

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

**Regular Meeting  
January 10, 2018  
1745 Hoffman Mill Road  
5:30 p.m.**

**Council Liaison:**  
Gerry Horak 420-7398

**For Reference:**  
Edward Reifsnnyder, Chair 817-821-4644  
David Tweedale, Vice Chair 970-219-2422  
Raymond Watts, Communications 970-690-4250  
Daylan Figgs, Staff Liaison 970-416-2814

**Board Members Present:** David Tweedale, Edward Reifsnnyder, Vicky McLane, Joseph Piesman, Andrea Elson, Kelly Ohlson, Marcia Patton-Mallory, Raymond Watts, Mike Weber

**Excused:** Raymond Watts

**NAD Staff:** Mark Sears, Dan Gulley, Daylan Figgs

**Public Attendees:** Mary Pat McCurdie, Erin Bisenius (Northern Trails Advocacy Group), Kenny Bearden (Executive Director of Overland Mountain Bike Club), Cole Kramer, Luke Caldwell (Chair, Bicycle Advisory Committee), Celeste Cannon, Steve Lacey (local trail advocate), Kelley Savage, Steve Chaffee

**Call meeting to order:** 5:30

**Agenda Review:** No changes to agenda

**Introductions:** All public attendees introduced themselves. With the exception of Mary Pat McCurdie, all other attendees were there specifically for the electric-assist bicycle presentation. Mary Pat McCurdie was the landowner requesting the sale of 600 square feet of Pineridge Natural Area.

**Public Comments:** None

### **Approval of Minutes:**

Kelly asked why the transcription of the minutes changed from a verbatim style to a summary style. Daylan explained that the time to capture verbatim minutes was too time consuming for staff. He explained that the Boards and Commission Manual indicates that boards can choose the style that best works for the board. Board members agreed that a summary style was much more efficient.

*David Tweedale made a motion to approve the December LCSB minutes as amended.*

*Joseph Piesman seconded the motion.*

*The motion was unanimously approved.*

### **Communication and Board Matters:**

Ed reported that the Boards and Commissions Manual directs Boards to hold their elections in February or March. Ed acknowledged missing 4 meetings during the 2017 year, for various reasons. He enjoys being the Chair of the board and would like to continue. He asked if any Board members wanted to discuss the issue, otherwise the election would take place during the February 14<sup>th</sup> Board meeting.

David Tweedale announced the Council Meeting on the Hageman Earth Cycle lease. The agenda won't be out until Thursday. Daylan announced it is on the agenda for Consent and it is as Mark described.

Kelly encouraged board members to attend that City Council meeting to represent the board and other board members to speak as community members.

David and Edward both indicated they would attend to the meeting to represent the Board.

### **Discussion Items**

#### **Bicycle Advisory Committees' white paper on electric-assist bicycles.**

**Luke Caldwell, Bicycle Advisory Committee Chair**, reviewed the white paper he presented to the Transportation Board in the summer of 2017. The intention of the white paper was to provide a platform for discussion regarding electric-assist bicycles. Luke's presentation revolved around the current legislation of e-bikes, the definition of the types of Classes of e-bikes, current City of Fort Collins law and feedback from NAD and Parks and Planning. As Chair of the BAC, City Council requested that he present to several Boards to collect feedback and answer questions about e-bikes and their use on paved trails. Recent state legislation and the revision of the Transportation Master Plan has provided an opportunity to assess e-bikes and paved trails.

There are no current proposals going to City Council to address the disabled persons and the trail system. The purpose of the white paper was to provide a fact based, unbiased and history of discussion on e-bikes and their legal standings and how other communities have dealt with this. In April of last year, the state changed the definition of these bikes and categorized them as bicycles. Currently, local jurisdictions can dictate how and where they are used. While e-bikes

are part of the growing market, Luke explained that there really needs to be some definition of how these bikes are used. Board members were asked for their feedback.

**Discussion:**

David is totally against the use of any assisted bikes, other than for ADA purposes, on trails and feels the trails were not made for transportation, but only for recreation.

Luke admitted that safety concerns are on top of the list with regards to local concerns. He agrees that the paved trails are facing an increase in usage over the years with the growing population. He suggested the community look at reinvesting in the trail system to accommodate the increase in users.

Kelly directed the Board to comments that NAD and Parks made in the memorandum, dated July 20<sup>th</sup>. “Natural Areas does not support the e-bikes on natural surface or paved trails for many safety reasons.’ Kelly argued bike trails were never intended to be a transportation system, but simply recreation. The shift from recreational trails to transportation trails is the issue and he feels the BAC is in support of that Kelly suggested adequate enforcement, adequate speed limits and going with the Class I and paved trail system only.

Luke explained at a regional meeting Larimer County and Loveland are now allowing Class I and Class II on their hard surface trails.

Marcia reported the City of Boulder has a mixed definition of where these bicycles can be used and thought it important to consider our goals. The goal is to provide a route for commuting by bikes. She felt that the City of Fort Collins has many designated bike trails on main roads which separates itself from many other communities, states and counties where designated trails on main roads is adequate. She supported a limited pilot program to collect information from users.

Joe felt that two suitable trails for the pilot would be the Mason Trail and the Power Line Trail. He agreed that single track, unpaved trail wouldn't be a good idea.

Kelly suggested drafting a memo, from the Board, being very specific about e-bikes. The memorandum should include things like where e-bikes would be allowed, the enforcement issue, PR and signage. He was opposed to changing the recreation trails to transportation corridors. He felt this would deeply affect future funding for recreation trails.

**Action Items**

**2017 Annual Report**

**Daylan Figgs, Senior Environmental Planner** presented the 2017 LCSB Annual Report. Ed felt the report to be comprehensive. Daylan reported that the report is due at the end of January.

*Vicky McLane made a motion to adopt the 2017 Annual LCSB Report, subject to any changes by the end of the week.*

*Joe Piesman seconded the motion.*

*The motion was unanimously approved.*

### **Easement Request for Stormwater Outfall on Pelican Marsh**

**Daylan Figgs, Environmental Program Manager and Dan Gully, Real Estate Specialist** presented a request for a permanent non-exclusive easement for stormwater improvements on Pelican Marsh Natural area and a temporary construction easement to aid in the completion of the project.

Daylan reported on a new low-income development on the corner of College and S. of Trilby that will begin construction very soon. As part of the development process there is a request for a conveyance of two non-exclusive permanent drainage easements, one non-exclusive permanent slope easement and three temporary easements on Pelican Marsh Natural Area. The easements are at the outer edge of the Natural Area. Daylan explained that surface impacts associated with these easements will be short term and all disturbed areas will be fully restored as outlined in NAD's Resource Protection Standards. Currently there's a legal discrepancy of who owns a certain section of the land, which would positively affect the easement request and could potentially change the request altogether. Dan is currently doing some legal research on the ownership of the property. If we own it, there are two easements that fall within that line. If we don't own it, then that would eliminate the request for one easement. Daylan is seeking a recommendation from the Board to grant the easements.

#### **Discussion:**

Daylan explained that the developer needs all three easements. The easements grant them responsibility to maintain the reservoir as well. Vegetation will be native, cattails shouldn't be an issue, but one issue would be sediment build up.

Kelly expressed his opposition of using natural areas for easements. Mark explained that this easement would allow the water to flow where it has always historically flown and the benefit to have non-native vegetation grass back restored to native grasses. Daylan admitted that the impact would be short term but that the gain would be a non-native grass area being converted to a native grass and forb area that does have better wildlife attributes. There are also some Russian olives that the developer will remove.

David and other board members were uncomfortable supporting this until the land ownership issue gets settled. Daylan explained that if there is a third party that owns the land then the request for those easements are unnecessary. Mark encouraged board members to make a recommendation that includes a stipulation of "if we own the land". If the ownership is not true Daylan explained we would offer up to Council a subset of those easements. If something changes from the basic concept, whatever easements are granted will be the same as what is in the document. If there is major change, Daylan will bring it back to the Board.

*Marcia Patton- Mallory made a recommendation that City Council approve the conveyance of two non-exclusive drainage easements, one slope easement, and three temporary construction easements on Pelican Marsh Natural Area to Pedcor Investments-2015-CLII, L.P.*

*Andrea Elson seconded the motion.*

*The motion was approved by 5 Board members and 3 opposed.*

### **Petition for Purchase of Property – Pineridge Natural Area**

Mark Sears, Natural Areas Manager reported that in July of 2017 the McCurdie's submitted a petition to the City Manager's Office and the Natural Areas Department to acquire 606 square feet of property adjacent to Pineridge Natural Area. Board members were presented with maps and copies of the petition. Mark reminded Board members of the past encroachment issues in Quail Ridge and Fox Hills when staff supported selling small portions of land to land owners to settle significant long-term encroachment issues. These encroachments were significant in landscape and in value.

Mark explained that the current Land Disposition Guidelines clearly allows the land owner to petition City Council to resolve encroachment issues. The McCurdie's justification is that NAD allowed their neighbor to acquire a strip of land to resolve their encroachment and they would like to have the same option. Mary Pat McCurdie who was present, stated that they were not given the opportunity to purchase the additional property at that time, while other landowners in the area were given that chance.

Mark stated that the McCurdie's were given the option of buying the land upon which they were encroaching on at the time; but after hearing about the costs associated with the process and told that Natural Areas staff would not support them purchasing the area they were encroaching on because their encroachment was not significant and could easily be removed, Mike McCurdie chose to remove the encroachments and not request to purchase land.

Mark explained the reasons NAD staff is against the sale of the property. The request does not align with the recently adopted Land Disposition Guidelines; and the sale could be precedent setting. Mark told the Board that the McCurdie's have the right to petition City Council even if the request does not align with the guidelines; therefore, he needs a recommendation from the Board.

### **Discussion:**

Daylan presented a letter from a community member Michelle Haefele, not in attendance of the meeting, to the Board opposing the land sale.

Mark's biggest concern is that NAD is occasionally approached by landowners that are encroaching on a natural area property asking NAD to sell the area. While Mark always explains to landowners that they can petition City Council to purchase property they have encroached on, it is likely that staff and the Land Conservation and Stewardship Board will not support the sale and if Council does not approve the purchase they risk losing the administrative costs they must pay up front.

Marcia reminded board members that the last discussion the Board had about selling property for encroachment reasons was with apprehension. Those property sales were delicate issues in terms of the types of encroachments and situation of the NAD property. Her view was that this encroachment situation did not fall within the boundaries of a what other sales had fallen into in the past.

***Vicky McLane made a motion that the Land Conservation and Stewardship Board recommend that City Council not approve Michael and Mary Pat McCurdie's request to purchase land at Pineridge Natural Area.***

***Joe Piesman seconded the motion.***

***The motion was unanimously approved.***

Kelly thought it might be a good idea to draft a few bullet points for a memorandum as to why we don't support the land sell. Board members agreed a memorandum to City Council would be a good idea. Issue will go to City Council early February. Raymond Watts, LCSB Communication Liaison would be asked to draft the memorandum to City Council.

### **Miscellaneous Items**

Daylan provided an update on Platte River Power Authority. He reported that they have added a windfarm to their energy portfolio and that it's likely certain the windfarm is going to be in Wyoming to establish a transmission line to the plant. With the threat that the transmission line might cross Meadow Springs Ranch, the Board would like to take action and make a recommendation to City Council about the placement of that line. Based on prior discussion on the issue, back in December, the Board discussed sending a memo to City Council. Vicky reported that PRPA will provide a communication plan in April, so time is of the essence. Daylan felt it would be a longer process to evaluate the route.

The Board agreed to ask Ray to insert language in the memorandum to City Council that addresses the resource management at Meadow Springs and ecological value to ensure the integrity of the area is maintained.

After some lengthy discussion Board members agreed that the consensus would be to recommend to City Council that the transmission line run along I-25, versus across Meadow Springs, to minimize environmental impact.

Daylan suggested the Board wait to look at the proposed alignment to have a better idea of how that might look before sending a memorandum.

Board members suggested adding language to the Summary of the memorandum indicating the utility rights of way be along I-25 and that language be added describing Meadow Springs as a very significant ecological value. The Board also agreed to add the language "Should the project move forward..." at the beginning of the first sentence in the Discussion section of the memo.

*Vicky McLane made a motion to approve the memorandum to City Council with the modifications discussed in the meeting.*

*Marcia Patton-Mallory seconded the motion.*

*The motion was unanimously approved.*

Kelly suggested that the Board eliminate some of February's agenda items.

Marcia would like the issue of hiring a new ranger to be put back on one of the upcoming agendas. Kelly reminded everyone the BFO process takes place soon, so that agenda item would have to be earlier than later.

### **Land Conservation**

Mark Sears reported the following:

- He would be requesting an Executive Session in February or March to discuss some potential land acquisitions.
- The Hageman Lease is final and would go to City Council next week, for approval. The lease has been agreed upon by both parties.
- NAD closed on a 9-acre conservation easement, on south side of Pineridge, just north of Coyote Ridge Natural Area, between Spring Creek and Pineridge.
- NAD closed on the last of the Foothills property just adjacent to Blue Sky Trail, just north of Devil's Backbone, 300 plus acres.

Meeting adjourned: 8:52 p.m.

**Approved:**

Edward Reifsnnyder, Chair 2/14/08 Date

Michelle Vattano, Secretary  
**Michelle Vattano**