

AGENDA ITEM SUMMARY

City Council



STAFF

Katie Donahue, Natural Areas Director
Julia Feder, Environmental Program Manager
Tawnya Ernst, Land Conservation Lead Specialist
Jonathan Piefer, Senior Real Estate Specialist

SUBJECT

Second Reading of Ordinance No. 184, 2024, Authorizing the Conveyance of a Permanent Waterline Easement on Cathy Fromme Prairie Natural Area to the Fort Collins-Loveland Water District.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on December 3, 2024, seeks authorization to approve the conveyance of a permanent waterline easement to Fort Collins-Loveland Water District (FCLWD) on 0.089 acres in the southwestern corner of Cathy Fromme Prairie Natural Area. FCLWD intends to construct a six million (6,000,000) gallon tank on Larimer County's landfill property and a 30" feeder waterline to increase reliability and resilience of FCLWD's existing facilities. The 30" waterline will run east from the new tank and connect in with an existing 36" waterline that runs north-south along Cathy Fromme's western boundary. The project has been processed through Fort Collins' 1041 permit procedures and was issued a Finding of No Significant Impact (FONSI).

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The 1,154-acre Cathy Fromme Prairie Natural Area is located south of Harmony Road and spans from Shields Street on the east to a half mile west of Taft Hill Road. The grassland habitat at Cathy Fromme supports a variety of plants and animals including horned lizards, ground-nesting songbirds, butterflies, rabbits, coyotes and rattlesnakes. The natural area was acquired in 12 transactions between 1993 and 2019. The proposed easement would cross the southwest corner of Cathy Fromme Prairie at the juncture of Taft Hill and Trilby Roads.

FCLWD (formed in 1961) serves 60,000+ residents in parts of Fort Collins, Loveland, Timnath, Windsor and unincorporated Larimer County. FCLWD obtains its water from North Poudre Irrigation Company, the Colorado-Big Thompson (C-BT) project, Josh Ames, Divide Canal and Reservoir Company and Windsor Reservoir Company.

Natural Areas staff were contacted in late 2023 about the potential request for a waterline easement. FCLWD informed staff of their need to construct a new treated water storage tank, just north of the existing

FCLWD Trilby 4-million (4,000,000) gallon water tank and an associated waterline. The proposed new tank will be located on the County's landfill property, near the County's proposed Solid Waste Transfer Station, being approximately 0.9 miles northwest of the intersection of W Trilby Road and S Taft Hill Road. A 30" feeder waterline is proposed to be constructed from the new water tank and run south-eastward to connect with FCLWD's existing 36" waterline on Cathy Fromme Prairie (See Alternative B discussion below). The project will increase the reliability of FCLWD's existing facilities. Without this increased storage and waterline connectedness, FCLWD customers could experience reductions in their potable water reliability during unplanned events and emergencies.

FCLWD was issued a letter from Larimer County stating they were exempted from the County's 1041 process. However, since the project involves a significant extension of existing domestic water systems and impacts City-owned property, it triggered the City's new 1041 permit process. NAD staff reviewed documents submitted during the 1041 process and participated in an initial conversation with the applicant. In mid-September, the project was issued a FONSI.

FCLWD submitted the following alternative designs for consideration in both the Community Development and Neighborhood Services led 1041 process and the NAD easement application.

Alternative A

This alternative would occur within the road right-of-way. Due to the depth of the existing 36" waterline to which the proposed 30" waterline must connect, this excavation would likely exceed 15' in depth. In addition, groundwater is known to exist at this depth, further complicating the excavation and stabilization plans. This would result in a significant excavation footprint that would significantly impact the Trilby roadway, east of the Taft Hill intersection. This alternative also has significantly increased potential complications due to the congested nature of below-grade facilities (pipes, traffic signal communication and sensing loops, gas lines, fiber optic lines) at this intersection. Lastly, the complicated nature of this alternative would extend the construction window, and therefore extend and increase the risks and traffic control frustrations associated with the project. Deeper excavation and longer windows of construction in groundwater increase the risks associated with this alternative. This is compounded by any groundwater treatment that is required through CDPHE groundwater-dewatering and discharge permits if naturally occurring or landfill contaminants are encountered. Future repairs or replacement will replicate these impacts to residents and vehicular traffic. This will become increasingly important as area population grows, and roadway templates and traffic loads correspondingly increase.

Alternative B (Preferred)

Alternative B is preferred by City Staff and will be incorporated into the proposed Ordinance. This alternative would cross Cathy Fromme in the extreme southwest corner of the natural area at the Taft Hill and Trilby Road intersection. In this alternative, the new waterline would run east under Taft Hill Road, below a 60'-wide parcel owned by Larimer County and tie into the existing 30'-wide FCLWD waterline on Cathy Fromme. The existing waterline runs parallel to Taft Hill Road for approximately 2 miles. The proposed easement area would encompass 0.089 acres and would sandwich the existing FCLWD waterline with two nearly identical rectangle parcels (0.052 acres and 0.037 acres). Construction would be limited to connecting to the existing 36" waterline and digging a compact "trench box" for the drilling and boring equipment. The bore pit will be located entirely on County property and a trench (roughly 10' deep) will extend east to the existing waterline on Cathy Fromme.

Were other options analyzed/considered?

One alternative that was not submitted as a part of the final 1041 application would have crossed on the south side of Trilby Road impacting almost a half mile of Coyote Ridge Natural Area. This alternative was ruled out by FCLWD.

Environmental Impact

An ecological characteristics study was conducted (April-May 2024) within a 500' buffer of the Trilby and Taft Hill intersection. No federally listed or state-listed threatened or endangered species or their habitat were observed. Vegetative species are typical of previously disturbed and overgrazed areas and include introduced and native grass and herbaceous species, such as common mullein, field bindweed, cheatgrass, musk thistle, Canada thistle, aster, prickly poppy and smooth brome. No trees exist in the study area.

Black-tailed prairie dogs were observed. Since the affected prairie dog colony is less than one acre, no City permit or Colorado Parks and Wildlife permit would be required for prairie dog removal. Given the small size of the impact area (0.28 acre (including a portion of County-owned property) with a portion of that unsuitable for prairie dogs), the method of prairie dog removal for this alternative is fumigation. Approximately 3 burrows would be impacted.

The Colorado State Historical Preservation Office was consulted, and no recorded cultural resource sites or areas were identified within 0.5-mile of the study area.

Considering the preferred alternative (Alternative B), the overall impact to Cathy Fromme would be relatively minimal. Construction is anticipated to last approximately 6 weeks and is anticipated to be completed before March 31 to avoid impacts to foraging migratory birds. Temporary impacts are anticipated to be minor and limited to construction and revegetation activities. These impacts include surface water runoff during precipitation events, potential groundwater discharge during construction, prairie dog and avian habitat disruption, and revegetation of the area to ensure restoration of Cathy Fromme to its preconstruction condition. Staff have worked closely with FCLWD to draft a restoration plan. Ongoing impacts other than infrequent maintenance are not anticipated.

CITY FINANCIAL IMPACTS

Application fee	\$5,000
Mitigation Fee- \$3,000/ac. @ 0.089 acres (\$3,000 min.)	\$3,000
Easement fee - \$89,734/ac. x 0.089/ac. @ 50% of fair market value	\$4,000 (rounded)

The application fee and mitigation fee will be paid to the Natural Areas Department to support administrative costs and land conservation efforts. The mitigation fee is set in the easement policy and provides a cost per acre for mitigation with a minimum of one acre. FCLWD submitted an offer letter based on comparable sales with a value of \$4,000 for the permanent easement. Real Estate Services staff also completed a Comparative Market Analysis that supports FCLWD's offer and indicates that it is at the high end of the range.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

At its November 13, 2024 meeting, the Land Conservation and Stewardship Board voted (6-1) to recommend that City Council approve the granting of a permanent water line easement to Fort Collins-Loveland Water District on Cathy Fromme Prairie Natural Area.

PUBLIC OUTREACH

Public outreach occurred during the City's 1041 process. As a part of this effort, Community Development and Neighborhood Services sent public notifications to 1,041 residents located within 1,000 feet of the disturbance area. Five public comments were received in response to the notifications. Additionally, the Planning Department posted a yellow sign in front of the development area to notify the general public.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration
2. Exhibit A to Ordinance
3. Exhibit B to Ordinance