

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



NATURAL RESOURCES ADVISORY BOARD

TYPE OF MEETING – REGULAR

August 17, 2022 6:00 – 8:00 pm
Via Zoom

CALL TO ORDER

6:02 pm

ROLL CALL

- List of Board Members Present –
 - Barry Noon (arrived 6:10 PM)
 - Dawson Metcalf - Chair
 - Drew Derderian
 - Victoria McKennan (arrived 6:58)
 - Kevin Krause- Vice Chair
 - Danielle Buttke
 - Matt Zoccali
 - Kelly Steward

- List of Board Members Absent – Excused or Unexcused, if no contact with Chair has been made
 - Avneesh Kumar

- List of Staff Members Present
 - Honore Depew, Staff Liaison
 - Meaghan Overton, Housing Manager
 - Noah Beals, Development Review Manager
 - Courtney Geary, Active Modes Manager
 - Eric Potyondy, Assistant City Attorney II
 - Jennifer Shanahan, Senior Specialist, Natural Areas

- List of Guests
 - Gailmarie Kimmel, Rights of Nature
 - Jennifer Sunderland, Right of Nature

1. AGENDA REVIEW

- a. No changes to agenda

2. PUBLIC PARTICIPATION

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- Dawson – **Comment** – Thank you so much for your time and all the effort you are putting into this. There is support here and the angle of it is a tad different from what we have done in the past. I think the Board must have more of a conversation about our next steps and making sure we are on the same page instead of speaking for the whole Board at once. I would love to continue this conversation even if it is just me as a citizen.
- Jennifer will keep the Board updated on when they are going to go to Council.
- b. **Land Use Code Update** – Housing Manager, Meaghan Overton and Development Review Manager, Noah Beals provided an overview of proposed changes to the City’s Land Use Code (LUC) and welcomed input prior to Council consideration of adoption, scheduled for October 18, 2022. The LUC regulates zoning, building design, and more. It was written in 1997 and has been updated regularly to address specific code issues, but it hasn’t been reevaluated comprehensively since adoption. Fort Collins and our community priorities have grown and changed since 1997. This year, the City is beginning updates to the LUC to make sure it supports adopted goals and policies. Phase 1 of these code updates will address several Housing Strategic Plan strategies that seek to improve housing affordability, choice, and capacity. (Discussion)
 - Discussion | Q + A
 - Danielle – **Q** – I was really excited to see a lot of the changes that are moving towards increasing equity and increasing the way in which we use the land in an efficient way. I am interested in the specific incentives that are mentioned, such as a reduction of parking requirement. I am wondering if there are any other such as incentivizing non-Kentucky bluegrass type landscaping or xeriscape landscaping. I know that can get more at the building codes and metro-districts but wondering if there are any other levers where we can incentivize sustainable development. Meaghan – **A** – That is probably in phase two of this, but I think it is an important piece of it. There are sections in the land use code that for right now are essentially unchanged around landscaping. We haven’t really attached those in this first phase. We are trying to focus on the housing related changes and housing affordability changes, but we need to tackle the rest of the code too. I think in the context of incentivizing affordability those kinds of big levers are the parking density and the height of buildings. We do provide some limited landscaping incentives for affordable projects. For example, you can use a two-inch caliper tree instead of three-inch. I would be interested in thinking through how we incentivize not just housing in phase two because we will have done that but how to incentivize the types of development that we want to see based on those adopted policies the City has. I think there is a lot of improvement we could make as we keep going into the rest of the code,

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especially if this goes well and feel like it has some momentum going in the right direction. I think there is more work that can be done. Noah – **Comment** – It is a basis to conversation and one we hope to do a lot more public outreach on as well. A lot of the public outreach we have already done for this phase was focused on residential and that is why we are really keeping it to the residential pieces here. Our incentives right now for affordable housing as far as landscaping go are probably very minimal. With the three-inch to two-inch change. We are finding two-inch calipers actual survive better and we should probably just allow everyone to do a two inch. It is something we want to look at and dive in deep. Meaghan – **Comment** – Danielle you also brought up the building code a little bit which I think is another lever we are not really touching at all with the land use code because those are separate regulations, but both apply to development. Some of you may have been involved with the building code update that just happened this past year. I know there were some changes there that are requiring more significant insulation and requiring electric vehicle infrastructure. That building code is update about every three years. How we are incentivizing sustainable buildings is another big piece of the building code as it is and the land use code as well.

- Barry – **Comment** – I certainly, like Danielle mentioned, embrace the goal of affordable housing and our contribution to the community to a more equitable society. I will say I don't like your change of Land Use Code to Land Development Code because it embraces development as if that is the objective and not quality of life. I think it fails to recognize fundamental limits to growth. As I have mentioned before I am an ecologist and I build population dynamics models with my students for many species, and I have never built a population dynamics model that fails to include density dependent effects. We are biological organisms, and we have the same sort of ultimate feedback that in that introduce hard constraints on growth. There seems to be a failure to acknowledge those hard constraints and that is an absolute biological reality. I don't like the term Land Development Code as opposed to Land Use Code. I also think something that didn't come up, that effects everyone is mental health issues. Access to nature, environment and open space is another essential constraint that needs to be considered. The reality is that there are hard inflexible environmental constraints to human development. Climate change is the latest signal that that is going on. A lot of people are in denial, but it will ultimately be a driver within the next many years. I greatly appreciate our City and staff is phenomenally progressive. I just keep bouncing up to this no limits to growth issue, whether it involves the river, economics, or social equitability. Meaghan – **Comment** – Barry, I will say you are not alone in your thoughts, and we have heard some of that

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feedback as well. It is important for us to hear a range of perspectives and to be taking in all those comments to be considered. We have to present the code to City Council who will ultimately make the decision on that. We want to have a clear and comprehensive understanding of folks' reactions and opinions about things we should change. I appreciate the comments and I think it is an important part of the conversation.

- Victoria – **Q** – I think it is awesome to see that nexus between land use, density, and transportation opportunities. We talk about transit and have that be such a focal point of these conversations. Kind of along the lines of incentives for some of these things we'd like to see happen as far as affordable housing or sustainable practices in landscaping, have you all considered the review criteria and how development is evaluated? Did it meet the forms we have identified? Did it meet these goals we are trying to achieve with this new code? I am wondering if you can speak to that. Meaghan – **A** – One of the great things about the code being a regulatory document is you don't have an option but to either meet the requirement as it is written or request a formal modification that must be approved alongside development. That is part of why staff reviews it to make sure that it does meet those requirements and if it doesn't, how are we going to get there. I also heard in your question 'how will we know if these code changes are resulting in more of the kinds of development that we want to see?' and I think that is another important piece of both the Building Code and Land Use Code. The built environment shifts slowly so I wouldn't expect that we would see dramatic changes in a year or two years but how are we tracking overtime, the impact that some of these changes are, and are they resulting in more sustainable development or additional inventory of housing. I think that piece of the implementation of the code is making sure that we are tracking with some metrics and building permit data. Some of the information that we have available to use to look back retrospectively and see did it do what we thought it was going to do and if not, how can we adjust. I think neither Noah or I think this is written 100% perfect or that it will stay exactly as it is because our community is dynamic. It is changing and shifting, and our regulations will need to do that as well, so making sure we are tracking that will be important. Noah – **Comment** – That is true and to point out these projections that we are taking about, they are based on capacity, not necessarily what is going to get built. We are just saying you can build this much capacity within the standards of the Land Use Code right now. If we adjust the standards to increase capacity, we will see what gets built with that. We are trying to incentivize what we are hoping gets built with some more affordable residential units.
- Kevin – **Q** – This is great. I think directionally I am excited for this for a lot of

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reasons, including next up with Cortney's presentation too. I am excited for phase two regarding building efficiency and so forth. As a Board we did a review and provided feedback on the Building Code updates and urged Council to look for ways to push further, get to electrification faster and so on. I look forward to that being possible in part two. Maybe it is too in the weeds, but I haven't gone through a development of a property regarding overall lot sizes. Say you have an existing home, and you are adding ADU that is 40% or 35%. As far as the level of civil requirement does it come into play pervious material and adding impervious material to an otherwise previously pervious lot area to developments must consider that regarding things like ADUs. I asked specifically because we all know that the way precipitation is occurring and change so it is not like there are no affects to adding more impervious material. I'm just curious what triggers that level of development, scrutiny, and questioning as we increase density. Noah – **A** – To answer quickly, yes, the requirements are still there if you need to treat your storm water or if you are increasing your pervious area. That is staying in place because that is really a different code. However, the Land Use Code is really teeing up a lot of conversations for these different codes to happen next. We will see where it takes us but right now, we focus on the Land Use Code and the hurdles we are experiencing in the Land Use Code. We will probably be teeing up with a lot of conversations for different codes to get on the board with what is happening. Kevin – **Comment** – That is helpful, and the answer could be great. Maybe this code says you can do this thing, but you run into this hurdle and because of the configuration of the property or whatever. Meaghan – **Comment** – Yes, it is completely possible that that could happen. Noah's comment about it teeing up other conversations gives us an opportunity, not just staff but the community as well. If we want to see additional density in your transit and we want to see more housing choices and we allow accessory dwelling units now, but we are running into a barrier of storm water criteria, what do we do with that. I think it is not an easy yes or no it needs to change sort of discussion. That is a point for community engagement; what are the potential unattended consequences of making that change and all the ripple effects. We are not proposing wholesale change to the landscaping and storm water criteria, but I think our first step is allowing more kinds of housing in more kinds of places. We can tackle each of those other conversations as they need to happen.

- c. **Active Modes Plan** – Active Modes Manager, Cortney Geary, shared information on the draft Active Modes Plan, which is available for public comment through August 24. The plan is updating and combining the City's 2011 Pedestrian Plan and 2014 Bicycle Plan. The plan incorporates not only pedestrians and bicyclists but also micro mobility