DATE: May 7, 2013
STAFF: John Stokes, Mark Sears
Tawyna Ernst, Daylan Figgs

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

12

SUBJECT

Second Reading of Ordinance No. 063, 2013, Authorizing the Conveyance of a Non-Exclusive Utility Easement on Springer and Williams Natural Areas to Platte River Power Authority.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 16, 2013, authorizes a utility easement and a temporary construction easement across the Spring and Williams Natural Areas to accommodate proposed construction of the Woodward Inc. Link-N-Greens Campus.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

ATTACHMENTS

1. Copy of First Reading Agenda Item Summary - April 16, 2013
(w/o attachments)

DATE: April 16, 2013
STAFF: John Stokes, Mark Sears
Tawyna Ernst, Daylan Figgs

AGENDA ITEM SUMMARY
FORT COLLINS CITY COUNCIL

15

SUBJECT

First Reading of Ordinance No. 063, 2013, Authorizing the Conveyance of a Non-Exclusive Utility Easement on Springer and Williams Natural Areas to Platte River Power Authority.

EXECUTIVE SUMMARY

Platte River Power Authority (Platte River) has requested a realignment of its existing easement (granted in 1982) across Natural Areas property to accommodate the proposed construction of the Woodward Inc. (Woodward) Link-N-Greens Campus, a master planned development, on adjacent property. As part of the development plan, Woodward is working with Platte River to reroute a portion of the overhead electric transmission line that crosses the Link-N-Greens campus. Subsequently, the transmission line will also need to be relocated from its current position on Springer Natural Area (Springer). To construct the new alignment, Platte River is requesting a 60 to 100-foot wide permanent easement, approximately 550 feet in length across the Springer and Williams Natural Areas to replace the 1982 easement. In addition, Platte River is requesting a temporary construction easement of roughly the same area. Natural Areas Department (NAD) staff is working with Platte River to delineate the final easement areas.

If the new alignment is approved, Platte River will vacate the existing 1982 easement in the north and west portions of Springer; remove all features associated with that part of the transmission line and restore the site. All impacts within the proposed temporary and permanent easement areas on Springer and Williams will be fully restored, as well. The overall restoration effort enables the site to be returned to a more natural riparian forest. The net benefit of the larger restoration in the former transmission line corridor will exceed the impacts caused by this project.

BACKGROUND / DISCUSSION

The proposed Woodward Campus is located within the existing Link-N-Greens property near East Lincoln Avenue and South Lemay Avenue (Lemay) (See Attachments 1 and 2 for area and property location maps). Platte River owns and maintains an overhead transmission line that crosses Link-N-Greens and follows the Poudre River to the south and east. As part of the Woodward Campus development, the transmission line will be moved from its current location to a north-south alignment parallel on the west side of Lemay Avenue. This new alignment will cross the eastern side of Williams and Springer Natural Areas and will tie back into the existing alignment on Springer where Lemay crosses the Poudre River (See Attachment 3).

Following is a brief comparison of the existing and proposed infrastructure on Springer and Williams:

Property	Current # of poles	Proposed # of poles	Current total length of transmission line (approximate)	Proposed total length of transmission line (approximate)
Springer	7	4	2,500 feet	1,600 feet
Williams	0	1	0 feet	250 feet
Total	7	5	2,500 feet	1,850 feet

Overall, Natural Areas will benefit from the reduction of the number of poles from 7 to 5 and the decrease in length of transmission line from approximately 2,500 feet to 1,850 feet. Restoration funds will be used to restore the vacated easement to native vegetation, and expand ongoing restoration efforts within this area, utilizing locally collected seeds and plant material from the Poudre River (See Attachment 4). In addition, one pole will be removed from the portion of the Link-n-Greens property that is to be transferred to the City.

Alternatives Analysis

Multiple siting scenarios have been evaluated based on the criteria of cost, schedule and environmental and public impacts. The project team analyzed six underground and four overhead scenarios with varying cost and schedule

impacts to Woodward.
The six underground scenarios followed roughly similar alignments to the current overhead transmission line. The primary concerns with the underground scenarios were higher costs and locating the riser poles necessary to transition between the overhead and underground cables. The underground scenarios were estimated to cost seven to ten times as much as the overhead scenarios. The riser poles required by undergrounding are very large and invasive for neighboring property owners and would heavily impact the viewshed. Each underground scenario resulted in a riser pole on Williams or Springer Natural Area.

Several alignments were evaluated for the overhead scenarios. Two overhead scenarios rerouted the transmission line completely off the Link-N-Greens property and would have greatly expanded the area of impact to the public. One of these was projected to head east on Lincoln from Lemay and then south on Link Lane; the other running east from North Lemay Avenue on Vine Drive and then south along Timberline. These were ruled out for a variety of reasons including length of time to acquire the new easements from the County and new landowners and the subsequent difficulty to meet the Woodward development construction deadline; and potential public opposition to new alignments on additional private properties.

Two other overhead alignments (Option 1 and Option 1a) were considered that kept the transmission line on the Link-N-Greens property and were ultimately identified as the best options to meet the cost and schedule requirements for parcel development (See Attachment 5 for depiction of these options). Both options have approximately equal cost and schedule impact to the developer. Option 1a redirected a portion of the transmission line on the northern parcel of Springer, but did not result in a significant net benefit to Natural Areas or Woodward. The preferred alignment, Option 1, is the alternative requested within this easement application. Option 1 will enable the vacation and removal of 1,200 lineal feet of transmission line through Springer that parallels the Poudre River. Option 1 will also eliminate three existing poles within Springer Natural Area.

Option 1 will require a new easement roughly 60 to 100 feet wide and 550 feet long from the southwest corner of Mulberry and Lemay within Williams and Springer to the vicinity of the existing pole on Springer, just west of Lemay where the alignment will tie back into the original alignment.

The preferred alignment will add one pole on Williams near the intersection of Lemay and Mulberry. The pole will be approximately 110 to 125 feet tall and 3 to 5 feet in circumference at the base. Final placement of this pole will be affected by the following factors:

- Signal light/pole on the northwest corner of Mulberry and Lemay for the westbound traffic on Mulberry
- Proposed restaurant placement at the southeast end of the Link-N-Greens Property
- New bike trail route across Lemay.

The existing pole immediately west of Lemay on Springer will need to be moved approximately 10 to 20 feet west to be within the new alignment. The replacement pole will be approximately 110-120 feet in height.

Riparian Corridor Restoration

The current alignment of Platte River's transmission line crosses the Poudre River from the Link-n-Greens property and essentially parallels the River as it runs through Springer. The *Natural Area and Conserved Lands Easement Policy* (2012) states new overhead cable lines will not be allowed within any City-owned natural area or conserved land, unless determined to be beneficial for the City's property in the specific circumstances. In this case, the net benefit to the City property is based on the removal of approximately 1,200 feet of transmission line and three poles from within the Cache la Poudre River riparian forest on Springer. The new alignment will cross approximately 350 feet of non-native grasslands and 250 lineal feet of riparian forest. Further, Platte River will mitigate the project by restoring the riparian area within the easement area east of Lemay (Attachment 4).

The restoration process will be driven, in part, by natural succession of the forest and will be supplemented by tree and shrub plantings as part of a restoration plan being designed by NAD. Restoration of the site will focus, in part, on a locally rare species, the American currant (*Ribes americanum*). The Colorado Natural Heritage Program designates the American currant as imperiled in Colorado, due to its rarity in the state and its vulnerability to extirpation. The American currant is a favored browsing material of birds and small mammals. The habitat of the American currant is the understory of dense cottonwood galleries like those found along the Poudre River. In addition to the tree and shrub establishment, all areas disturbed during infrastructure removal will be seeded to native grasses and forbs.

In 2009, the majority of woody and shrub cover was removed under and near the transmission lines in the project area by Platte River to comply with Federal Energy Regulatory Commission, North American Energy Reliability Corporation, and Western Electricity Coordinating Council regulations regarding vegetation height under or adjacent to transmission lines. Platte River cleared vegetation distances based on "Industry Best Practice" and has established a maximum allowable height of vegetation within the easement to be 15 feet. Second, to prevent trees from falling into the conductor, Platte River follows Industry Best Practices and trims trees at or over 15 feet in height on the edge of the easement at a 45 degree angle away from the powerline.

The installation of the transmission line within the new alignment will impact a portion of the existing riparian forest on Springer. To comply with applicable regulations, Platte River will remove all trees underneath or adjacent to the transmission line as described above. Impacts associated with this new alignment will remove approximately six to ten cottonwood trees from the site, depending on final placement. Platte River and NAD will restore the site to native vegetation that will not exceed the 15-foot height limit.

Due to the presence of a rare plant on this site and the current efforts underway to increase the distribution of the American currant, NAD will conduct the majority of the site restoration for both the new and existing alignments. This will allow NAD to increase the propagation of American currant within in the project area in partnership with the Colorado State Forest Service greenhouse and increase the recovery of this rare plant.

Habitat and Rare Plant Recovery

Successful recovery of the American current is dependent on replacement of the canopy of cottonwoods and other woody plants that it requires for its habitat. The Colorado State Forest Service Nursery is currently rooting 50 cuttings of American currant as part of a recovery plan the City implemented in 2013. Should the transmission line be removed from the main portion of the American currant habitat, there is an opportunity to expand that restoration effort and have locally collected seeds and plant material from the Poudre River grown and rooted at nurseries and replanted at Springer and the Colorado Department of Transportation (CDOT) property.

Springer has a wide diversity of native plants, which is unusual to find along the urban reaches of the Poudre River. This plant community was also displaced by the removal of trees and shrubs in Springer and will need to be restored. Maintaining the local gene pool of this plant community will rank high in restoring this Natural Area.

Two nurseries will be utilized for growing the locally collected material, the Colorado State Forest Service for the shrubs and trees and another nursery for the herbaceous material such as wildflowers and grasses. Plant collection will take place during the 2013 growing season by NAD staff and volunteers.

FINANCIAL / ECONOMIC IMPACTS

As required by the *Natural Areas and Conserved Lands Easement Policy* (2012), the applicant has paid an administrative fee of $1,500 to cover NAD staff time related to the project. The proposed permanent and temporary easements have an estimated value of $7,500 and $1,500 respectively. Ecosystem Impact Fees (EIF) for lost Ecological Goods and Services (EGS) have an estimated value of $2,500. Restoration fees have a projected value of $18,000 (based on $3,000 per acre). Platte River's estimated payment of $80,000 is $50,500 above what would be expected in compensation for the proposed easements, restoration fees and impact fees.

ENVIRONMENTAL IMPACTS

Impacts within the temporary and permanent easement areas will be fully restored and incorporated into a larger restoration effort within the larger Woodward Campus development. Removing the powerline and the associated vegetation management allows for the restoration of the site to a more natural riparian forest that creates habitat for the rare American currant. Mitigation for this project will also include off-site restoration within Springer east of Lemay.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BOARD / COMMISSION RECOMMENDATION

At its March 13, 2013 meeting, the Land Conservation and Stewardship Board voted unanimously (without reference to the larger site plan and to other aspects of the Woodward Development) to recommend approval of a permanent utility easement and a temporary construction easement on Williams and Springer Natural Areas for the installation and maintenance of an above ground electric transmission line (Attachment 6).

ATTACHMENTS

1. Area Map
2. Property Location Map
3. Project Map with existing and proposed alignments
4. Restoration Area Map
5. Best Options Alignment Map
6. Land Conservation and Stewardship Board recommendation and minutes

ORDINANCE NO. 063, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AUTHORIZING THE CONVEYANCE OF A NON-EXCLUSIVE
UTILITY EASEMENT ON SPRINGER AND WILLIAMS NATURAL AREAS
TO PLATTE RIVER POWER AUTHORITY

WHEREAS, the City is the owner of certain real property located in the City of Fort Collins, Larimer County, Colorado, known as Springer Natural Area and Williams Natural Area (the "City Property"); and

WHEREAS, Woodward, Inc. ("Woodward") is proposing a development (the "Project") on the former Link-N-Greens golf course property, adjacent to the City Property (the "Woodward Property"); and

WHEREAS, as part of its Project, Woodward is working with Platte River Power Authority (Platte River) to reroute an overhead electric transmission line that currently crosses both the Woodward Property and the City Property; and

WHEREAS, the portion of the Platte River transmission line that is on the City Property is located in an easement that Platte River obtained in 1982 from a previous owner of the City Property; and

WHEREAS, Platte River is requesting a new easement 60 to 100 feet wide and approximately 550 feet in length across the City Property for the relocation, installation and maintenance of the transmission line; and

WHEREAS, the proposed easement would be in the approximate location shown on Exhibit "A", attached and incorporated herein by reference (the "Easement"); and

WHEREAS, Platte River is also requesting a temporary construction easement on the City Property (the "TCE"); and

WHEREAS, the exact location of the relocated transmission line has not yet been determined, but Platte River would prepare a precise legal description for the Easement and the TCE before the City executes the documents conveying the Easement and TCE; and

WHEREAS, the City will not convey the Easement and TCE if Woodward does not proceed with its proposed project; and

WHEREAS, if Platte River does relocate its transmission line, it has agreed to vacate a portion of its 1982 easement on the City property upon completion of the relocation; and

WHEREAS, PRPA has paid an administrative fee of $1500 to cover City staff time related to the processing of the Easement, and would also pay approximately $80,000 in compensation for

the Easement and TCE, restoration fees, and Ecosystem Impact Fees, as required by the Natural Areas and Conserved Lands Easement Policy; and

WHEREAS, Section 23-111 of the City Code provides that the City Council is authorized to sell, convey, or otherwise dispose of any and all interests in real property owned in the name of the City, provided that the City Council first finds, by ordinance, that such sale or other disposition is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby finds that the conveyance of the Easement and TCE on the City Property to Platte River as provided herein is in the best interests of the City.

Section 2. That the Mayor is hereby authorized to execute such documents as are necessary to convey the Easement and TCE to Platte River on terms and conditions consistent with this Ordinance, together with such additional terms and conditions as the City Manager, in consultation with the City Attorney, determines are necessary or appropriate to protect the interests of the City or effectuate the purposes of this Ordinance, as long as such changes do not materially increase the size or change the character of the Easement.

Introduced, considered favorably on first reading, and ordered published this 16th day of April, A.D. 2013, and to be presented for final passage on the 7th day of May, A.D. 2013.

_____
Mayor

ATTEST:

_____
City Clerk

Passed and adopted on final reading on the 7th day of May, A.D. 2013.

_____
Mayor

ATTEST:

_____
City Clerk

Proposed Platte River Easement Area

EXHIBIT A