

**MINUTES
CITY OF FORT COLLINS
LAND CONSERVATION & STEWARDSHIP BOARD**

**Regular Meeting
Wednesday, March 8, 2016
1745 Hoffman Mill Road
6:00 p.m.**

Council Liaison:
Gerry Horak 420-7398

For Reference:

Kent Leier, Chair	631-2361
Marcia Mallory-Patton, VC	222-0513
Trudy Haines, Communications	225-2760
Mark Sears, Staff Liaison	416-2096

Board Members Present: David Tweedale, Edward Reifsnnyder, Vicky McLane, Joseph Piesman, Kent Leier, Kelly Ohlson, Marcia Patton-Mallory, Trudy Haines

Excused Members: Raymond Watts

NAD Staff: John Stokes, Mark Sears, Tawnya Ernst

Call meeting to order: 6:07 pm

Introductions: None

Public Comments: None

Approval of Minutes:

Joe Piesman made a motion to approve the February LCSB Meeting minutes.

Marcia Mallory-Patton seconded the motion.

Motion was unanimously approved.

Natural Areas Department Updates

Mark Sears, Manager reported on work to update the Fossil Creek Natural Areas Management Plan. Karen Mancini kicked off the 2016 update with the first Team Meeting. Twelve sites will be included in the 10-year update of this plan; the Team consists of 10 staff from Natural Areas, Parks, and LACO Open Lands. A public open house for the plan is tentatively scheduled for September with final adoption of the plan in November.

An architect has been hired to do initial conceptual and preliminary design for additional shop and office space at the Nix Farm. The shop space is more urgent, but office space we're going to need relatively soon but not as immediate. The challenge will be to site those buildings in an appropriate manner while meeting the net zero energy use goal.

Our Department co-hosted the Poudre River Forum, which was a success.

Our education and outreach program reached over 350 people, at 11 events in February. Most of the events were eagle watches at Fossil Creek Reservoir Natural Area.

We hired a new Gateway Natural Area, Gabe Johnson, to replace Karl Sanders.

We hired a new Environmental Planner, Stephanie Kopplin, to fill the Nature in the City position. This is a contractual position, funded out of the general fund by City Council.

Discussion: Some Board members asked if it would be worth partnering with Larimer County on their new building and considering combining office space for the two. Mark explained that LC would be seeking their own office space and with the upcoming growth and expansion of our office we too would need our own space; not likely that our location would work for Larimer County.

Parking at Foothills Natural Areas

John Stokes, Director, reported on parking issues at many of our foothill trail areas.

John: We're just seeing an explosion of usage on the weekends and the parking lots are at capacity. Many of the rangers, as well as the VRAs are spending a substantial amount of time, managing the parking lots. Lori State Park and Larimer County are experiencing the same situation. As a result of the usage, many users are illegally parking on the main roads and county officials are issuing tickets. John reported that NAD will form a task force to actively address the issue, but that we're going to be enforcing more, writing more tickets and being stricter about parking. We will be utilizing Twitter and Facebook as much as possible, to communicate capacity issues to the general public. At Coyote Ridge Natural Area, we're going to try and convert some of the horse trailer parking to car parking and try to maximize some of our other parking lots. We don't want to build more or larger parking lots. We have carrying capacity issues, visitor enjoyment issues, resource issues, it's going to be challenging. This is pretty typical for the spring weather. As things warm up, we don't see this as much of an issue. The closure of Devil's Backbone is also causing some of our south areas to be busier as well. We will keep the Board posted on ideas the task force comes up with. We've been talking to Loveland,

as they own property south of Coyote Ridge on Taft Hill Road call Prairie Ridge. This would be an opportunity for them to build an additional trail and trailhead parking lot that could provide access to the Rim Rock Open Space and the Blue Sky Trail; although they have been too busy to jump on this, they are working on developing Prairie Ridge in the near future. Mark and John will meet with Loveland and Larimer County soon to discuss such issues. If we could work with them to do that, it might just take some of the capacity pressure off Coyote Ridge and Bobcat Ridge Natural Areas.

ACTION ITEMS

Land Conservation

Tawnya Ernst, Real Estate Specialist and Mark Sears, Manager, reported meeting with Colorado Open Lands staff and Legacy Land Trust staff. The two are merging so there was discussion about partnering and collaborating on projects. Mark met with them to discuss land protection strategies in and around Fort Collins. Tawnya completed the CSU "A" easement. Larimer County presented the land conservation partnership concept paper for the GOCO grant for the properties being called the Horsetooth Foothills. We had letters of intent signed from all involved property owners, but this is expected to be a highly competitive grant.

NAD acquired two new natural areas in the same day, which is very exciting news. The first property is 3.5 acres known as Evergreen West Pond Detention Pond located in NE Fort Collins. Staff is working to lease 3.5 acres from the Fort Collins Housing Authority and to receive a donation of a small piece of land from Neighbor to Neighbor. The pond will be managed as a natural area. This property being donated has to go to City Council for approval. Mark and Tawnya are seeking a recommendation from the Board to approve the donation.

The other parcel is 9 acres just west of Taft Hill, and south of Drake Road along the Spring Creek. It was 9 acres that Stormwater acquired some time ago and they had plans to sell it to us years ago but never did. Mark thought entering in to an MOU with them to manage the site would be a good idea. NAD has wanted to purchase this parcel for a long time. There is a fence that runs along the south side of the Spring Creek trail on the north side of the property that we will take down, our management will help beautify and protect the area along the trail.

Discussion: Mark assured Board members that the Developer of the Housing Authority project would follow regulations with regards to the buffer space between development and the natural area (i.e. pond area) there were multiple meetings and charrettes on the issue, but Mark feels confident about the partnership. Board members were excited to have a natural area that in the past has been demographically underserved.

Kelly: I'm concerned about Stormwater's detention pond and I disagree with what they do with water basins in natural areas. Labeling the Stormwater detention ponds as natural areas is just wrong.

Mark reminded the Board of Red Fox Meadows and the success of that area as a Stormwater detention pond and natural area.

Marcia Patton-Mallory made a motion recommending that City Council accept the donation of land from Neighbor to Neighbor; identified as the Evergreen West Pond, northwest corner.

Joe Piesman seconded the motion.

The motion was unanimously approved

Mark: We purchased some land, in partnership with Excel Energy, a few years ago just north of Kingfisher on the southside of Mulberry along the Frontage Road. This property is right next to Fort Collins Nursery. There is a 100 foot right-of-way just to the west of the nursery and they've been using that for a parking lot and access into their business for a lot of years. It was public right-of-way which they have been encroaching on for years. They came to us just shortly after they heard we were going to acquire it and asked us to consider leasing or selling that land to them. Tawnya has been working with Excel Energy to try and get an easement through there so we can vacate that right-of-way. We just got the easement worked out so now we're ready to vacate the right-of-way. We don't really own the land, the City of Fort Collins owns the land since it's dedicated right-of-way to the City. If we can get the right-of-way vacated we can get the land reverted back to us. We would like to sell them an acre of land for a parking lot and access road in and out of their nursery. We will be working on this over the next couple of months. We would like to vacate the right-of-way and then bring the short term lease to you. We will probably take that to Council as one package. The first thing will be an appraisal so we could look at our options, but it could easily take a year or more. In the meantime he needs legal access.

Tawnya reported that Mr. Hageman has been leasing a portion of property from use over the last few years for his material recycling business. We've recently been approached by sustainability and other city folks to work something out with Mr. Hageman so that he could acquire property from us to assist the Sustainability Department's efforts to expand the yard waste recycling program.

Kingfisher Point – Nix Farm – Emergency Access Notice of Alignment for the Streets Department Asphalt Recycling Center

Tawnya Ernst, Real Estate Specialist, reported that last year, multiple City departments agreed to partner and contribute funding to acquire 24 acres at 1300 Hoffman Mill Road adjacent to

Kingfisher Point Natural Area. However, formal legal access to the jointly purchased site has been limited at best. Last fall, the City obtained an easement for the primary access route from Great Western Railway of Colorado, LLC. Nonetheless, to comply with City Code and enable the Streets Department to make modifications to existing structures at 1300 Hoffman Mill Road, a secondary access route must be made available for emergencies. Natural Areas intends to prepare a Notice of Alignment across Kingfisher Point Natural Area and Nix Farm which will utilize existing roads to provide Streets with the necessary emergency access.

Additionally, Natural Areas controls and manages approximately 6 acres of the site that is immediately adjacent to the Poudre River and below the river bluff.

The Streets Department would like to renovate and improve the existing structures on the site to improve their functionality and efficiency. However, in order to obtain the necessary building permits for this work, Streets must have an official emergency access route established to comply with City Code requirements. Natural Areas and Streets staff explored a couple of options including obtaining an easement across adjacent private property. However, due to topographic concerns the private property option was ruled out and staff elected to move forward with a Notice of Alignment across the existing two-track and paved roads on Nix and Kingfisher which were designed for emergency purposes. The route follows the previously platted emergency access alignment on Nix Farm and across the two track on Kingfisher which connects to Timberline Road.

Kelly Ohlson made a motion recommending that the City Manager approve a Notice of Alignment for Fort Collins Streets Department for emergency access across Nix Farm and Kingfisher Point Natural Area.

David Tweedale seconded the motion

Motion was unanimously approved

Mallard's Nest – Proposed Resolution to an Encroachment

Tawnya Ernst, Real Estate Specialist

Mallard's Nest Natural Area was acquired by the City in several transactions between 1961 and 2002. Natural Areas acquired 2.48 acres from Brookhaven Homeowner's Association ("Brookhaven") in 2002. Unfortunately, the legal description used to convey the land to the City was not entirely accurate. Portions of two condo units were included in the conveyance to the City. This error was not discovered until late last year, when a Natural Areas staff member reported a broken rail in the fence line between the condos and Spring Creek Trail. (The City Parks Department is responsible for construction/maintenance of the paved trail system throughout the City and on Natural Areas.) While attempting to determine whose responsibility it was to repair the fence, a new survey was conducted. The new survey revealed that decks, a

privacy fence and other infrastructure (“the Improvements”) in Brookhaven’s platted common area overlapped onto roughly 1,400 square feet (0.032 acres) of City property. Note: The condos were constructed in 1995 and 1996 — well in advance of the transfer to the City.

Parks and Natural Areas staff met with representatives from Brookhaven to discuss options to address the unintentional encroachments and in addition, look for ways to improve the alignment of the fence along Spring Creek Trail. (In several segments, the fence is located right at the trail’s edge – not an ideal situation for Parks’ maintenance purposes.) Several options were discussed including a potential fee simple land trade, removal of the encroachments and an easement. After some consideration, it was decided that a permanent shared easement would provide the best solution. (Due to the restrictive nature of Brookhaven’s Condominium Declaration, all Brookhaven homeowners (approximately 50 homeowners) and any lending institutions holding deeds of trust on each condominium would be required to execute a document conveying fee interest in the property.) The easement will enable Brookhaven and the respective homeowners to access and maintain the Improvements and allow Parks staff to access, maintain, and re-align fencing at current pinch points along the trail.

Vicky McLane made a motion recommending that City Council approve the ordinance to convey a shared access easement to Brookhaven Homeowner’s Association.

Trudy seconded the motion.

Motion was unanimously approved.

Discussion:

Kelly Ohlson announced that the Camping Ordinance had been removed from City Council’s agenda on March 15th Council Meeting agenda. Trudy felt, as well as other Board members, that at the very least we should send the memorandum to City Council announcing our concerns with the ordinance changes.

Trudy: Let’s send a memo saying we’ve been working on the issue and let them know they need to understand that there are boards that are concerned about this.

Kelly: Since the Camping Ordinance never even got on the Council Agenda then Council never read the memorandum that the board drafted. I would hope that at some point we voice our opinion on this, as a Board. Kelly read the press release posted on the City’s webpage that indicating that the City Manager’s office plans on moving forward to focus on current programs that are in place for homeless. There was a March 2nd community meeting. Kent and David both were at Boards Super meeting and from all the Boards that were there, this camping ordinance was addressed, Kent got the feeling that the Boards were in favor of the ordinance change, as well as some of the other organizations.

Kelly: That was what was conveyed to City Manager’s office. Either way I hope we do something.

Discussion: Many of the Board members were upset and felt that at the very minimum the memorandum that was drafted to City Manager's office, by Trudy and the Board, should be sent. The Board agreed expressing to the City Manager's office the Board was disappointed in the decision to remove the issue from the agenda.

David: It was interesting to hear everyone's views and issues on the subject.

Kelly: Maybe we should discuss how we, as a Board, send communication to City Council. This would be a good retreat agenda item.

Vicky McLane made a motion that the Land Conservation & Stewardship Board send a memo expressing our sincere disappointment in the City Council's decision to eliminate the Camping Ordinance as an agenda item, along with our original memorandum

Marcia Mallory-Patton seconded the motion.

The motion was unanimously approved.

Natural Areas Long Range Projection

Mark Sears, Natural Areas Manager, made a brief presentation on the department's long range projections related to the management of the Natural Areas Department; in preparation for discussion related to the upcoming Budgeting for Outcomes (BFO)

Mark: This information might be helpful during our retreat. These figures are projections, averages and guestimates. I'm hoping this will paint a picture of what the next ten years might look like. We've been using 2% growth in our model. In May we should know what our carry-over appropriation from last year will be.

Meeting adjourned at 8:50 pm

Approved:


Kent Leier

, Chair 4/20/16 Date


Michelle Vattano

, Secretary

Michelle Vattano

