 2025-004 Approving the First Amendment to the Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan.**

*The purpose of this item is to consider the First Amendment to the Development Agreement to Secure Public Benefits for Montava Planned Unit Development (PUD) Master Plan (Public Benefits Agreement) between the City and the Developer. The amendment would extend the five (5)-year contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for two (2) additional years.*

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered*

*in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.*

**Removed from Consent Calendar – Adopted.**

### **END OF CONSENT CALENDAR**

**Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to approve the recommended actions on items 1-5 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.)*

None.

**L) STAFF REPORTS**

None.

**M) COUNCILMEMBER REPORTS**

Councilmember Susan Gutowsky

- Commemoration of 5 years since the behavioral health tax initiative passed to ultimately provide the Longview Behavioral Health Center and associated work.

Councilmember Melanie Potyondy

- MLK Day event yesterday – commended the City, County, and CSU staff on the organization of the event.

Councilmember Tricia Canonico

- Met with Leadership Fort Collins to help run a mock City Council meeting.
- Attended swearing in ceremony for County officials who were recently elected.

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

**6. First Reading of Ordinance No. 005, 2025, Approving the First Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan.**

*The purpose of this item is for Council to consider the First Amendment to the Planned Unit Development (PUD) Master Plan Development Agreement for the Montava PUD Overlay and Master Plan between the City and the Developer. The amendment would extend the five (5)-year contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for two (2) additional years.*

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.*

City Attorney Daggett recommended Council focus this discussion on the issue of the extension rather than details related to the project itself.

Councilmember Potyondy suggested members of the public may want some additional context regarding the extension of the timeline.

#### PUBLIC COMMENT

Max Moss stated the last seven years of his life have been dedicated to bringing the Fort Collins vision for the northeast area to life with the Montava project. He commented on the challenges with the project, infrastructure issues, and ditch company bargaining that led to a lawsuit. He stated the extension is needed due to the complexities of the project that were not anticipated.

Rich Stave stated it is not unusual for a project of this magnitude to take an excessive amount of time and money to get moving and questioned how cost-effective housing could be part of the project. Additionally, Stave questioned whether other time extensions have occurred and whether bond money has been spent.

#### COUNCIL DISCUSSION

Councilmember Potyondy requested additional context from staff. Clay Frickey, Planning Manager, outlined the timeline of the project and noted the PUD was approved February 18, 2020, just prior to the beginning of the pandemic which built in several delays. Frickey stated the project has been moving forward as expeditiously as possible.

Councilmember Potyondy thanked staff for the information and stated it is helpful to get an update about the status of the development.

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 005, 2025, Approving the First Amendment to the PUD Master Plan Development Agreement for the Montava Planned Unit Development Overlay and Master Plan, on First Reading.***

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

7. **Resolution 2025-004 Approving the First Amendment to the Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan.**

*The purpose of this item is to consider the First Amendment to the Development Agreement to Secure Public Benefits for Montava Planned Unit Development (PUD) Master Plan (Public Benefits Agreement) between the City and the Developer. The amendment would extend the five (5)-year contingency for closing of the Developer's purchase from the Anheuser-Busch Foundation for two (2) additional years.*

*This item is a quasi-judicial matter and if it is considered on the discussion agenda it will be considered in accordance with the procedures described in Section 2(d) of the Council's Rules of Meeting Procedures adopted in Resolution 2024-148.*

Councilmember Potyondy stated she has no additional questions.

#### PUBLIC COMMENT

Rich Stave stated another aspect of this project is the City's expenditure of \$25 million to build a bridge over a railroad that services more people in the County than the City, which he believed was done in part to serve Montava and other developments. He stated there are likely other unresolved issues and he expressed concern this would be a never-ending project.

**Mayor Pro Tem Francis moved, seconded by Councilmember Gutowsky, to adopt Resolution 2025-004 Approving the First Amendment to the Development Agreement to Secure Public Benefits for Development of the Montava Planned Unit Development Master Plan.**

*The motion carried 7-0.*

## O) CONSIDERATION OF ITEMS PLANNED FOR DISCUSSION

8. **First Reading of Ordinance No. 006, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places.**

*The purpose of this item is to appropriate additional design/project development funds in the amount of \$5.539M for advancing the design to 100% for the entire corridor, necessary scope additions and design changes such as protected bike/ped infrastructure, BRT routing revisions and right-of-way services. The West Elizabeth travel corridor is currently the highest priority pedestrian/alternative mode corridor for improvement in the City and was highlighted in City Plan and the Transit Master Plan. This appropriation would follow the same minimum grant/local match ratio of 80/20 that would apply to the Small Starts grant. The local funding source identified for the local match is the "2050 tax." Details of the amounts requested for the grant funds and local match fund appropriation are included in the Background/Discussion section of this AIS.*

*(\*\*Secretary's Note: Mayor Arndt recused herself from the vote for this item due to a conflict of interest.)*

### PUBLIC COMMENT

None.

### COUNCIL DISCUSSION

Councilmember Ohlson noted he had requested a report on the total cost of the MAX project and the West Elizabeth Corridor BRT project. He hoped to receive this within the next few months.

Mayor Pro Tem Francis expressed excitement about the project to bring bus rapid transit along the West Elizabeth corridor noting it is one of the highest areas of bus ridership in the city.

**Mayor Pro Tem Francis moved, seconded by Councilmember Potyondy, to adopt Ordinance No. 006, 2025, Making Supplemental Appropriations, Appropriating Prior Year Reserves and Authorizing Transfers of Appropriations for the West Elizabeth Corridor Final Design and Related Art in Public Places, on First Reading.**

*The motion carried 6-0 with Arndt recused.*

9. **Items Relating to Adopting Landscaping Amendments to the City Code and Land Use Code.**

*A. First Reading of Ordinance No. 007, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Revise Soil Loosening and Amendment Requirements.*

*B. First Reading of Ordinance No. 008, 2025, Repealing and Reenacting Section 5.10.1 of the Land Use Code and Amending Definitions in Section 7.2.2 of the Land Use Code to Advance Adopted City Policy Goals to Reduce Water Usage in Landscapes to Comply with State Law and to Clarify and Reorganize Landscaping, Tree Protection, and Irrigation Standards.*

*The purpose of this item is to adopt City Code and Land Use Code amendments related to landscape and soil that help to address Council's adopted priorities for 2021-2023.*

*The proposed amendments to the Land Use Code are designed to minimize water consumption in landscaping for most new and redeveloped properties; they would not apply to single-unit, duplex, and accessory dwelling unit housing types. The code amendments ensure compliance with Colorado Senate Bill 24-005 (SB 24-005), which prohibits specific landscaping practices.*

*The proposed City Code amendments on soil amendment and soil loosening requirements aim to enhance clarity for applicability and allow soil amendments to be tailored to specific site conditions, which will support successful vegetation establishment and long-term growth.*

## STAFF PRESENTATION

Jill Oropeza, Senior Director of Integrated Sciences and Planning, stated this item relates to two sets of landscape code updates related to xeriscape and soil amendments and noted the changes align with new State legislation that was adopted in 2024 that limits non-functional irrigated turf statewide. Additionally, the changes aim to provide cost-effective solutions that support resilient landscapes that are better able to thrive in a hotter and dryer future, help move the City toward its water conservation goals and provide other environmental benefits.

Katheryne Marko, Environmental Regulatory Affairs Manager, noted these proposed Land Use Code and City Code amendments respond to three of the 2021-23 City Council priorities and are in alignment with Colorado Senate Bill 24-005 that goes into effect January 1, 2026, which effectively prohibits non-functional turf, artificial turf, and invasive plant species on commercial developments. Marko noted single-family, duplex, and accessory dwelling units are the only property type exceptions for the regulations and stated the requirements will not apply retroactively. Marko stated staff will continue to work on education and outreach, as well as compliance, as those are key components of an effective program.

Marko provided additional detail on the City's proposal and water allotment reduction and showed images of what the State Bill would allow versus what would be allowed per the City's proposed revisions.

Katie Collins, Water Conservation Specialist, discussed the public engagement process with a variety of stakeholders and highlighted the general themes of support, including support for expanding on existing commercial landscape regulations, specifically related to functional and non-functional grass, and support for continuing to provide education and incentives for landscaping. In terms of themes of concern, stakeholders had discouraged including single-family residential in the regulations, had expressed concern about the previous method proposed for limiting turf, had expressed concern about limiting artificial turf, though that is a requirement of the Senate Bill, and expressed concern about the incremental increase to costs, specifically the cost and maintenance of dedicated tree irrigation.

Collins discussed the analyses conducted to evaluate the potential short- and long-term cost and design impacts of the proposed Code amendments. She provided a summary of the estimated landscape and water costs for each of the water providers in the city for various landscape types. Collins stated staff believes this proposal meets the intent of the Council priorities, satisfies the requirements of the Senate Bill, and is reasonable and achievable; therefore, staff is recommending adoption of the Code amendments.



## PUBLIC COMMENT

Rich Stave questioned the limitation on artificial turf and commented on the Los Angeles fires being related to landscaping. He expressed concern about landscaping requirements that may increase fire risk.

## COUNCIL DISCUSSION

Councilmember Potyondy expressed support for revisiting expectations for new single-family development in the future. She asked if there are options for functional turf other than Kentucky bluegrass. Collins replied Kentucky bluegrass is a good choice for high traffic uses such as athletic fields, is fairly resilient, and has a good dormancy mechanism.

Mayor Arndt asked if the artificial turf regulations apply to school districts. Collins replied the State Bill would apply to school districts and the regulations would allow artificial turf on athletic fields of play.

Councilmember Gutowsky commented on the Ponds development's landscaping and asked if the natural grasses spread throughout the area are what staff is referring to in lieu of lawns. Collins replied the development does have many native grasses and that is the aesthetic staff is referencing when discussing that type of landscape.

Councilmember Gutowsky noted that type of landscape is more flammable than typical grass lawns. Collins replied fire-wise landscaping principles and proper maintenance of native grasses are important factors in minimizing fire risk.

Councilmember Gutowsky asked about the status along Ziegler Road. Collins replied there are challenges with renovating existing landscapes with native grasses and stated there are many community examples of great application and germination of native grasses and there are also examples of learning opportunities.

Councilmember Gutowsky asked about the dedicated tree irrigation. Marko replied the proposed requirement is for a separate irrigation system for trees to enable them to have what they need, particularly during establishment and in times of drought. Marko noted the requirement would apply to all commercial development.

Councilmember Canonico commended the work on reflecting Fort Collins' values and asked about the difference between native grasses and invasive species in terms of fire risk. Collins replied staff may need to follow-up in terms of what kind of protection native grasses could provide against fire.

Councilmember Canonico noted part of the issue in California related to invasive species such as thistles that had dried out and made things more flammable.

Councilmember Ohlson commented on the clay soil at his property when he purchased it in 1980 and stated he has worked on soil amendments since he was elected to Council in 1983. He commented on adding soil amendment standards to the Council priority list in 2021 and expressed concern about management failure over the past four years. He questioned why this item provides no significant changes or improvements to what has already been in place.

Councilmember Ohlson also noted the Planning and Zoning Commission and Water Commission both expressed support for the soil amendment standards but identified the fact that funding is not being provided. He stated inspections and enforcement are more important than any amendments and requested information as to why more improvements were not included. Marko concurred there are no large changes but stated what is currently occurring is

in line with other communities. She concurred that field verification is the only way to address soil loosening.

Councilmember Ohlson questioned why the City cannot provide better enforcement and field verification. City Manager DiMartino acknowledged staff purposely paired the xeriscape and soil amendments together, which did slow down the soil amendments. In terms of inspections, she stated there was originally a conversation about additional inspectors as a budget offer; however, it was not recommended for funding at this time. She stated staff will look at existing resources and how they can be deployed differently.

Councilmember Ohlson questioned why the fees could not be lower on smaller footprint properties. Collins replied the resources needed to implement standards on single-family residential would be extensive and the City would need to begin a new program for development of regulations and inspection.

Councilmember Ohlson thanked staff for their work and for answering his questions. Marko noted the current process for administrative oversight related to soil amendments involves staff that is routinely on site, but what does not occur is field verification when a soil amendment comes in for review. Sites are only inspected specific to soil amendments if there is an indication on the paperwork submitted indicating that clarification is required, which is less than 1% of the projects.

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 007, 2025, Amending Chapter 12 of the Code of the City of Fort Collins to Revise Soil Loosening and Amendment Requirements, on First Reading.***

Mayor Arndt thanked staff for their work and on incorporating feedback and State requirements for a solution that is reasonable and achievable.

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

***Mayor Pro Tem Francis moved, seconded by Councilmember Canonico, to adopt Ordinance No. 008, 2025, Repealing and Reenacting Section 5.10.1 of the Land Use Code and Amending Definitions in Section 7.2.2 of the Land Use Code to Advance Adopted City Policy Goals to Reduce Water Usage in Landscapes to Comply with State Law and to Clarify and Reorganize Landscaping, Tree Protection, and Irrigation Standards, on First Reading.***

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

- 10. First Reading of Ordinance No. 009, 2025, Amending the Land Use Code to Align with Two Adopted State House Bills Concerning Accessory Dwelling Units and Parking for Multi-Unit Dwellings and to Clarify and Correct Certain Provisions.**

*The purpose of this item is to propose revisions, clarifications, and organization to the Land Use Code provisions that address specific areas that are the subject of two Colorado State House Bills passed last year. HB24-1152 requires the ability to build an ADU in more areas of the City, and HB24-1304 removes the minimum parking requirements for new multi-unit and residential mixed-use development. This item also includes clean-up to the Land Use Code.*

#### STAFF PRESENTATION

Clay Frickey, Planning Manager, stated this item would make two updates to the Land Use Code related to recently passed State legislation, one dealing with accessory dwelling units, and the other dealing with parking requirements for multi-unit dwellings in close proximity to transit. He noted House Bill 24-1152 requires municipalities over a certain size to permit accessory dwelling

units in areas where single-unit dwellings are permitted or already exist. Additionally, objective requirements can be put in place, but additional design review is not permitted nor is additional parking for accessory dwelling units except in very specific circumstances. Frickey noted the State requirement is that accessory dwelling units not go before a public hearing, therefore, staff is proposing the use of basic development review and is proposing eliminating the ability for an ADU project to be appealed to City Council. Staff is proposing limiting short-term rentals in ADUs, allowing historic preservation regulations to apply, and requiring a letter from the water and utility company that they are willing and able to provide services to the ADU.

Frickey noted House Bill 24-1304 eliminates parking requirements for multi-unit dwellings within a ¼ mile proximity of existing or planned bus stops with certain route requirements. He noted no landscaping or design standards related to parking are being proposed to be changed.

Frickey stated the Planning and Zoning Commission unanimously recommended adoption of these changes and staff is also recommending adoption.

#### PUBLIC COMMENT

Rich Stave expressed concern that high-density development with wood fences increases fire danger and may require additional fire hydrants, stations, and water supply, none of which are included in the House Bill. Additionally, he stated it is appropriate for review to be allowed and expressed concern about existing parking issues.

#### COUNCIL DISCUSSION

Mayor Pro Tem Francis asked if a garage below an ADU is counted toward the 750 square foot limit. Frickey replied there is an existing Land Use Code provision that counts anything within a building as floor area, and much of that is related to the accessory dwelling unit standards that were in the previous version of the Land Use Code for Old Town specifically. He noted the number one concern at that time was the size of new construction; therefore, building sizes were limited in Old Town. He stated the purpose behind the standard of counting garages and other storage buildings is because people walking down the street just see a large building, not a divided structure. Additionally, he noted the ADU cannot be larger than the main house.

Frickey outlined some of the options for Council to ensure compliance with the State statute and noted accessory dwelling unit updates could also come as a package later in the year.

Mayor Pro Tem Francis asked if there are other ways to address compatibility while also allowing for things that make common sense. Frickey replied there are likely plenty of ways to get creative with solutions.

Mayor Pro Tem Francis stated her preference would be to make some amendments prior to Second Reading.

Councilmember Canonico concurred.

Frickey discussed the modification of standard process that someone could utilize to apply for a larger ADU under the current regulations.

Councilmember Canonico asked if staff would prefer to wait until the work session to develop language. Frickey replied that would certainly allow for more time; however, he noted the Land Use Code is a living document and there will always be opportunities for updates.

Mayor Arndt expressed support for waiting until the work session in March to allow staff some time to provide renderings or sketches of various ADU sizes comparing the original intent of the Old Town ADU requirements versus what is being proposed.

Councilmember Potyondy expressed concern about subverting the intent of the State law which is to allow people to build an ADU up to 750 square feet. She expressed support for moving more quickly given the intention to allow for a living space, though she acknowledged concerns about aesthetics.

Councilmember Ohlson stated what is before Council does comply with the State law and suggested that proper time should be taken to get things done. He asked if the City has already banned ADU's from being short-term rentals. Frickey replied short-term rentals are limited based on zone district currently and noted the Code also bans new ADU's from being short-term rentals.

Councilmember Pignataro requested additional information about what is planned for the March work session. Frickey replied staff had envisioned a discussion about some elements of the House Bill related to accessing State funds to be considered an accessory dwelling unit supportive community, including reducing impact fees for ADU's and creating off the shelf designs for ADU's that people can utilize. He stated staff was anticipating the possibility of resulting Land Use Code changes from that discussion.

Councilmember Pignataro noted ADU's will not pop up overnight, particularly given the cost of construction, and expressed support for either adding the language prior to Second Reading or striking some of the language proposed limiting the size of the ADU based on including garage or other accessory building square footage.

Mayor Arndt suggested asking staff to prepare an amendment prior to Second Reading that could be voted upon separately, and if that fails, it could be pushed to the March date for additional work. Frickey stated some additional direction would be helpful.

Councilmember Canonico suggested striking the one line of Code as the amendment and bringing back the overarching discussion about aesthetics to the work session in March.

Councilmember Gutowsky expressed support for the ordinance given the need to be in alignment with the State. She concurred with Mr. Stave's comments about needing to be attentive to the added stress on infrastructure.

Councilmember Ohlson suggested there should be a more definitive answer as to the number of existing ADU's in Fort Collins. Frickey replied the difficulty comes when people build accessory structures with habitable space without permits or without indicating habitable space will be included on permits. It is unknown whether they are rented out after they are built, etc.

Councilmember Ohlson asked if Poudre Fire Authority reviews the permits for ADU's. Frickey replied in the affirmative and stated it is likely all of them will require fire sprinklers in the future. Additionally, he noted all applications are reviewed for adequate public facilities.

***Mayor Pro Tem Francis moved, seconded by Councilmember Pignataro, to adopt Ordinance No. 009, 2025, Amending the Land Use Code to Align with Two Adopted State House Bills Concerning Accessory Dwelling Units and Parking for Multi-Unit Dwellings and to Clarify and Correct Certain Provisions, on First Reading, striking 'max floor area includes garage, shed, or other accessory space under zone districts' in the ADU section.***

Mayor Arndt stated she would have preferred to wait to offer staff the time to provide visual representations but will support the motion.

***The motion carried 6-1.***

***Ayes: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Pignataro, Canonico, Gutowsky, and Potyondy.***

***Nays: Councilmember Ohlson.***

## **P) 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.)*

Mayor Arndt requested and received support for giving direction to staff to have the Ethics Review Board meet to discuss gifts and honoraria reports and financial disclosures to form a cohesive policy back to Council.

City Attorney Daggett noted the Ethics Review Board consists of Mayor Arndt, Councilmember Pignataro, and Councilmember Canonico, with Councilmember Gutowsky as the alternate.

**OB 2. Consideration of an Executive Session to Discuss Real Property Acquisition and Sale:**

***Mayor Pro Tem Francis made a motion, seconded by Councilmember Potyondy, that Council go into executive session to discuss with appropriate City staff potential acquisition and sale of real property for potential court, maintenance and transportation facilities and similar uses, 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).***

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

City Manager DiMartino provided a reminder that Poudre Fire Authority has its Community Wildfire Protection Plan draft available to the community for comments closing on January 29<sup>th</sup>.


The executive session concluded at 9:17 p.m.

**Q) ADJOURNMENT**

There being no further business before the Council, the meeting was adjourned at 9:18 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

