

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Land Conservation & Stewardship Board

Regular Meeting

September 12, 2018

1. CALL TO ORDER

5:30 p.m.

2. ROLL CALL

Board Members Present: Joseph Piesman, Andrea Elson, Kelly Ohlson, Marcia Patton-Mallory, Raymond Watts, Mike Weber

Board Members Excused: David Tweedale, Edward Reifsnyder, Vicky McLane

Others Present: Stephanie Kopplin, Natural Areas Department Environmental Planner; Max Moss, Montava Project Developer; Nic Koontz, Native Hill Farm; Zia Zyloko, Poudre Valley Community Farms Board Member; Wendy Williams, City Manager's Office

3. AGENDA REVIEW

John asked that discussion on cost sharing principals with Larimer County and NAD's acquisition policy be placed on the November LCSB agenda. He explained those topics will be on the City Council Work Session agenda, scheduled for November 27th and that he would like feedback from the Board prior to that meeting.

4. CITIZEN PARTICIPATION

Nic Koontz, Native Hill Farm, representing the community farm component of the Montava project. Zia Zyloko with Poudre Valley Community Farms is also working with the Montava project. Max Moss, Montava Project Developer, introduced himself as working on the Montava Development.

5. APPROVAL OF MINUTES

MARCIA PATTON-MALLORY MADE A MOTION TO APPROVE THE AUGUST LCSB MEETING MINUTES

RAYMOND WATTS SECONDED THE MOTION

THE MOTION WAS APPROVED 6-0

Land Conservation & Stewardship Board

Regular Meeting

6. COMMUNICATION AND BOARD MATTERS

7. NEW BUSINESS ACTION ITEM

2019 LCSB Work Plan/Roles & Responsibilities

Board members were asked to review the 2018 Work Plan and revise it for 2019. Joe drafted a 2019 Work Plan based on Board input and recommendations based on anticipated and planned projects for 2019 related to natural areas. The process included an initial discussion with the Board about recommended changes and amendments to reflect the upcoming year. Recommendations and changes were completed via e-mail and finalized by the Chair, Joe Piesman.

THE MOTION TO ADOPT THE 2019 WORK PLAN WAS APPROVED 6-0

Joe reported that the Land Conservation and Stewardship Board Roles and Responsibilities section underwent many changes. Vicky pointed out the old list was repetitive of the Work Plan and suggested keeping the first five items that are outlined in the Municipal Land Code, relevant to the Natural Areas, for example; advise City Council on budgetary matters, advise and propose land acquisitions, etc. Items 6 through 7, Joe added from the old list. Joe added that in the future the Roles and Responsibilities will typically remain the same as they are general responsibilities of the Board to City Council, but that the Workplan would obviously change with every year to reflect issues and topics appropriate for that specific year.

THE MOTION TO ADOPT THE ROLES AND RESPONSIBILITIES WAS APPROVED 6-0

Northern Integrated Supply Project.

Jennifer Shanahan, NAD watershed planner provided an update on NISP comments.
(Attachments available upon request)

The NISP final Environmental Impact Statement (FEIS) was released on July 20th by the U.S. Army Corps of Engineers (Corps) for public comment through October 4th. Given the complex nature of the NISP and FEIS, Staff have not yet finalized the technical analysis for Council's consideration.

Jennifer reported on how Natural Areas Department is developing written comments on the FEIS and the staff's initial findings and recommendations. There are nine focus areas that are commented on in terms of the Environmental Impact Study. Jennifer provided comments and key concerns for each area and some recommendations for each. Those focus areas are:

Land Conservation & Stewardship Board

Regular Meeting

- Water Quality – Source Water
- Water Quality – River and Wastewater
- River Channel – Size and Flood Risk
- River Ecology – General
- Fish
- Riparian Vegetation & Wetlands
- Air Quality
- Recreation

Jennifer reported overall support from City Council on the direction that Natural Areas Department is taking on the issue. There continues to be support for regional relationships to further discuss the EIS. Jennifer reported there is a handful of folks that are more concerned about outcomes with NISP, but overall City Council is supporting NAD's recommendations and comments.

Discussion Highlights:

Some Board members were concerned about NISP and what they will take out of the river during peak floods. John reported that statistical behavior of the river is hard to determine. To some degree flow history would have to be researched to determine what that would look like. NISP actions based on what's happened in the past is too unpredictable. He feels that is a comment we should enlist in. Peak flow was a concern and how to determine when that might be. When the flow is at it's peak NISP won't be able to capture it all anyway. The diversion pipe is only so big

In terms of recreation John mentioned that when we gave comments on NISP in 2008 and 2015, we were focusing on the flows in the river and how they affect boating, fishing and tubing. Since those then there have been numerous project changes that are intended to minimize NISP's impacts on those areas. John reported that we are focusing quantitatively to the flows in the river and how they may affect those recreational activities.

Wetland and riparian health were a concern as well as mitigation efforts and measures for the permit.

The Board asked if Jen would take recommendations to Council on October 2nd, the public comment period ends on October 4th.

Additionally, when the City responds to a project like NISP, and other future projects similar, there will always be environmental concerns. Many people will focus on the environmental end of the concerns and forget about other consequences to the action. For example, population growth, supported by NISP, will eventually push land prices up, which could make land purchases more difficult for NAD. The economic impacts could be heavy. Board members agreed that NEPA affects environmental impacts but social economic as well.

Land Conservation & Stewardship Board

Regular Meeting

Joe reported that a brief motion to City Council, that Ray would compose with the Board's concerns, would have to go to City Council before October 2nd. Concerns are that NISP, in its current stage, will negatively impact Natural Areas.

Timeline:

After City Council approved, City staff will post City's comments online for public input September 19-26 at www.fcgov.com/nispreview

October 2: City Council meeting

October 4: All public comments due

MARCIA MADE A MOTION THAT THE LCSB DRAFT A MEMO, TO CITY COUNCIL, EXPRESSING CONCERNS THAT NISP WILL HAVE SERIOUS DIRECT SOCIAL CONSEQUENCES ON NUMEROUS NATURAL AREAS, AND INDIRECT ECONOMIC CONSEQUENCES FOR THE NATURAL AREAS DEPARTMENT. THE FINAL EIS FOR NISP DOES NOT ADEQUATELY ADDRESS SOCIAL AND ECONOMIC IMPACTS.

ANDREA SECONDED THE MOTION

THE MOTION WAS APPROVED 6-0

Periodic Review

Mayor Pro Tem Horak addressed the Board members on both the Draft LCSB 2019 Workplan and the Board Roles and Responsibilities.

It was agreed Board members would address Mayor Pro Tem Horak as Gerry. Gerry asked if Board members had any issues to discuss in general. Joe described how the periodic review survey document was reviewed, discussed and prioritized. The only question was related to the three major outcome areas the Board felt most aligned with. Environmental Health is the key outcome area that LCSB is best aligned, but the remaining two (Community and Neighborhood Livability and Culture and Recreation) were not as clear. Joe described the only other item Vicky wanted to discuss was the potential land purchase from the Gallegos family to Natural Areas Department. Gerry reported that City Council had not voted on that land purchase, however the LCSB did recommend to Council approval of the Intergovernmental Agreement.

Historically Natural Areas Department has used their Master Plan and a land acquisition policy developed in 2005 to guide acquisitions. In short, Land purchases over \$2M or any

Land Conservation & Stewardship Board

Regular Meeting

controversial land purchases go to the City Council for approval, non-controversial acquisitions or those less than \$2M are completed without Council approval. City Council has asked the Department to look at other municipality land purchase policies or guidelines to identify their processes as well as revisit the current policy. City Council is requesting that Natural Areas Department bring the Policy, with or without recommended changes back to Council for discussion and approval. The Policy will be discussed with the City Council in a work session on November 27th. Until then John and staff will continue to research other municipal and county programs for policies or guidelines that outline land acquisition processes and identify recommended changes to Natural Areas policy. This item will be brought back to the LCSB for their discussion and recommendation at the November 14 meeting. In addition to the land acquisition policy – staff also will develop information about cost sharing with Larimer County Open Lands and how cost sharing might be guided by policy. Gerry reported that the current quarterly land acquisition report, Mark Sears supplies to City Council, has been very helpful.

Gerry suggested changing some of the language in the draft 2019 LCSB Work Plan to better reflect the Boards initial roles and responsibilities. For example, he thought the *Key Initiatives* should be more in line with the relationship to natural areas versus specific projects, such as Meadow Springs Ranch Power Line. Just including the language “as it affects natural areas” was recommended. Reviewing the language to ensure the focus is always on how projects and plans affect and impact natural areas and not necessarily on the projects themselves. He also suggested inserting language to focus on updates and advisory to City Council versus updates and advisory to the Natural Areas Department. He reminded the Board that their main responsibility is to advise and update City Council.

Joe explained that the first five items in the *Land Conservation and Stewardship Board Role and Responsibilities* are directly from the City Municipal Land Code, reflecting Natural Areas. Gerry suggested the Board review the Roles and Responsibilities with the same focus and remind them that things like wildlife, prairie dog management and any other issues outside natural areas are not roles and responsibilities of the Board.

Gerry would like to review the final document, prior to going to City Council. Joe will finalize the final edits and send out to The Board, via e-mail for discussion and final review.

Gerry adjourned his periodic review by thanking the Board members and their commitment to the Board. He also suggested including, in the minutes, reasons for specific either positive or negative votes for action items. He would like to see specific reasons why Board members voted either way on a certain issue.

Land Conservation & Stewardship Board

Regular Meeting

Proposed Partnership with Montava Developer

(Attachments available upon request)

Mark Sears, NAD Manager and Stephanie Kopplin, NAD Environmental Planner

summarized NAD's role in the Montava Development located in northeast Fort Collins. Last year there was discussion between the project developer and Natural Areas about creating a natural area along the east side of the development. The approximate 150-acre site would be owned and managed by Natural Areas. The developer would be responsible for cost to design and construct the drainage way and detention ponds located on the parcel and ultimately the HOA would be responsible for the maintenance. Paved trails would be maintained by the HOA or possibly the Parks Department. Although, NAD's cost estimate has not been finalized, NAD may participate inland acquisition, design cost, restoration costs and trail design/construction. The Developer would also share in the costs.

Discussion Highlights:

Concerns were of the Metro District Policy (MDP), <http://windsorgov.com/1100/Metro-Districts>

The MDP allows for property taxes to pay for any infrastructure to support a new subdivision. On Board member felt the MDP should include any enhancements or in this case a 'natural area'. One concern expressed was the 150-acre had no or little wildlife benefit and would not be a piece of land that NAD would typically prioritize as a land purchase. Staff disagreed with the statement reflecting low wildlife value and feel confident that restoration activities similar to those taken at other natural areas would enhance wildlife values and adding a property in the northwest area is a priority given that few conserved lands exist in that area of the City. Board members suggested funding sources include Nature in the City, Keep Fort Collins Great, general fund money or City Parks funding. Unless the trail connects to a major trail system, the site will be heavily used by neighborhoods and falls under the Nature in the City goals and objectives.

John reported that the benefits of the project would be turning the area, which currently is degraded or industrial type land, into a restorative area. He explained this approach has been taken at many sites within the City and the result in a highly degraded parcel converted to a biodiverse and beautiful area. Some board members were concerned about restoring the area with such a low wildlife value, while others were in favor of such a partnership with a developer.

BOARD MEMBER REPORT

8. OTHER BUSINESS

- Vicky McLane, although not present, asked Joe to inquire about field trips to Soapstone Prairie Natural Area and Meadow Springs, as well as the restoration at N. Shields.

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Land Conservation & Stewardship Board

Regular Meeting

- Daylan announced the Annual Regional Board meeting will take place in November. Details for the meeting have yet to be finalized.
- John and Daylan will not be available for the October 10th LCSB meeting. Joe suggested looking for an alternative meeting date to allow more time for discussion regarding the cost sharing principles with Larimer County and NAD's acquisition policy. Joe suggested an e-mail chain to discuss an option meeting date in October.

9. OTHER BUSINESS

10. ADJOURNMENT

Meeting adjourned at 8:37 pm

A handwritten signature in black ink, appearing to read "JP", written over a horizontal line.

Joseph Piesman, Chair

A handwritten signature in blue ink, appearing to read "Michelle Vattano", written over a horizontal line.

Michelle Vattano, Secretary

