

DATE: November 29, 2011

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*Pre-taped staff presentation: available
at fcgov.com/clerk/agendas.php*

WORK SESSION ITEM FORT COLLINS CITY COUNCIL

SUBJECT FOR DISCUSSION

Proposed Revisions to the City of Fort Collins Natural Areas and Open Lands Easement Policy.

EXECUTIVE SUMMARY

The City of Fort Collins Natural Areas and Open Lands Easement Policy was adopted by resolution in 2001 (Resolution 2001-094). To date, approximately forty right-of-way easements have been granted by the City under this Policy. The Natural Areas Program is proposing revisions to the Policy to address:

1. Compensation and mitigation requirements
2. Above-ground features associated with buried utility cables and pipelines
3. Review and approval of projects proposed within existing easements
4. Review and approval of projects within new or existing utility easements on lands conserved with conservation easements.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. Does City Council support the proposed revisions to the City of Fort Collins Natural Areas and Open Lands Easement Policy (Resolution 2001-94, July 17, 2001)?
2. Does City Council have additional revisions to suggest to the Easement Policy?

BACKGROUND / DISCUSSION

Compensation and Mitigation

The City of Fort Collins Natural Areas and Open Lands Easement Policy currently requires the City to be compensated for the value of the right-of-way easement and the costs for processing and managing the easement. The proposed revisions to the Policy will require that compensation be required for the loss of ecological services and recreation values of the property (ecological goods and services). Compensation for the value of the land and for damages will continue to be based on fair market value as determined by accepted appraisal techniques. Compensation for loss in ecological goods and services will be based on values reported in appropriate professional and technical publications. Compensation for losses in ecological goods and services may be negotiated to be paid in cash or through the completion of appropriate mitigation measures, either on or off the

property impacted by the easement. Loss in ecological goods and services will be compensated on a weighted, multi-year scale to capture the time it takes for the ecological goods and services to return to a pre-disturbance condition.

It is important to note that some entities have the authority to condemn City-owned lands. The Natural Areas Program will negotiate the value of the easement as directed by the Policy. However, the final value may be influenced by more common methods to determine fair compensation and may differ from this Policy.

New projects within existing easements

The current Policy is limited to new requests for easements or rights-of-way and is silent on new projects within easements previously granted by the City or within easements granted prior to City ownership. The revised Policy addresses new projects within existing easements but also recognizes that the City's ability to impose new requirements within existing easements may be limited, especially for those easements granted prior to City ownership. When opportunities are available, the City will work to negotiate terms and conditions or specific project plans consistent with the terms of this revised Policy. Also, the revised Policy directs the City to seek and take advantage of opportunities to require or negotiate for the undergrounding, avoidance or removal of above-ground structures associated with existing infrastructure.

Easements previously granted may not require advance notice to the City for work proposed on a natural area or conserved land. The revised Policy states that when information becomes available to the City that work may take place within the easement, the City is directed to contact the holder of the easement and work to negotiate a mutually agreed upon plan for notification and consultation regarding the work. The City will seek to negotiate with the easement holder to obtain agreement regarding advance coordination, scheduling and planning for avoidance of impacts and mitigation, if necessary.

Above ground features or markers

Above ground features or markers associated with buried utilities are addressed in the current Resource Protection Standards for Easements and Rights-of-Way but not within the governing Policy. The revised Policy requires that any above-ground features associated with buried utility cables and pipelines will not be allowed on City property unless required by applicable technical standards for public safety and utility marking or other applicable legal or regulatory requirements. The location, color and height of any such above-ground features must be approved by the City.

Conservation easements

The current Policy does not address request for new easements or new projects within easements previously granted on lands conserved with conservation easements (a conservation easement is a deeded property right that restricts the development of a property). The owners of private property protected by a conservation easement, which easement is held by the City's Natural Areas program, may receive requests for right-of-way easements across their property for roads, utilities and other uses. Notice to the City of the easement request generally is required within the terms of the conservation easement, and, ideally, property owners (or entities seeking a new right-of-way) will notify the Natural Areas program of any such requests. Staff will then work with the property owner

to evaluate such requests on a case-by-case basis, taking into account the terms of the conservation easement, the conservation values of the property, and the revised Policy, to the extent permissible. The revised Policy also applies to lands owned by the City with conservation easements held by another entity. Once the City receives a request for an easement across these properties, the City will notify the owner of the conservation easement.

Staff has presented the proposed Policy changes to the Land Conservation and Stewardship Board. The Board generally is comfortable with the proposed changes and will provide formal advice to Council before Council formally considers the revised Natural Areas and Open Lands Easement Policy on December 20, 2011.

ATTACHMENTS

1. Draft of proposed changes to the City of Fort Collins Natural Areas and Conserved Lands Easement Policy
2. Land Conservation and Stewardship Board minutes, September 14 and October 12, 2011
3. Powerpoint presentation

DRAFT REVISIONS
TO THE
CITY OF FORT COLLINS
NATURAL AREAS AND CONSERVED LANDS
EASEMENT POLICY

Original Policy Adopted by Resolution 2001 – 94, July 17, 2001

*****Note: Changes to original text or new text in this revised policy are highlighted in green*****

PURPOSE:

The purpose of the policy statement is to clarify the policies and procedures of the City of Fort Collins (“City”) with respect to requests for easements or rights-of-way that affect publicly owned Natural Areas or other lands that are managed by the Natural Resources Department; lands owned in part by the Natural Resources Department; and private lands with Conservation Easements held by the Natural Resources Department. The policy does not apply to requests for easements or rights-of-way on or across other lands owned by the City.

APPLICABILITY:

The policy applies to requests for new easements or rights-of-way and to discretionary decisions made in connection with projects within existing easements for a wide variety of purposes, including without limitation, streets, water, sewer, drainage, flood control, electric power, wind generation, solar generation, pipelines, and telecommunications facilities. The policy applies to projects of the City as well as those proposed by other public entities, such as special Utility Districts, and private parties. The policy does not apply to trails, parking lots, interpretive features or other facilities that are proposed as part of the management of public natural areas.

GENERAL POLICY:

The natural areas and other conserved lands addressed by these policies were acquired by the City with dedicated funds from sales taxes that were approved by the voters of Fort Collins or Larimer County for the specific purpose of protecting natural areas and conserved lands. These lands are part of the fabric of the Fort Collins community, and are viewed as a type of “community facility” intended to meet specific community goals.

For natural areas, the goal is to “*preserve and protect natural areas within Fort Collins and the Community Growth Management Area to provide habitat essential to the conservation of plants, animals, and their associated ecosystems and to enrich the lives of citizens by providing opportunities for education, scientific research, nature interpretation, art, fishing, wildlife observation, hiking and other activities.*”

For other types of conserved lands, e.g., agricultural areas, lands are protected to shape the physical structure of the community: These lands “*provide the community with a*

well-defined edge, establish community separators, direct growth, and preserve rural character.”

Requests for easements or rights-of-way that affect natural areas or other conserved lands must be considered within this context. Accordingly, the general policy is to avoid, to the maximum extent feasible, granting easements or rights-of-way for activities that will adversely affect the use of the land for meeting the community’s goals for natural area protection or community shaping. Where easements or rights-of-way are **authorized** by ordinance of the City Council, the general policy is to minimize the impact on the natural area or the community, to the maximum extent feasible, by limiting the size and visibility of the area affected, managing construction or other human activities with respect to their timing, duration, and frequency of occurrence, and restoring affected areas to a condition that is equal to or better than the condition at the time the easement is granted.

Because the natural areas and other conserved lands owned by the City **are in many instances** within an urban context, it is recognized that easements and rights-of-way may be necessary to allow for the orderly development of the community in accordance with the adopted **Plan Fort Collins (2011)**. Individual easement requests will be evaluated in accordance with both the general policy and with the specific policies listed in following sections.

In addition, many properties owned by the City were subject to easements and rights-of-way granted by prior owners at the time the City acquired them. In these instances, the City’s ability to impose new requirements consistent with this Policy may be limited. However, opportunities to negotiate terms and conditions or specific project plans consistent with the terms of this Policy may arise to the extent the City is in a position to make discretionary decisions in administering such easements or to the extent the easement holder requires new rights or other concessions by the City.

In any instance in which an easement does not require advance notice to the City of proposed work on a natural area or conserved land and information becomes available to the City that work may take place within the easement, the City will contact the holder of the easement promptly and work to negotiate a mutually agreed plan for notification and consultation regarding the work. The City will seek to negotiate with the easement holder to obtain agreement regarding advance coordination, scheduling and planning for avoidance of impacts and mitigation, if necessary.

SPECIFIC TYPES OF FACILITIES:

Public Streets. New **public** highways, roads, or streets will not be allowed within City-owned natural areas or **conserved lands**, except for those specifically identified in the adopted City Master Street Plan or comparable Master Transportation Plan adopted by the appropriate governing body in cases where the natural area or **conserved land** is located outside of the city limits of Fort Collins. Widening or other street improvement projects on existing streets within natural areas or **conserved lands** will be allowed, consistent with the City Master Street Plan or comparable adopted Master Transportation

Plan. The alignment and design of any highway, road, or street improvement will be planned to avoid or minimize the effect on the natural area or **conserved land**.

Private Streets or Other Private Access. Requests by private parties for private streets or access easements to cross natural areas or **conserved lands** in order to gain access to a private parcel of land will not be considered unless crossing the natural area is the only feasible means of providing access to a legal parcel of land.

Overhead Electric Power, Telephone, or Cable Lines. New overhead cable lines will not be allowed within any City-owned natural area or **conserved land**, **unless determined to be beneficial for the property in the specific circumstances**. Replacement of existing overhead cables with underground cables will generally be encouraged unless the installation of underground lines will result in adverse impact to the natural area that is inconsistent with these policies.

Any change in above ground features (number of poles, pole height, number of wires, etc) within easements granted by the City or granted prior to City ownership of the land (to the extent there is an opportunity to negotiate or impose new conditions) will require review and approval by the City.

Aboveground Structures. New buildings or other structures, including without limitation, towers, transmitters, receiving stations, tanks, substations, or billboards, will not be allowed on City-owned natural areas or **conserved lands**. **The City will seek and take advantage of opportunities to require or negotiate for the undergrounding, avoidance or removal of above-ground structures associated with existing infrastructure.**

Underground Utility Cables or Pipelines. Consistent with standard practice within Fort Collins, underground utility cables (e.g., electric, telephone, fiber optic, etc.) and pipelines (e.g., gas, water, sewer) will be located within the street and utility right-of-way adjacent to the natural area or conserved land. In instances where the existing right-of-way does not conform to the planned future street right-of-way as depicted on the applicable adopted Master Transportation Plan, cable or pipeline easements will be located parallel to the existing roadway and within the area encompassed by the future street and utility right-of-way.

Some larger utility transmission cables or pipelines are not typically placed beneath streets due to reliability or safety concerns. In instances where the cable or pipeline cannot safely be placed within the road right-of-way, it will be located as close as practicable, and parallel to the road right-of-way.

Above-ground features associated with buried utility cables and pipelines will not be allowed on City property unless required by applicable technical standards for public safety and utility marking or other applicable legal or regulatory requirements. The location, color and height of any such above-ground features must be approved by the City. The City will seek and take advantage of opportunities to require or negotiate for

the undergrounding, avoidance or removal of above-ground structures associated with existing infrastructure.

Drainage Facilities for Private Development. Drainage facilities that serve new development (such as detention, retention, or water quality ponds) shall be located on private land within the development and not on city-owned natural areas or **conserved land**. Easements for conveyance facilities will be considered on a case-by-case basis when the City-owned land is located between the private parcel and the historic receiving channel or stream. **The design of the new flow conveyance must** utilize existing drainages to the maximum extent feasible and must blend into the surrounding terrain; must not impact the existing geomorphic character of the drainage; and **must** enhance the natural habitat features and character of the site.

Requests will not be granted for easements by private entities to construct flood control or drainage structures on natural areas or conserved lands to create developable land by removing it from the floodplain, **unless determined to be beneficial for the property in the specific circumstances**. Requests will be considered on a case by case basis for construction of flood control measures to address existing flood hazards that threaten public health or safety; in these cases, use of the natural area or **conserved land** must be the only reasonable alternative to address the flood hazard and the structure or measure must be designed to minimize the impact to the natural area.

Public Flood Control and Drainage Facilities. The City's Natural Areas, Storm Drainage, and Water Quality programs have a strong record of collaboration in the joint acquisition of land and in the design of projects that meet multiple community needs. To the maximum extent feasible, planning for storm drainage, water quality and natural areas and **land conservation** acquisitions shall continue to be coordinated so that lands needed for all of these uses are purchased jointly. Innovative approaches shall continue to be used so that flood control and water quality facilities are designed, constructed, and managed to maintain or enhance natural area protection values while meeting flood control, stream stability, and water quality needs. Easements or rights-of-way for flood control structures or facilities will be considered on natural area or **conserved land** when the facility is part of the implementation of an adopted basin-wide master plan (e.g., Canal Importation Master Drainageway Plan, Poudre River Master Drainageway Plan).

New Section

Conservation Easements: The owners of private property protected by a conservation easement held by the City's Natural Areas program may receive requests for easements across their property for roads, utilities and other uses. Notice to the City of the easement request is generally required in the applicable conservation easement, and property owners should notify the Natural Areas program of any such requests. Staff will consult with the property owner to evaluate such requests on a case-by-case basis, taking into account the terms of the conservation easement, the conservation values of the property, and this Policy, to the extent permissible. In order to complete the appropriate review of any such requested easement, the City will obtain information regarding the nature,

scope, design, location, timetable and other material aspects of the proposed activity, and evaluate the proposed activity to determine if it is permissible under, and consistent with, the applicable conservation easement and the conservation values of the property.

The City's Natural Area Program owns lands protected with conservation easements held by other entities. Once the City receives a request for an easement across these properties, the City will notify the owner of the conservation easement. Staff will then work with the conservation easement owner to evaluate such requests on a case-by-case basis, taking into account the terms of the conservation easement, the conservation values of the property, and this Policy, to the extent permissible.

ALTERNATIVES ANALYSIS:

In general, a right of way or easement across City-owned natural areas and conserved lands will only be approved if it is the only reasonable alternative, considering environmental impacts, impacts to the **recreation uses** of the natural area by the community, financial costs, engineering feasibility, public health and safety and other appropriate factors. Applications for easements or rights-of-way must identify and evaluate the environmental impact, engineering feasibility, and the cost of alternatives that do not affect the city-owned natural area or **conserved land**. Depending on the type of proposal, alternatives will need to consider both alternative locations for the facility as well as alternative designs. The number of potential alternatives to be considered will depend on the location and nature of the proposal, but must be sufficient to allow City staff, the **Land Conservation and Stewardship Board**, and City Council to evaluate the cost and environmental impact of the available alternatives for meeting the intent of the proposal. Applicants should expect to provide information on the available alternatives at a level of detail to allow independent review of the conclusions by City staff or outside consultants retained by the City to assess the easement request.

LAND USE CONSISTENCY:

Applicants for rights of way and easements must demonstrate that any development to be served by the proposal is consistent with the **Plan Fort Collins**, the City's Comprehensive Plan. Where the purpose of the easement is to provide utility services to areas outside the land use jurisdiction of the City, the applicant must demonstrate consistency with the adopted comprehensive plan of the governing jurisdiction, and with any applicable growth management policies of the City. Applications for easements that facilitate development or growth that is contrary to the policies of the City will not be approved.

MASTER PLAN CONSISTENCY:

As a condition of approval, the applicant must demonstrate that the requested easement or right-of-way is consistent with the adopted utility master plan or service plan for the area where the easement is requested. The applicant must demonstrate that the proposed project is located and designed appropriately to meet the future needs of the service area based on the adopted land use plans and/or zoning in the area served. This requirement is intended to encourage thorough planning, coordination among property owners, and to avoid multiple requests for easements or premature expansion or modification of the facility before the end of its normal service life.

COORDINATION WITH OTHER ENTITIES:

Generally, the City will not grant exclusive easements. As a condition of approval, the applicant must contact other utility service providers in the project vicinity to determine if they have current or future plans for additional facilities in the area. To the extent feasible, the planning, design, and construction of facilities shall be coordinated among utility providers to conserve easement corridors and to avoid repeated construction activities that may affect the natural area or **conserved land**. Applicants must provide copies of written requests for utility coordination and the responses received from other service providers.

COMPLIANCE WITH EXISTING EASEMENTS:

Applicants must demonstrate compliance with the requirements of **prior easements on land subject to this Policy or other City property**. Requests for new or additional easements will not be considered if the applicant has not met the requirements of existing easement agreements and has failed to make **diligent efforts** to correct the situation after notification by the City.

RESOURCE PROTECTION STANDARDS:

As a condition of approval of any easement or right-of-way, the City will impose appropriate measures to assure adequate resource protection for the natural area or **conserved land**. These measures will be determined based on the characteristics of the proposal and the affected land, but may include, without limitation: field investigations to determine the presence of sensitive plants and **wildlife**; siting requirements to minimize the effect on natural resources; seasonal timing restrictions to avoid impacts to **wildlife** or **sensitive habitat** during critical periods of the year; access restrictions to control times and locations of access to the easement; construction management measures to ensure that activities are restricted to designated areas, to control erosion, to limit noise, or **other impacts**; restoration requirements to ensure the timely regrading and revegetation of disturbed areas to a condition consistent with the future management of the area; mitigation measures to replace resource values lost to the community as a result of the project; and requirements to minimize the impact to the natural area of ongoing operation and maintenance of the facility. The City Manager or his or her designee shall develop and maintain a general list of resource protection standards that are applicable to natural areas and conserved lands. This list, **which is now maintained by the Natural Resources Department** may be modified from time to time based on the experience gained in managing easements, developing knowledge about the resource values of the City's natural areas and **conserved lands**, and improved knowledge related to **best management practices** needed to protect the natural values of the City's properties **and to reflect specific circumstances or concerns in connection with a particular easement or project**.

COMPENSATION AND MITIGATION:

As a condition of approval of any easement or right of way, the City will require cash **compensation for the value of the permanent and temporary easements** and for the administrative costs of processing and managing the easement. **In addition, the City will require compensation for the loss of ecological service values, recreation values, and**

other intrinsic values of the property. Compensation for the value of the land and for damages will be based on fair market value as determined by accepted appraisal techniques. Compensation for loss in ecological services and recreation use will be based on values reported in appropriate professional and technical publications. Compensation for losses in ecological services and recreation use may be negotiated to be paid in cash or through the completion of appropriate mitigation measures. Additional fees assessed for other costs associated with processing the easement request and approval process, overseeing construction activities, and managing the easement following construction will be based on the estimated actual costs of the service provided. In general, compensation and fees will be administered so as to result in a net benefit to site being impacted.

ADVISORY BOARD AND COUNCIL REVIEW:

Granting an easement or right-of-way conveys a property right, and must be approved by the City Council by ordinance. The Land Conservation and Stewardship Board will also review the easement proposal and make a recommendation in its advisory role to the City Council. City staff will be responsible for working with the applicant on the application process, reviewing and evaluating the application, and making a recommendation to both the Land Conservation and Stewardship Board and the City Council. If an easement is granted by the City Council, staff will be responsible for overseeing and managing the easement and ensuring that the conditions of the grant are met.

APPLICATION REQUIREMENTS AND REVIEW PROCESS:

In addition to this Policy, the City Manager or his designee will establish procedures for reviewing applications for easements and rights-of-way that affect City-owned natural areas and conserved lands. These procedures shall establish the fees, necessary steps and information requirements for the timely consideration of requests for easements or rights-of-way. The City Manager or his or her designee will ensure that easement requests are presented to City Council for decision in a timely manner.

**Excerpt – Land Conservation and Stewardship Board
Wednesday, September 14, 2011**

Utility Easement Policy Discussion

- Figgs: The City of Fort Collins Natural Areas and Open Lands Easement Policy was adopted by Resolution in 2001. To date, approximately forty easements have been granted by the City under this Policy. Recently City Council requested staff to review the easement policy and recommended appropriate changes for adoption by Council. Once revisions are finalized, staff will present the revised policy to the Land Conservation and Stewardship Board for their consideration and recommendation for City Council adoption. Revisions to the Policy being considered by Natural Areas staff are:
 - Fee Structure and Restoration/Mitigation
 - Existing easements (previously granted by the City or in place at the time of acquisition)
 - Easements that occur on private lands encumbered by Conservation Easements
- Knowlton: Have you looked at other places like Boulder?
- Figgs: That is part of what we are doing as well.
- Scharton: We are on the front edge of fee structure and restoration requirements.
- Quayle: Where I work, when restoring the army land, we set up a success rate area and it has to meet those criteria before transferring the land.
- Figgs: We have that as well, and how we typically do it is to allow them to do their own restoration to our performance standards. The more common way is once the initial restoration is complete, as long as it is to our specifications, we would receive payment per acre and we would, instead of them, manage the site through the restoration standard. We would then fold that into our day to day management activities.
- Stanley: I like the ecosystem service value very much and others will follow.
- Cameron: I like the ecosystem service value also.
- Daggett: We have gotten better over time; including specific requirements for the kinds of things that we have learned are helpful like, communication, and plan review. Early in the program the easements had a lot less of this language. We are now watching for opportunities to try and leverage for instance, if they need a construction easement, it would give us an opportunity to negotiate something with them, maybe even an internal easement.
- Knowlton: It could also happen that in the future we could acquire a piece of land that would have an existing easement.
- Figgs: There is a second parallel project that Justin Scharton is working on where we are currently going back and looking at the properties that we

hold title to and looking at the easements that are in place and figuring out which ones are in use and which ones can be vacated.

- Daggett: We may be able to argue that some of them were abandoned and now is the time to do this.
- Figgs: Even though our policy hasn't changed since 2001, the resource protection standards and easements have evolved.
- Germany: I agree that you should be looking at this policy and reviewing the easements that exist and making them more restrictive or specific if at all possible.
- Haines: Could you explain the ecosystem service value.
- Figgs: Generally what they are based on is several criteria or several parameters, anywhere from carbon storage, water purification and filtration. It applies utilitarian values to land, and it also has values associated with wildlife habitat.
- Stanley: There is a lot of research in this area; it's not new in terms of application.
- Grimes: How do you quantify it?
- Scharton: The Trust for Public Land (TPL) document took research from a lot of different areas for example, studies from herbaceous wetlands to agricultural developing and everything in between with the wetlands being most economically beneficial down to a highly developed altered state. The quantifying goes by the natural land cover data set, which is an easily quantifiable GIS tool.
- Haines: Do you put a value on opportunity costs, because when you are watching over these easements you're not doing other things.
- Figgs: We do not and I've struggled with that mostly from a restoration standpoint. How I was trying to get at it was with the ratio of mitigation of one acre disturbed two acres replaced, and work it into the ecosystem service formula.
- Haines: When this happens on private land how are these things done in terms of what the private landowner requires?
- Figgs: There would be a negotiation between buyer and seller.
- Sears: If we can walk away from an easement with the citizens satisfied it is a win, win situation.
- Daggett: Sometimes there is a situation where we are dealing with an entity that would ultimately have the power to take what they want if we don't give it to them. We have to be careful to bring them along so that they want to cooperate with us and don't give up.
- Haines: A lot of these agencies want to do the right thing too. Is there a way to build in that approach of saying we'd like to be made whole plus?
- Sears: Our goal is that this is as much a win for the Natural Areas program or the Natural Areas site as it is for the agency.
- Daggett: We can explain a rational as to why something makes sense, and give the party that wants the easements a way to justify internally for themselves why they should go along with what we are asking.

- Cameron: The Legacy Land Trust holds the easements over your properties and when you are looking at making yourself whole, include making the entity pay for the cost that it takes to make adjustments and include the Legacy Land Trust and its staff review costs also.
- Figgs: That's a good point, thank you.
- Sears: I'm advocating whole plus because, if an agency is going to put a line across our property as opposed to having to put it under a street, they are coming out whole plus likely, it will save them a substantial amount of money from going somewhere other than across or adjacent our natural areas. They are getting an economic advantage.
- Figgs: I will gather up the comments received, and provide a redlined version of the revised policy hopefully in October. There is an internal review process that the policy will go through; we will then bring it back to this Board for recommendation.

**Excerpt – Land Conservation and Stewardship Board
Wednesday, October 12, 2011**

Utility Easement Policy Update/Discussion

Figgs reviewed the Draft Proposed Changes from the City of Fort Collins Natural Areas and Open Lands Easement policy. This was a discussion item in an effort to gather input from the Board and finalize the proposed revisions to the Policy. No formal action by the Board was requested at this time. Staff will bring the Policy back to the Board in November or December for the Board's recommendation to Council.

- Cameron: When conservation easements are held by others on Natural Areas property, that entity should be notified when a request is coming in for an easement. Should that be in the Policy?
- Figgs: Yes, I think it should be.

Proposed Revisions
**City of Fort Collins Natural Areas and Open
Lands Easement Policy**
Resolution 2001-94, July 17, 2001

November 29, 2011 Work Session

John Stokes
Daylan Figgs
Mark Sears
Justin Scharton

Questions for Council

1. Does City Council wish to move forward with the proposed revisions to the City of Fort Collins Natural Areas and Open Lands Easement Policy (Resolution 2001-94, July 17, 2001)?
2. Does City Council have additional revisions to suggest to the Easement Policy?

General Scope

- Proposed revisions
- Natural Areas or other lands managed by the Natural Resources Department
- Private lands protected by the Natural Resources Department with Conservation Easements
- Easements or rights-of-way

Proposed Revisions

1. Compensation and mitigation requirements
2. Above-ground features associated with buried utility cables and pipelines
3. Review and approval of projects proposed within existing easements or rights-of-way
4. Review and approval of projects within new or existing easements or rights-of-way on lands protected with Conservation Easements

Compensation and Mitigation

- Expanded valuation to include the value representative of loss in ecological goods and services
 - ecological goods and services (also called natural goods and services) represent resources and processes that are supplied by natural ecosystems
 - Agricultural products, timber
 - Water infiltration, flood control
 - Wildlife Habitat

Compensation and Mitigation

- Expand compensation to include on or off-site mitigation
- Mitigation may include items as habitat restoration, trail construction, removal of above ground features
- Preference given to mitigation projects that occur within or adjacent to the affected property
- Mitigation measures will be included in the Agenda Item Summary to Council

Above Ground Features

- Prohibited unless required for public safety and utility marking or other applicable legal or regulatory requirement
 - High pressure gas line
 - Buried electrical
- Location, color, and height must be approved

Existing Easements

- Granted previously by the City or prior to City ownership
- Ability to impose new restrictions may be limited
- City will work to negotiate terms and conditions, or specific project plans consistent with this Policy
- Look for opportunities for undergrounding, avoidance of impacts, or removal above ground features associated with existing infrastructure

Conservation Easements

- Privately owned lands protected with Conservation Easements held by the City
- Notice to the City
- Staff will work with property owners to evaluate request
 - Terms of Conservation Easement
 - Conservation Values
 - Natural Areas and Conserved Lands Easement Policy
- Notify CE owners for requests on City lands with Conservation Easements in place

Ecological Goods and Services Values

- Sargent-Michaud, J. 2010. A return on investment: The economic value of Colorado's conservation easements. The Trust for Public Lands
- Assigns ecological goods and services values to conserved lands in Colorado
- Water supply, flood control, fish and wildlife habitat, recreation, aesthetics, carbon sequestration, dilution of waste water, erosion control, grazing, and agricultural crop production

Ecosystem Type*	Fee/Acre/Year (2011 Dollars)
Mixed Forest	\$891
Deciduous Forest	\$890
Evergreen Forest	\$890
Emergent Herbaceous Wetland	\$793
Woody Wetland	\$793
Scrub/shrub	\$617
Agriculture	\$286
Open Water	\$270
Developed – Low Density Urban/Open Space	\$196
Developed – High Intensity Urban	\$196
Shortgrass Prairie	\$88
Grassland/Herbaceous	\$86
Sagebrush	\$83
Barren	N/A
Altered or Disturbed	N/A
Developed – Oil/Mine/Quarry	N/A

Table from Sargent-Michaud, J. 2010. A return on investment: The economic value of Colorado's conservation easements. The Trust for Public Lands)

* Ecosystem type defined by National Land Cover Dataset

Example 1

- 2.7 acre easement
 - Agricultural land
 - Grasslands
 - Medium and low density open space
 - \$31,250 appraised value
 - \$4,419 ecological goods and services value

Example 2

- 1 acre easement
 - Agricultural land
 - Low Density Open Space
 - \$1,900 appraised value
 - \$1,707 ecological goods and services value

Questions for Council

1. Does City Council wish to move forward with the proposed revisions to the City of Fort Collins Natural Areas and Open Lands Easement Policy (Resolution 2001-94, July 17, 2001)?
2. Does City Council have additional revisions to suggest to the Easement Policy?