October 4, 2022

AGENDA ITEM SUMMARY
City Council

STAFF

Katie Donahue, Natural Areas Director
Julia Feder, Environmental Program Manager
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Tawnya Ernst, Sr. Real Estate Specialist
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SUBJECT

First Reading of Ordinance No. 104, 2022, Authorizing the Conveyance of a Permanent, Nonexclusive Stormwater Drainage Easement on Redtail Grove Natural Area to WWW Properties, LLC.

EXECUTIVE SUMMARY

The purpose of this item is to authorize conveyance of a permanent, nonexclusive drainage easement to WWW Properties, LLC (owners of Fort Collins Nissan and Fort Collins Kia) on Redtail Grove Natural Area. The proposed easement area aligns with an existing historic drainage path for stormwater. WWW Properties, LLC will construct underground water quality and detention facilities on their property to capture stormwater, decrease peak flow rates into Fossil Creek, and decrease the amount of water overtopping the Fossil Creek Trail, as well as the time the trail is overtopped, during significant storm events.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Redtail Grove Natural Area is a 51-acre natural area situated west of College Avenue between Harmony and Trilby Roads. The natural area conserves riparian habitat along Fossil Creek while providing visitor use amenities, including the paved Fossil Creek Trail, to adjacent neighborhoods and businesses along College Avenue.

WWW Properties, LLC owns three parcels (totaling 24+/- acres) south of the natural area, including the site of the existing Fort Collins Nissan dealership. WWW Properties intends to expand its operations at the Nissan dealership site to collocate a Kia dealership that is currently at another location. It submitted expansion plans for conceptual review to the City's Development Review Center in the fall of 2021.

The City's Land Use Code requires mitigation of any stormwater generated on the property due to the proposed development. Late last year, representatives of WWW Properties contacted Natural Areas' staff with a request for a non-exclusive drainage easement as they explored alternatives to route stormwater flows.

Currently and historically, stormwater from the east side of WWW Properties' land flows north into a natural drainage swale in the southeast corner of Redtail Grove Natural Area. Stormwater from the west side of the WWW Properties' land drains west to Lang Gulch. During significant storm events, existing drainage flows overtop Fossil Creek Trail. WWW Properties' proposed development plan would increase the paved area on their property, which in turn would increase the amount of impermeable surface, lessening the ability of stormwater to naturally infiltrate the soil. Therefore, this development would increase the overall volume of water that would run downhill through the existing swale and enter Fossil Creek, if no mitigation actions were taken.

Numerous alternatives for mitigation were reviewed as part of the design process. The preferred alternative for protecting the Redtail Grove Natural Area involves the installation of underground water quality detention facilities on WWW Properties' land. The applicant has secured a letter of intent from the owner of the property (Silverthorne, LLC) that lies between the WWW Properties' land and the natural area to collaborate on easements through this property. However, the stormwater would still flow across the natural area to Fossil Creek.

WWW Properties' project team has met with staff (including Natural Areas, Park Planning and Development, and Utilities-Stormwater representatives) on several occasions to discuss permitting and master storm drainage issues related to the proposed development. In addition, multiple internal discussions between these departments, as well as the Parks Department, have occurred to determine a preferred alternative to manage the potential increased flows.

Alternatives Analysis:

The following location and design alternatives were submitted by WWW Properties in its alternatives analysis to manage the stormwater outfall coming from the eastern portion of the property:

Alternative 1 (Preferred):

WWW Properties would install underground water quality detention facilities on its land. The collected stormwater from these facilities would release to Fossil Creek across the Silverthorne property. Once reaching the natural area's border, the stormwater would flow along a 30'-wide, 370'+/- long segment of a natural drainage swale, through an existing 12" culvert under the Fossil Creek Trail, and into Fossil Creek. The total proposed easement area is 11,045 square-feet (0.254 acres). The installation of the underground water quality detention facilities would:

- Filter stormwater runoff for water quality prior to being released.
- Help slowly release the collected stormwater and mitigate for some of the existing issues during storm events. This includes reducing projected peak flow rates and decreasing the quantity of water and duration of time the Fossil Creek Trail is overtopped during significant storm events.
- Direct stormwater flows along a historic drainage way.

This preferred alternative would not involve any construction or installation disturbance on Natural Areas' property or to the Fossil Creek Trail.

Installation of larger or additional culverts was considered as part of this alternative. However, impacts of culvert installation would include:

- Closing Fossil Creek Trail for approximately two weeks to remove pavement, install the culvert, and reconnect the trail.
- Construction equipment would be mobilized across approximately 500 feet of natural area and paved trail, likely necessitating restoration.

Alternative 2:

This alternative is in the same location as the preferred alternative. However, a storm sewer would be constructed to carry water from WWW Properties' land and through the natural area before discharging in Fossil Creek. The sewer would require permanent maintenance access across the natural area for the added infrastructure. This alternative would require significant disturbance through the natural area and within existing wetlands, floodway and erosion buffer at Fossil Creek. Historic drainage patterns would also be disrupted.

Alternative 3:

This alternative mirrors Alternative 2, but the storm sewer would be constructed on the northeast portion of WWW Properties' land where it directly connects to Natural Areas' property. As in Alternative 2, the sewer would require permanent maintenance access across the natural area for the added infrastructure. This alternative would require significant disturbance through the natural area and within existing wetlands, floodway, and erosion buffer at Fossil Creek. Historic drainage patterns would also be disrupted.

Alternative 4:

This alternative would reroute stormwater runoff via a pipe to the west of WWW Properties' land and discharge the water to Lang Gulch, where the western portion of the property's stormwater runoff would already be directed, to avoid passing the water over the natural area. Detention of all the property's runoff would not be possible through underground facilities on the western side of the property. A direct connection to Lang Gulch for the east side's outfall would increase the flowrates that would be seen to Lang Gulch and ultimately to Fossil Creek. Impacts to Lang Gulch would be significant with an added pipe for outfall and additional, un-detained runoff being directed to the channel.

While discharge of stormwater into Lang Gulch would keep the drainage on WWW Properties land, this alternative has the potential to increase erosion, putting sediment and additional untreated water into Lang Gulch and Fossil Creek. Lang Gulch, a small tributary to Fossil Creek, contains significant rock outcrops with numerous fossils, native vegetation, and a narrow fringe of wetlands.

Alternative 5:

This alternative contemplated drainage onto College Avenue/Highway 287. WWW's project team has met with the Colorado Department of Transportation (CDOT) about diverting the water through the right-of-way at College Avenue in a storm sewer, until it reaches the box culvert that drains into Fossil Creek underneath College Avenue. CDOT staff have said they cannot accept increased flow rates into CDOT right-of-way.

Due to the significant amount of disturbance for all culvert installation or replacement designs, or the addition of a storm sewer through the natural area (Alternative 2 and 3) staff did not believe that these designs and alternatives are the best way to protect the existing natural resources. Ultimately, a no-build approach (Alternative 1 without culvert installation) was selected as the preferred option. Additionally, Alternatives 2, 3, 4 and 5 would greatly reduce or eliminate the stormwater that has historically flowed across the swale on Redtail Grove, removing water from a portion of the Redtail Grove habitat.

CITY FINANCIAL IMPACTS

Application fee	$3,000
Mitigation Fee - non-wetland - $3,800/ac. @ 0.254 acres	$3,800
Easement fee - $5,000/ac. - $0.254/ac. @ 50% of fair market value	$1,270

To mitigate for an increase in volume of stormwater outflow through the historic natural area drainage path, Natural Areas staff is requesting the applicant provide payment in lieu to mitigate a portion of land on both

sides of the existing culvert with native vegetation, slowing down the volume of water entering and exiting the culvert at one time. This would prevent erosion to the natural area over time.

These estimated fees would be paid to the Natural Areas Department to support administrative costs and land conservation efforts.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

The Land Conservation and Stewardship Board reviewed this request at its July 13, 2022, meeting. Conversation centered around the presentation of the easement proposal and analysis as well as the overall Natural Areas' easement policy. Following the presentation, the Board voted to table the WWW Properties' request indefinitely. Questions and concerns regarding the clarity of the proposal details have been addressed in the revised package presented to Council.

PUBLIC OUTREACH

Not applicable.

ATTACHMENTS

1. Ordinance for Consideration
2. Vicinity Map
3. Site Map
4. Land Conservation and Stewardship Minutes, July 13, 2022