

Land Conservation & Stewardship Board

Regular Meeting | 1745 Hoffman Mill Road

January 10, 2024

Members:

Ross Cunniff, Chair
Scott Mason, Vice Chair
Denise Culver, Member
Andrea Elson, Member
Holger Kley, Member

Elena Lopez, Member
River Mizell, Member
Joe Piesman, Member
Mark Sears, Member

1. CALL TO ORDER: Meeting was called to order at 5:30 p.m.

2. ROLL CALL: River Mizell, Joe Piesman, Andrea Elson, Elena Lopez, Mark Sears, Scott Mason, Ross Cunniff, Holger Kley, Denise Culver

NAD Staff: Katie Donahue, Tawnya Ernst, Matt Parker, Bernadette Kuhn, Aran Meyer, Rachel Balduzzi, Crystal Strouse, Zoë Shark, Julia Feder, Mary Boyts, Alynn Karnes

City Staff: Scott Benton, Environmental Planner

Guest: Amanda Poincelot, Project Manager, Northern Engineering

3. COMMUNITY PARTICIPATION: None

4. AGENDA REVIEW: There were no changes to the agenda.

5. APPROVAL OF MINUTES: There were no changes to December 2023 meeting minutes.

Member Piesman made a motion to approve the December LCSB meeting minutes.

Member Mason seconded the motion. The motion was unanimously approved 9-0.

6. ACTION ITEMS

Katie Donahue, Natural Areas Director, prefaced the easement presentation with a general review of the Natural Areas Department's (NAD) role in the City's easement application process. NAD staff assess proposals, ensure viable alternatives are reviewed, and arrive at an alignment proposal with the least impact to habitat and in alignment with the department's mission. The easement proposal is then presented to the LCSB for feedback. Staff makes a recommendation based on the final easement proposal; LCSB chooses whether to recommend the proposal; City Council decides whether or not to approve the easement.

Magpie Meander Stormwater Easement

Tawnya Ernst, Lead Specialist, Land Conservation, provided an overview of the request for a drainage easement across Magpie Meander Natural Area and Soft Gold Park. With the aid of an aerial map, Tawnya identified existing geographical features of the development site, Soft Gold Park, and Magpie Meander Natural Area, including the remnant oxbow. She pointed out that the easement alignment follows an existing drainage swale where stormwater currently flows from parcels north of the City-owned land into a remnant oxbow of the Poudre River.

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Tawnya reported there is a population of the rare plant species tufted loosestrife within the oxbow and that this is probably the only known population within the state. This plant was a key factor in staff conversations with the developer about the proposed subdivision site design, as well as potential alignments for the stormwater outfall. The developer was willing to shift the original infrastructure design to add additional rain garden capacity to the site. City Stormwater staff have said that while the developer will be adding flows to the Oxbow, the flow rate for the development will fluctuate less than existing conditions.

As a condition of development approval, the developer is required to obtain the necessary easements to handle stormwater runoff prior to being able to submit a Final Plan. The developer, with feedback from Natural Areas, Planning, Parks, and Stormwater staff submitted several alternatives. Tawnya described each of the three alternatives, noting the preferred Alternative C minimizes the need for construction on city property and avoids two additional rare plant species in Magpie Meander Natural Area.

Discussion

Several Board members asked for clarification regarding planned drainage. Tawnya explained, the flow from the detention pond, through swell and into the Poudre River coincides with storm events. There are a few housing lots that drain directly into the detention pond, bypassing the rain gardens, representing about 7% of the total runoff. The rain gardens and swale filter runoff before it enters the oxbow and eventually returns to the Poudre River, but the extent of the filtration is unknown.

Members Culver and Mason inquired about monitoring water quality. Tawnya stated a meter is located near the oxbow outlet that is part of the Poudre River Water Quality network, in partnership Utilities and Colorado State University (CSU). She explained this meter might not capture the data desired. NAD is talking with Utilities and Environmental Regulatory Affairs staff to better track the water quality that is flowing into the Oxbow in this particular stretch of the natural area. Members Elson and Mason asked what recourse the City has if lots of phosphates or nitrogen were found.

Member Lopez requested Crystal Strouse, Botanist, to share her thoughts on the potential impact on the population of tufted loosestrife. Crystal and Matt Parker, Sr. Supervisor Resource Management, cited studies on water inundation but noted the results were not conclusive. Crystal stated her concern was the run-off draining into the oxbow may change the chemistry of the site and in turn may change of vegetation in the oxbow; vegetation that could outcompete the tufted loosestrife. Member Lopez then asked about seed collection. Crystal explained NAD will monitor the plant this summer and search for additional populations along the Poudre River. Collected seeds will be held by CSU in cold-storage, and if needed, grown out for replanting in similar habitat here in Fort Collins. Crystal stated she felt comfortable with the two-year rate variance and the detention pond, as well as the distance between the release location and the plant population as prescribed in Alternative C. Crystal confirmed for Member Mizell that the other two plants cited were not as rare as the tufted loosestrife.

Member Elson asked Member Culver to restate her position on the proposed easement Alternatives. Member Culver said that she felt Alternative C was best for water quality, and that the rain gardens and the swale remove minerals and nitrates from the stormwater. She also

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noted the tufted loosestrife is a Colorado state rare plant, but that globally it is very secure. Member Kley asked Member Lopez to elaborate on her concerns. Member Lopez stated, while Alternative C is the least impactful, it is not enough to protect the tufted loosestrife. She acknowledged that wetlands filter water, but the herbicides and minerals do not disappear; they accumulate in the soil and are vulnerable to future ground disturbance such as a big storm event.

Member Mizell asked for clarification on storm water events and the proposed release volume into the swale. Scott Benton, Environmental Planner, explained the detention pond has been designed to accommodate a 100-year storm water event. Even with a massive event, the discharge rate would be equal to or less than a two-year storm water event. Currently there is no infrastructure limiting the runoff into the oxbow.

Members Kley and Elson asked about the stormwater infrastructure relative to and including the Hickory Village Mobile Home Park and if utilizing existing infrastructure was considered by the developer. Member Kley expressed concern that this easement is a relatively low-cost solution to an area underserved by stormwater infrastructure. Member Sears explained the detention pond with the two-year release rate is a pretty stringent requirement and prevents downstream flooding. Member Sears stated the city owns a lot of natural drainages which gives them the ability to require mitigation. Member Lopez pointed out there is cost in that the stormwater flows onto natural areas and the City has little recourse.

Member Elson asked if future development would be allowed to piggy-back on this drainage easement. Katie Donahue, Natural Areas Director, explained that any future development would require a separate easement application from each party; policy does not allow for layering uses without additional easements. Member Sears stated it was likely that any future stormwater coming onto the proposed site would have been addressed in the site plan. Kristin Poincelot, Project Manager, Northern Engineering, replied that the developer is required to accommodate current off-site flows through the detention pond.

Julia Feder, Environmental Planning Manager, reported that Council approval of the easement is contingent on the proposed site plan completing the Development Review process. Chair Cunniff responded that in the event Development Review changes the stormwater plan, the LCSB would like to review the easement request and advise Council accordingly.

Several Members expressed their general and ongoing concern about easements across natural areas. Chair Cunniff reiterated there is a historic pattern of natural areas being viewed as a target of opportunity for easements. Members emphasized their thoughtful consideration and caution when reviewing and recommending easement requests.

Member Sears made a motion that the Land Conservation and Stewardship Board recommends that City Council approve the granting of a permanent drainage easement, Alternative C, to Willox Development Partners LLC across Magpie Meander Natural Area and Soft Gold Park.

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Chair Cuniff made a motion to amend the motion to include, “In the event that Development Review changes the stormwater plan, the Land Conservation and Stewardship Board would like a chance to consider those impacts and make a recommendation to Council based on those changes. The interest of the LCSB is guided by the population of the rare and endangered tufted loosestrife known to be present in the Oxbow.”

Vice Chair Mason seconded the motion. The motion was approved 7-2, (Nays: Elson and Lopez).

Council Priorities

Katie Donahue, Natural Areas Director, opened the discussion by reporting that Council will hold a retreat January 26-27 to identify their 2024-2025 priorities. Staff is anticipating Council will reduce the number of priorities as well as specific tasks.

Chair Cuniff suggested sharing the LCSB Work Plan and Values with Council ahead of their retreat. Member Elson asked if the LCSB wanted to include a statement regarding City-wide interests that are competing with Natural Areas, i.e. stormwater policy. Chair Cuniff stated the continued focus on river health and river water quality was a priority for him. Member Kley noted this item was added to the 2024 LCSB Work Plan. He emphasized the LCSB “values” guide this Board but not necessarily Council. Member Piesman proposed sending Council a statement declaring the highest priority of the LCSB is the ecological health of the Poudre River. Member Kley suggested including conservation as an overall theme. Chair Cuniff offered to forward to Council along with their Annual Work Plan and Values.

LCSB 2024 Annual Report

LCSB had no changes to the 2024 Annual Report.

Member Piesman made a motion that The Land Conservation and Stewardship Board approve 2024 Annual Report. Member Lopez seconded the motion. The motion was unanimously approved 9-0.

2024 LCSB regular meeting dates

Katie Donahue stated the March 13 meeting coincides with Poudre School District’s Spring Break. NAD staff proposed moving the meeting date to March 6 or March 20, 2024. The LCSB agreed to move the March meeting to the 6th.

7. DISCUSSION ITEMS

Northern Leopard Frog Habitat Restoration Project

Aran Meyer, Wildlife Ecologist and Bernadette Kuhn, Sr. Environmental Planner

Bernadette Kuhn, Sr. Environmental Planner, provided a brief background of the project, and the reasons the NAD is engaged in the restoration of the Northern Leopard Frog habitat, which