

AGENDA ITEM SUMMARY

City Council



STAFF

Katie Donahue, Natural Areas Director
Tawnya Ernst, Natural Areas Land Conservation Lead Specialist
Marc Virata, TCEF Program Manager
Jonathan Piefer, Sr Real Estate Specialist

SUBJECT

Second Reading of Ordinance No. 026, 2025, Declaring a Portion of City-Owned Property at Pelican Marsh Natural Area as Public Right-of-Way.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on March 4, 2025, declares approximately 0.073 acres of Pelican Marsh Natural Area as Right-of-Way (ROW) for the US 287 and Triangle Drive Signal Installation (Project).

The Project would install a new traffic signal, perform utility relocations, and make active modes improvements at the intersection of US 287 and Triangle Drive. The Project would also stripe existing pavement for a northbound left and southbound right turn lanes onto Triangle Drive from US 287. All active modes improvements will meet Americans with Disabilities Act (ADA) requirements and provide pedestrian and bicycle connections between the Ridgewood Hills and Shenandoah neighborhoods west of US 287 to the Lakeview on the Rise Subdivision east of US 287. Pursuant to the Natural Areas Easement Policy (adopted by Council in 2012), adjustments were made to the proposal to minimize impacts to the natural resources, and Engineering will compensate Natural Areas for the property rights (including right of way) needed for the Project.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The 156-acre Pelican Marsh Natural Area is located about a half mile south of Trilby Road and immediately east of US 287. The site encompasses an irrigation reservoir, the 42-acre Robert Benson Lake. The lake provides habitat for American white pelicans, a variety of ducks, and other wetland birds, hawks, owls, and grassland birds. The natural area was acquired in 2002 in a single transaction. The proposed 0.073-acre ROW declaration and a related 0.474-acre slope alignment would cross the western boundary of the natural area adjacent to US 287. Total impacted area is approximately 0.55 acres.

The intersection of South College Avenue and Triangle Drive has a significant crash history over the past six years. There have been twenty crashes over this period with four injury crashes and one fatal crash.

Accidents have impacted resources in the Natural Area, as vehicles have left the roadway. The intersection is a priority for Fort Collins' Traffic Operations Department as it meets conditions for signalization. The intersection is also a priority for the Colorado Department of Transportation (CDOT) to make improvements that would reduce the number of crashes. The City applied for grant funding from CDOT in 2023 and CDOT committed \$682,211 towards a new signal and \$183,843 towards new pedestrian and bicycle accessibility for the intersection. In 2022, Council adopted the Active Modes Plans that recommended the construction of sidepaths on both sides of US 287 in this location.

In March 2023, the Engineering Department began design of the new signal and active modes improvements. The following design elements were identified as goals for the Project:

- New traffic signal
- Connection of the existing 8-foot sidepath on the east side of US 287 from the Lakeview on the Rise Subdivision to the intersection
- New Public ROW Accessibility Guidelines (PROWAG) compliant accessible ramps on all four corners of the intersection
- New striped crosswalks on the north and south side of Triangle Drive, across US 287
- Restriping of existing asphalt paving for a northbound left-turn, and southbound right-turn lane

Engineering staff determined that additional ROW would be necessary to install any sidepath and/or parkway and approached Natural Areas Department staff to determine if that was possible. Natural Areas staff outlined the process for a ROW declaration, as detailed in the City of Fort Collins Natural Areas and Conserved Lands Easement Policy. The process outlined reviewing practical alternatives and limiting the declaration request to be as small as possible while maintaining the identified goals of the Project.

Specifically, the City of Fort Collins Natural Areas and Conserved Lands Easement Policy (adopted by Council January 3, 2012) states the following:

"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 City will work to influence the alignment and design of any highway, road, or street improvement so as to avoid or minimize the effect on the natural area or conserved land."

Natural Areas and Engineering staff considered several alternatives. For illustrative purposes two alternatives were developed to demonstrate the minimum (Alternative A) and maximum (Alternative B) impacts to the natural area. (Attachment 3) Ultimately, staff and the City's consultant sought to maintain the goals of the Project while minimizing impact to the natural area. This led to the development of a Preferred Alternative described below.

On October 1, 2024, Council voted in favor of Resolution No. 120, 2024 authorizing the execution of an Intergovernmental Agreement between the City and CDOT for the Project. Subsequently on October 15, 2024, Council approved Ordinance No. 141, 2024 appropriating revenue to fund the Project.

Natural Areas staff brought the proposed ROW declaration request before the Land Conservation and Stewardship Board at their February 12, 2025, meeting. The Board voted 4 to 4, half supporting and half opposing a recommendation for Council adoption of the ROW declaration. This Agenda Item Summary provides additional information in response to comments made by the Board members for and against the ROW declaration. The Preferred Alternative specifically addresses the need to fulfill the enumerated goals of the Project while minimizing impacts to the natural area. Reducing the sidepath width would compromise the Project goal to meet the intent of the recommendations of the Active Modes Plan. Reducing the parkway width would jeopardize the ability for adequate roadway snow removal while keeping the sidepath open for active modes traffic. In addition, this would render the ramp access noncompliant with ADA and PROWAG standards. This would jeopardize the ADA funding being supplied to the Project by CDOT.

Preferred Alternative – Signal Poles and Modified Sidepath

The preferred alternative offers a compromise between Alternatives A and B and minimizes the impact to the natural area while also addressing safety concerns associated with an on-curb sidepath. This alternative includes the two signal poles, an 8-foot wide sidepath, detached from the curb along US 287 by a 6.5-foot-wide parkway. Between the two traffic signals, the parkway would be constructed with a hardscape concrete median cap as requested by the Natural Areas Department due to constraints to bringing in maintenance equipment. Outside of the intersection heading north, the parkway would be landscaped with an approved seed mix in conformance with the Natural Areas policy. The 250 feet of 8-foot wide sidepath would tie directly into the 8-foot sidewalk that was constructed along the entirety (1,500 feet) of the Lakeview on the Rise Subdivision.

Behind the sidepath there would be a 2-foot buffer before a grade change would tie into existing ground, within the proposed ROW. Within the proposed slope alignment, a 3:1 (recommended and requested by Natural Areas staff) grade behind the benched area would create a more gradual transition than the existing condition which will support restoration to a native seed mix. This will improve vegetation from its current condition which is primarily smooth brome.

Within the scope of the area defined by the Project, the existing barbed wire fence will be removed, as requested by the Natural Areas Department. The Project is in the process of securing an option letter from CDOT and hopes to finalize the plans for advertisement in March and begin construction in April 2025. The Project is anticipated to take two months to construct with completion in the Fall of 2025. Engineering Department staff are looking to coordinate the timing of the Project with the College and Trilby Intersection Improvements project to the north. Placement of a temporary signal at College and Triangle will facilitate the closure of Trilby Road to through traffic. This closure is necessary for the completion of work at the College and Trilby project.

Rather than an expanded ROW to match the existing ROW to the north, a narrower width is proposed to reduce the impacts to the Natural Area. North of Pelican Marsh the existing ROW is 75 feet east of the highway centerline. Along the Pelican Marsh Natural Area, the proposed ROW (existing and proposed) will be mostly 60 feet east of the highway centerline.

The proposed slope alignment is 81.5 feet wide at its widest point. The slope alignment covers an area that is already steeply sloped; however, the existing sloped land will be engineered and regraded to better support the highway infrastructure. The slope alignment document is intended to provide a formal record of the need to preserve the slope in its modified condition.

Environmental Impact

Natural Areas staff worked closely with Engineering to minimize impacts to the site and to identify opportunities to improve the ecological condition in this area. Currently, the site is steeply sloped (roughly a 1.5-1 slope ratio currently) and dominated by smooth brome. An ecological characteristics study (ECS) was conducted (October 2024) within a 500-foot buffer of the Triangle Drive and US 287 intersection. Vegetative species observed are typical of previously disturbed and overgrazed areas and include introduced and native grass and herbaceous species, such as smooth brome, showy milkweed, hairy willowherb, wiregrass, red sorrel and curly dock. No trees exist in the study area. The ECS also included a wetlands delineation which concluded approximately 0.034-acre of wetlands is within the ROW project's limits of disturbance. The wetland is dominated by rush (*Juncus* spp.) and broadleaf cattail (*Typha latifolia*).

No federally or state-listed threatened and endangered species are known to occur within the Project area. No prairie dog, fox, or coyote dens exist within the project area. Two sensitive and specially considered species, the common garter snake and rufous hummingbird, have the potential to occur with the Project area but were not observed. Within the Project area, common milkweed, an essential food source for the monarch butterfly and two-spotted skipper, is also present but is not highly concentrated.

The Project was reviewed by the City's Stormwater Department to determine if it necessitated an MS4 permit. However, since the Project is below the threshold for additional paved area, it did not trigger the need for additional water quality treatment.

In accordance with the City's Land Use Code § 5.6.1(F)(2), construction activities will be timed to minimize the disturbance of and potential impacts to those species and their habitats. Temporary impacts are anticipated and are expected to be limited to construction and revegetation activities. An existing barb wire fence will be removed. All areas disturbed by construction activities will be restored to native vegetation using a seed mix approved by Natural Areas. Ongoing impacts other than infrequent maintenance are not anticipated.

CITY FINANCIAL IMPACTS

Application fee:	\$2,500
Mitigation fee:	\$7,792
Uplands: \$4,187/ac. @ .44 acres = \$1,842	
Wetlands: \$175,000/ac. @ 0.034 acres = \$5,950	
Easement/ROW Declaration fee: \$43,560/acre x 100% @ 0.073 acres	\$ 3,177
Slope notice of alignment fee: \$43,560/acre x 25% @ 0.474 acres	\$ 5,167
Total	\$18,636

Engineering will use the US 287 and Triangle Drive Signal Installation capital project funds to pay the fees to the Natural Areas Department to support administrative costs and land conservation efforts as defined in the Natural Areas Easement Policy. Real Estate Services staff completed a Comparative Market Analysis to derive the value of the ROW declaration and slope notice of alignment fees.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its February 12, 2025, meeting, the Land Conservation and Stewardship Board half supporting and half opposing a recommendation for Council adoption of the declaration of right-of-way on Pelican Marsh Natural Area for the Project.

PUBLIC OUTREACH

None.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance