

PUBLIC ENGAGEMENT SUMMARY

Over the last ten months, staff sought input from community partners on 1041 regulations for water and highway projects that are (1) contextually appropriate to Fort Collins, (2) provide predictability for developers and decision makers, and (3) provide adequate guidance for staff review and implementation of permits.

Throughout the time since the release of the initial draft code in June to the present, in addition to organized outreach events, staff has met or spoken by phone at length with individual stakeholders, both in support of and opposed to the regulations, to discuss questions and feedback in great detail. Staff has listened deeply and worked to find balance among the perspectives and concerns expressed by various individuals, organizations, utility providers, agencies, developers, Boards and Commissions, and Northern Colorado communities. Significant revisions in the current draft regulations are in direct response to the insights and information gathered through these conversations.

The following table summarizes feedback from public comments, an anonymized survey, 1:1 discussions and focus group meetings as they relate to various community priorities:

Community Feedback Themes	
Housing Resilience	<ul style="list-style-type: none"> Value for natural habitat features that increase community wellbeing through benefits like clean air, landscape aesthetics, and flood control. Concerns that environmental regulation can impact the supply of housing if they increase the amount of time necessary to build housing units.
High Performing Government	<ul style="list-style-type: none"> Value for transparency, access to more information and opportunities to address inequities. Concerns that additional permitting requirements are redundant, create uncertainty, project delays, require additional time, and investment in City-specific mitigation requirements.
Economic Resilience	<ul style="list-style-type: none"> Preference for local control of large projects to ensure community-wide benefits are realized. Importance of balancing the burdens of bureaucracy and the demands of a fast-growing community.

City Council:

The current draft of the regulations was structured around the feedback received from City Council at the June 28 Work Session and subsequent input. The following feedback themes were shared by Council during the Work Session and addressed by staff.

City Council Feedback	How has Staff Addressed Feedback?
Create right guardrails for 1041 applicability.	Staff have clarified ordinance text to align more closely with the thresholds from the moratorium ordinance, while still protecting natural habitats and features from adverse impacts.
Review exemptions to ensure they don't result in loopholes.	Staff have removed the term significant and are relying on the definition of "adverse impact" and full mitigation for permit issuance.
Concern over the term "significant" as being arbitrary and too high of bar.	Staff have removed the administrative review and is keeping the "Finding of Negligible Adverse Impact" concept so that a relief valve is provided for smaller projects and City Council is the sole decision maker on larger projects requiring permits.
Support tiered review process as long as it works.	Staff have removed the administrative review and is keeping the "Finding of Negligible Adverse Impact" concept so that a relief valve is provided for smaller projects and City Council is the sole decision maker on larger projects requiring permits.
Establish time period for pre-application process.	Maximum time periods have been incorporated into the pre-application process.

Focus Groups:

Focus groups played a key role in reviewing Code language and providing specific feedback that staff have addressed in an updated draft regulations. The focus groups included:

- Colorado Department of Transportation (CDOT) staff
- Environmental advocacy group representatives
- Economic and Regional representatives (homebuilders, elected officials, Chamber of Commerce, CSU)
- Water and Sanitation Providers
- Boards and Commissions representatives

Stakeholder Feedback	How has Staff Addressed Feedback?
How does 1041 lead to a better project outcome and enhance overall community benefits?	Review criteria include the City's Natural Habitats and Features Inventory Map, which aligns with the community's values to preserve natural resources.
The permit program introduces an administrative burden that adds time and cost.	Updated review criteria, articulating the role of mitigation, and aligning with existing City maps of natural habitat features intend to provide additional certainty for agencies planning a multiyear infrastructure project.
Ambiguous approval process adds project uncertainty.	Staff have removed "tiered review" so that City Council is the sole decision maker.
1041 is redundant with multijurisdictional requirements and is out of sync with federal funding opportunities.	The focus of the scope and review criteria seeks to address gaps in other jurisdictional procedures. For example, the city can ensure protection and mitigation of resources that may not be protected by County, State or Federal regulations.
Regs should allow more flexibility and exemptions	Updates to the City's definition of development intend to create certainty and narrow the scope of projects covered under the 1041 regulations.
1041 regs should be applied to private development and not public agencies.	Fort Collins Utilities is a public agency leading by example and partnering with City Planning staff to ensure regulations align with the service delivery commitments of Utilities and the values of the community.
Uncertainty around the use of Intergovernmental Agreements in lieu of permitting.	The current draft removes this provision.
Requirements for water conservation and other programs in the system of an applicant water provider go beyond the City's appropriate reach.	The current draft removes requirements related to the applicant's system that are not physically within the scope of the regulations.

Public Participation Activities:

Throughout 2022, the general public was invited to participate and engage through online activities, public events and one-on-one meetings with City staff. Throughout the engagement process key questions included:

- Parameters, Exemptions, and Thresholds
 - How do staff determine what project categories are regulated?
 - How does the program provide a clear review process?
- Review Criteria
 - What are the parameters of an adverse impact?
- Application requirements
 - What is needed to determine an application complete?
- Application review process
 - Who is the decision maker
 - What is the appeals process?

Public Participation		Dates			
Open House/Public Forum		2/23/2022 (AM & PM)	8/30/2022	9/1/2022	
Online Survey		2/1/2022	8/30/2022		
Online engagement – OurCity; fcgov.com		Ongoing			
Press Release	9/2021	2/2022	8/2022		
Boards and Commissions		Dates			
Water Board	9/16/2021		8/18/2022		11/17/2022
Transportation Board					11/16/2022
Planning and Zoning Commission	8/13/2021	2/11/2022	6/10/2022	10/14/2022	11/17/2022
Land Conservation and Stewardship Board	9/8/2021	2/9/2022	6/8/2022	10/12/2022	
Chamber of Commerce	9/17/2021		6/24/2022	10/28/2022	
Natural Resources Advisory Board	9/16/2021	2/16/2022	6/15/2022	10/19/2022	
Economic Advisory Board					10/19/2022
Focus Group meetings		Dates			
Water and Sanitation providers		2/3/2022	8/1/2022	8/18/2022	
Environmental		2/4/2022	8/2/2022	8/4/2022	
Economic/Municipal		2/3/2022	8/2/2022		
Colorado Department of Transportation		1/28/2022	8/5/2022		
Boards and Commission liaisons		2/8/2022	8/1/2022	8/4/2022	
Larimer County		1/23/2022	2/8/2022		

Stakeholder List

The following list details the interested parties that have been directly engaged by staff at several times during the process. Outreach and engagement has included the activities described above, as well as frequent email updates, newsletter communications, and individual meetings.

Air Quality Advisory Board	Larimer County Planning Staff
American Whitewater	League of Woman Voters
Boxelder Sanitation	Natural Resources Advisory Board
Chamber of Commerce	North Front Range Water Quality
City of Greeley	North Weld County Water District
City of Windsor	Northern Engineering
Colorado State University	Northern Water
Colorado State University Research Foundation (CSURF)	Planning and Zoning Commission
CSU Graduate Student	Save the Poudre
Ditesco	Sierra Club
East Larimer County Water District (ELCO)	South Fort Collins Sanitation District
Fort Collins-Loveland Water District (FCLWD)	SpacePreservation.org
Fort Collins Sustainability Group	TB Development Group
Fort Collins Utilities	Transportation Board
Hartford Homes	Trout Raley Law
Land Conservation and Stewardship Board	White Bear Ankele Law
Larimer Alliance	