

October 1, 2025

Carolynne C. White
Attorney at Law
303.223.1197 direct
cwhite@bhfs.com

City of Fort Collins
Planning and Zoning Commission
281 North College Avenue
Fort Collins 80524

RE: Proposed Strauss Lakes Annexation and Overall Development Plan

Dear Planning and Zoning Commission:

We represent and are land use counsel to Cottonwood Land and Farms, LLC ("**Cottonwood**") with respect to the following applications:

- An application for the annexation (the "**Annexation**") of approximately 147.5 acres at the northeast corner of Horsetooth Road and Ziegler Road (the "**County Property**") and zoning of the Property to Low Density Mixed-Use Neighborhood District ("**LMN**") and Medium Density Mixed-Use Neighborhood District ("**MMN**") (the "**Zoning**"), and
- An application for the Strauss Lakes overall development plan (the "**ODP**") on approximately 160.49 acres, composed of approximately 12.99 acres at the northeast corner of Horsetooth Road and Ziegler Road (the "**Annexed Property**") and the County Property (collectively, the "**Property**").

The purpose of this letter is to provide the Planning and Zoning Commission (the "**Commission**") with additional information that may aid the Commission in reviewing the applications for the Annexation and ODP.

I. BACKGROUND

A. Cottonwood's long-standing relationship with the City and Fort Collins community

Cottonwood, the owner of the Property and the applicant for the Annexation, Zoning, and ODP, has had a long and collaborative relationship with the City of Fort Collins (the "**City**") as well as a deep history of investment in the Fort Collins community. For example, prior to the City establishing its Natural Areas Department, Cottonwood donated more than 200 acres north of Prospect Avenue to the Southeast Poudre Greenbelt Association for the preservation of open lands. Notably, the City now owns and manages this property, which is known as the Riverbend Ponds Natural Area. Cottonwood also gifted approximately 200 acres of land south of Prospect Avenue to the City, now known as the Running Deer

Natural Area. Additionally, Cottonwood donated 15 acres of land to the City in 1993 or 1994, ground which is the current home of the Hageman Earth Cycle business operation. Finally, in 2014, Cottonwood bargain sold approximately 59 acres to the City's Parks Department for the East Community Park. As part of that project, Cottonwood donated clean fill and top soil that had a market value of approximately \$1.86 million.

B. The Strauss Lakes Property

The Property was purchased by Cottonwood in 1977. In 1978, a concrete batch plant was constructed and a total of 515 acres were approved for sand and gravel mining by Larimer County and the State of Colorado. Larimer County approved 100 acres of industrial zoning for the northwest portion of the property, stretching both north and south of the railroad tracks. The County Property is located in unincorporated Larimer County and is zoned industrial and rural residential. The Annexed Property has been annexed to the City and is currently zoned LMN.

C. Proposed Development

Cottonwood intends to seek approval of (i) the annexation to the City of the County Property and the zoning of the County Property as LMN and MMN as described further in the application for the Annexation and (ii) an ODP for the entire Property. Ultimately, Cottonwood intends to develop the Property with a mix of townhomes, carriage homes, single family homes, paired homes, and multifamily homes (the "**Project**"). As part of the Project, Cottonwood also proposes to develop a mix of commercial uses north of William Neal Parkway. This area may include business uses and neighborhood serving commercial uses, including but not limited to retail, restaurant, daycare, and neighborhood support service uses.

Please note that Cottonwood submitted a preliminary design review application for a project for the Property in 2020 (the "**Prior Project**"), and a preliminary design review meeting with the City was held on May 6, 2020 for the Prior Project. Subsequently, the application for the Prior Project was withdrawn.

In 2021, Cottonwood submitted a request for a proposal review of a proposed development on the Property, and a proposal review was held before the Planning Commission on January 20, 2022. An application was never submitted in connection with the 2022 proposal review.

On December 21, 2023, a proposal review for a planned unit development overlay (the "**PUD Overlay**") for the Property was held before the Planning and Zoning Commission (the "**Commission**"). On May 8, 2024, a preliminary design review meeting was held with City staff, and on May 13, 2024, a neighborhood meeting was held for the Project. Feedback from the proposal review, preliminary design review, and neighborhood meeting have been incorporated into the applications.

A submittal of the application for the Annexation and PUD Overlay for the Property were made on November 21, 2024, and City comments were provided on January 28, 2025. At that time, the Annexation and PUD Overlay included, in addition to the Property, an approximately 22.65-acre parcel located to the north of the Property (the “**Northern Parcel**”). However, at this time the Northern Parcel is no longer included in the application for either the Annexation or the ODP. After several discussions with the City, and in response to feedback from City staff, the application for a PUD Overlay has been converted into the application for the ODP that is the subject of this letter.

II. **ANALYSIS – ANNEXATION OF COUNTY PROPERTY**

The Fort Collins Land Development Code effective as of May 17, 2024 (the “**Code**”) and the Colorado Municipal Annexation Act of 1965 (the “**Act**”) establish the processes and requirements for annexations. The City’s process is set forth in Section 6.10 of the Code, and the criteria for eligibility of a property for annexation are set forth in Section 31-12-104, C.R.S. What follows is an explanation of how the Annexation application complies with such criteria.

A. **Landowner Consent**

Except in limited circumstances, an annexation may only be approved with the consent of the landowners of the property subject to the annexation, which can be demonstrated through a public election or through submittal of an annexation petition that is “signed by persons comprising more than fifty percent of the landowners in the area and owning more than fifty percent of the area, excluding public streets, and alleys and any land owned by the annexing municipality.” *Colo. Const. Art. II, Section 30; C.R.S. § 31-12-104(1)*. Here, Cottonwood, the property owner, has signed the petition for annexation attached to the application for Annexation. Therefore, this requirement is met.

B. **One-Sixth Contiguity**

Further, the subject property must meet a minimum contiguity requirement. More specifically, the City must find that “not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the annexing municipality.” *C.R.S. § 31-12-104(1)(a)*. The County Property far exceeds the one-sixth contiguity requirement in the Act. The County Property is contiguous with the City along its southern and western borders. Therefore, the County Property satisfies the one-sixth contiguity requirement in the Act.

C. **Community of Interest**

The City must also find that “a community of interest exists between the area proposed to be annexed and the annexing municipality; that said area is urban or will be urbanized in the near future; and that said area is integrated with or is capable of being integrated with the annexing municipality.” *C.R.S. § 31-12-104(1)(b)*. The fact that the subject property has satisfied the one-sixth contiguity requirement

described above “shall be a basis for a finding of compliance with these requirements,” unless certain facts are demonstrated at a hearing that prove at least two of the following three factors: (a) that the adult residents of the subject property will not use the services provided in the annexing municipality or work in the annexing municipality, (b) that the landowners intend to dedicate the subject property exclusively to agricultural use for at least the next five years, and (c) that it would not be physically practicable to extend municipal services to the subject property. *Id.* In other words, if the subject property is sufficiently contiguous with the annexing municipality, it is assumed that they share a community of interest unless it can be proven that they are in fact incompatible.

Here, because the County Property satisfies the one-sixth contiguity requirement, it can be concluded that the County Property satisfies the above-mentioned requirements regarding the existence of a community of interest between the County Property, on one hand, and the City, on the other hand. Additionally, as demonstrated by the ODP, the Property is not intended to be dedicated to agricultural uses, and is intended to provide residences and services for adults who will use the services of and work in the City. As the Property is adjacent to existing development in the City, it is physically practicable to extend municipal services to the Property. Also, the Property is located within the growth management area indicated on the City’s Structure Plan. Therefore, a community of interest exists between the County Property and the City.

III. ANALYSIS – ZONING OF COUNTY PROPERTY – STATEMENT OF CONSISTENCY

In connection with an application for Annexation, the City requires a statement of consistency of the requested Zoning—in this case LMN and MMN—with the City’s Structure Plan. The City’s Structure Plan designates the Property as “Mixed Neighborhood,” which is characterized by the types of uses permitted in LMN and MMN, including single-family detached homes, duplexes, townhomes, small scale multifamily buildings, small-scale retail, restaurants/cafes, and similar uses.

According to the Structure Plan, new neighborhoods in the “Mixed Neighborhood” place type should “provide opportunities for a variety of attached and detached housing options and amenities in a compact neighborhood setting” and should “include a mix of housing options (lot size, type, price range, etc.)” LMN and MMN zoning are compatible with this purpose because they emphasize housing variety and resident-serving amenities. According to the Code, LMN is intended to be “a setting for a variety of housing” and to encourage “complementary commercial and institutional land uses and amenities,” and MMN is intended for “a diverse range of higher intensity housing and complementary services and amenities.” Overall, LMN and MMN zoning are overwhelmingly consistent with the Structure Plan.

■ [REDACTED]

[REDACTED]

[REDACTED]

NOTE: Because the Overall Development Plan application has been submitted to the City and is a quasi-judicial matter that could ultimately be appealed to City Council, some text from this page was redacted and 34 pages of additional information related to the Overall Development Plan was removed from this document.