

MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



Land Conservation & Stewardship Board

Regular Meeting | 1745 Hoffman Mill Road

October 12, 2022

Members:

Andrea Elson, Chair
Ross Cunniff, Vice Chair
Mike Weber, Member
Denise Culver, Member
Joe Piesman, Member

Vicky McLane, Member
Alycia Crall, Member
Elena Lopez, Member
Cole Kramer, Member

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- 1. CALL TO ORDER:** Meeting was called to order at 5:30 p.m.
 - 2. ROLL CALL:** Andrea Elson, Ross Cunniff, Elena Lopez, Denise Culver, Mike Weber, Cole Kramer, Joe Piesman, Alycia Crall.
Excused: Vicky McLane
NAD Staff: Julia Feder, Matt Parker, Aran Meyer, Kelly Smith
City Staff: Kirk Longstein, Planning
Larimer County Department of Natural Resources: Daylan Figgs, Meegan Flenniken
 - 3. COMMUNITY PARTICIPANTS:** Jeff Stahla, Ellis Carpenter
 - 4. AGENDA REVIEW:** Chair Elson amended the agenda to switch the order of staff presentations on 1041 Regulations and Prairie Dog Management.
 - 5. APPROVAL OF MINUTES:**

Member Culver made a motion to approve the September LCSB meeting minutes with changes submitted by Member Lopez. Member Piesman seconded the motion. The motion approved 7-0 with Member Weber abstaining.

6. ACTION ITEMS

IGA Larimer County, City of Loveland land acquisition

Julia Feder, Environmental Program Manager presented the request from The City of Fort Collins Natural Areas Department to enter into an IGA with the Larimer County Department of Natural Resources to purchase a 1547-acre property adjacent to the City's Foothills/Buckhorn/Redstone Priority Area and within the County's Blue Mountain Conservation Area. The Natural Areas Department and the City of Loveland Open Lands and Trails Department will both donate towards the acquisition. In return the cities of Fort Collins and Loveland will receive a conservation easement on the 1547-acre property, which both entities will co-hold. The City of Fort Collins' contribution will be \$750,000.

This acquisition and conservation easement will protect important values that confer the following public benefits: 1) Wildlife habitat values, including significant, intact wildlife habitat made up of foothills grasslands, shrublands, and lower montane forest with numerous natural seeps and springs. 2) Scenic values that protect the visual corridor that includes conserved U.S.

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Forest Service, Colorado State Land Board, and conservation easement lands. 3) Buffer values that contribute to slowing development between unincorporated Larimer County and the City of Loveland. 4) Recreation opportunities will be considered, where appropriate.

DISCUSSION

Member Culver started the discussion by asking what brought the property to the county's attention. Daylan Figgs explained the property had been of interest to the County since 1993 and they built a relationship with the owner over the years, keeping in regular contact with the family, as is often the case in land conservation. When they last reached out the owner was ready to sell so things progressed much quicker than usual. Meegan Flenniken clarified that Larimer County would hold the fee title with the Cities of Fort Collins and Loveland jointly holding the conservation easement. She also responded to Member Culver's question about the possibility of GOCO grant funding by explaining it was not possible given the standard grant cycle and the accelerated closing date.

Member Piesman asked about the financials of the acquisition, specifically purchase price, and conservation easement costs to the City of Loveland and to the City of Fort Collins Natural Areas. Daylan answered that the agreed selling price was \$9 million with the City of Fort Collins contributing \$750,000 towards the conservation easement.

Several members commented on the wildlife habitat and ecological value with the property's adjacency to State Land Board and riverine property. Member Culver asserted it makes sense as a wildlife corridor and is a great project.

Member Piesman asked about the property's proximity to Devil's Backbone Open Space and future public access. Meegan explained the County plans to get to know the site and fully understand its resource values before embarking on the onboarding process. Given that Chimney Hollow Open Space is next in their capital improvement plan and long-term cost model, Meegan stated it will likely be many years before they begin the normal public onboarding process. She emphasized that Fort Collins and Loveland as stakeholders will be part of the process in determining public access.

Vice Chair Cuniff asked if the County had made any assessment as to restoration needs. Daylan responded that there is a lot of potential in the valley bottom including some remnant wetlands. Daylan stated there may be a little bit of fire mitigation work needed, but overall, the property is in a pretty healthy condition. The County will conduct a formal assessment within the first few years of ownership after the land has had a chance to rest from grazing. Daylan responded to questions about the possibility of wildlife management in cooperation with the State Land Board as an option to explore.

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Vice Chair Cuniff voiced concern that while he thinks this is a nice addition to the region, pursuing acquisitions without a recent property value assessment may contribute to inflated property values, which leads to depleted dedicated funding and is therefore not sustainable.

Chair Elson asked for clarification on the cost split of the shared conservation easement, and the accelerated timeline for closing. Julia explained that within the first 12 months after the acquisition, Natural Areas will be working with the County and the City of Loveland to define each agency's role in the partnership and ensuring the City's interests are represented in the case of major changes to easement policy. Julia stated the costs are associated with funds available, and that the City of Fort Collins is fortunate to have multiple funding sources allowing Natural Areas to contribute to this effort. She noted this conservation easement does not inhibit the department's ability to pursue other properties currently of interest. Daylan followed up that the City of Loveland sets asides funds each year for partnership opportunities and their contribution here will take most of those funds. Meegan explained, a draft IGA was being circulated to all three government agencies and they expect to meet the closing date of November 30th, including review by Board of County Commissioners. She also assured Chair Elson the County has previously entered into several shared conservation easements, so this is not unusual.

Member Kramer asked about the possibility of closing delay and if would be necessary for any one of the parties to record the title. Daylan said historically that has not been needed and he does not anticipate any issue in that regard.

Meegan brought to the attention of the Board, the 153 acres on the southeast corner of the property that includes substantial public/residential infrastructure, which is viewed as a liability. The County intends to hold the right to sell that portion of the acquisition and is exploring options to limit development impact on open space value and future public access. In response to Member Kramer's question about current access to the parcels on the southeast corner, Meegan shared there is a privately maintained county road that is not a public access. Vice Chair Cuniff supports the County disposing of the housing.

Overall, the Board was very excited about the property, grateful for the partnership with Larimer County and supportive of the IGA.

Chair Elson made a motion that the Land Conservation and Stewardship Board recommends that City Council approve an Intergovernmental Agreement (IGA) with Larimer County to partner on the purchase of the 1547-acre Heaven's Door Ranch property. Member Culver seconded the motion. The motion was unanimously approved, 8-0.

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Prairie Dog Management Report

Matt Parker, Senior Supervisor Restoration Management thanked the Board for the opportunity to talk about prairie dog management, and introduced Aran Meyer, Wildlife Ecologist. Matt noted that Aran has done a great deal to evolve the wildlife conservation program from a very specific focus on prairie dog management to a much broader focus on wildlife, avian species, and pollinators.

Aran Meyer, Wildlife Ecologist then led LCSB through the update on prairie dog management efforts on Natural Areas' properties, outlined accomplishments, lessons learned, and ongoing partnerships aimed at prairie dog conservation.

Aran opened his presentation by describing how staff manage Soapstone Prairie Natural Area (SSN) and Meadow Springs Ranch (MSR) in comparison to management of the urban-interface properties. He also explained the management shift away from single species to a grassland health management approach that recognized the need to assess habitat across a variety of wildlife species. Aran emphasized how scale plays an exceptional role in management decisions.

To steady prairie dog populations within the SSN/MSR complex NAD staff applies insecticide to burrows to reduce flea populations or provides a bait-delivered edible plague vaccine (known as SPV). NAD is hosting a small Fipronil grain study, conducted by Colorado Parks and Wildlife (CPW). This study aims to look at flea control on prairie dogs, impacts to non-target small mammals, and observe any other non-target interactions with the product.

Lethal management is motivated by goals of protecting grassland restoration that cannot withstand the intensive prairie dog grazing of the urban properties, to protect rare plant populations and to provide a 300' buffer to neighboring properties.

NAD is committed to conserving prairie dogs on both regional and urban natural areas. Long-term success will require adaptive management aimed at improving habitat for multiple species, mitigation of negative prairie dog grazing impacts, and maintaining strong partnerships. Natural Areas will continue to work with CPW, USFWS, and regional open space programs to best understand management trends, plague mitigation, and black-footed ferret recovery best management practices.

DISCUSSION

In response to Member Piesman's question about management capacity, Aran explained it would be very challenging to manage colonies across all 28,524 suitable acres in Soapstone Natural Area and Meadow Springs Ranch. Aran stated the goal is to mimic historic colony acreage at 15% of those suitable acres. He pointed out the habitat suitability model allows for a higher density of colonies on the urban natural areas at 10-20%. Aran also stated the use of Fipronil in the CPW study is not experimental, it is a licensed use of the product.

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Member Lopez and Vice Chair Cuniff asked for more clarification on the Fipronil study and the impact on arthropods and other non-target species. Aran explained that NAD is eager to have in-house data to better understand potential impact in the context of SSN/MSR. Precaution is being taken to avoid bio-accumulation by mitigating exposure to other species associated with the colonies through in-burrow application. He also noted that Dan Tripp, CPW has also set up several camera traps to monitor the burrows. Member Lopez praised staff and CPW for being conscientious in the use of insecticide and the monitoring for inadvertent impact.

Regarding lethal management on the urban properties, several board members asked about the colony at Coyote Ridge Natural Area (CRN) that Aran used as example, and its proximity to burrowing owls, and Bell's Twinpod. Aran replied that the contractor does surveys for other species prior to lethal management. Matt explained that although prairie dogs often repopulate into previously eradicated areas, NAD staff recognizes there is simply an ongoing cost to manage prairie dogs in order to protect other resources and restoration efforts.

Member Lopez responded by asking about fertility control which might be longer lasting than lethal management. Aran explained some research had shown this to be successful, but it does require trapping each individual every year and giving it an injection, therefore not a feasible management tool for NAD.

Aran reflected that there will always be a tradeoff for any of management tools used. But asserted if the tools are not used, then the loss of prairie dogs on the landscape, and all the other associated species is almost certain.

Chair Elson inquired about Aran coming back to do presentations on Black-footed Ferrets and the breeding birds at CRN to which Aran stated he was happy to do. Aran also offered to follow up with Members Lopez and Piesman with study data.

1041 Regulations Draft

Kelly Smith, Environmental Planner

Before starting her presentation, Kelly announced that with her move to Natural Areas, she is handing off project management of 1041 regulations to Kirk Longstein, Senior Environmental Planner, and Rebecca Everett, Senior Manager, Community Development and Neighborhood Services. Kelly stated that with the number of changes to the draft, some of which are happening at this very moment, staff will likely recommend a Council work session which will provide the public more opportunity to review the final draft before the first reading, and a potential extension of the moratorium. Kelly expects the City Attorney Office review to be complete in a couple of weeks and assured LCSB the revised timeline will be shared as soon as it's confirmed.

Kelly began her presentation by outlining the state requirements for 1041 regulations at the local level: Public hearing and designation, moratorium, code adoption, and code implementation. She explained the City conducted extensive public engagement around the two activities limited

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by the moratorium: highways and water/wastewater. The draft regulations were released in June 2022, with a revised draft, reflecting additional public engagement, to be released in early November. There is time between Council's first and second reading of the draft regulations for staff address Council concerns.

Kelly described the five themes that emerged from public engagement following the June draft release: defining what projects are subject to 1041, examining proposed exemptions, the concern of "significant" being too high a bar or potentially arbitrary, support for tiered review process as long as it works, and concern around the time period for the pre-application process. She briefly reviewed Larimer County's recently updated 1041 regulation thresholds and exemptions.

She then walked LCSB through the processes that generated the first draft which focused on definitions and exemptions. The top concern voiced by the public, Council, and focus groups was environmental impact. For agencies subject to the regulations and economic focus groups, it was an overall lack of predictability that caused concern; they wanted more clarity.

In response to public engagement, staff modified definitions and exemptions, and proposed thresholds, including proximity or impact to Natural Habitat Buffer Zones (NHBZ), Natural Areas and Parks, and Historic/Cultural Resources. City staff examined a broad range of environmental resources, not just those within natural areas. The NHBZ threshold is designed to protect those resources from development. Staff also amended the impact trigger language from "significant impact" to "findings of negligible adverse impact." Kelly confirmed that, at least conceptually, if a threshold has been met it will trigger 1041 applicability.

Kelly provided an outline of the pre-application process that was refined following input from Council and those subject to regulations: conceptual review, pre-application and impact determination, and neighborhood meeting. Following a completeness review by staff, the 1041 permit is submitted. After final review by staff, including a recommendation from Planning and Zoning staff, and the application is forwarded to Council who will make the final permit decision.

DISCUSSION

Several members asked for more clarity on the proposed threshold for impact to cultural resources. Kelly explained the City's Historic Preservation staff would examine impacts including viewshed and adjacent development. She also noted there is a section in the Land Use Code that covers historic and cultural preservation.

Replying to Members Lopez and Kramer, Kelly stated staff had determined that eminent domain was not a good threshold trigger point, but that there is a proposed threshold of relocation of homes or businesses. Kelly explained private developers are already regulated by Land Use Code.

Member Lopez commented that the draft 1041 regulations seem to protect not only City assets but private property as well. She also voiced concern about the possible reduction or shrinking of the proposed thresholds.

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Julia clarified Member Piesman's question about LCSB influence regarding development that may impact natural areas. NAD staff would be notified of any such development applications and share that information in the event LCSB wanted to address Council.

The remaining discussion was focused on the short timeline for LCSB to review the draft language and advise Council before the first reading on November 15th. Member Kramer broached the possibility of a special session to write and vote on a memo. LCSB agreed it made sense to wait until after the Council work session of November 8, to draft their memo as they would be much better informed. Vice Chair Cuniff pointed out that as individuals, not a group, they can read the work session materials ahead of time. LCSB agreed to keep 1041 regulations on their November meeting agenda. Vice Chair Cuniff and Member Lopez committed to watch the Council Work Session in preparation of a memo on behalf of LCSB.

LCSB 2023 Work Plan

LCSB reviewed their previous plan and discussed other advisory topics to consider including climate change and diversity/marginalized voices. LCSB will finalize their work plan during the November meeting.

BOARD/DEPARTMENT UPDATES

Bicycle Advisory Committee

Member Weber stated he was unable to attend the September meeting and had no report.

DEPARTMENT UPDATES

Julia Feder, Environmental Program Manager briefed LCSB on several NAD updates.

30th Anniversary Celebration

LCSB will be receiving a paper invitation to the community event at the Lincoln Center on November 30th. Please RSVP with as many guests as you'd like; it's going to be a great celebration.

Staffing update

New Business Support admin staff will be starting on October 31st, and they have lots of experience with Boards and Commissions. Staff is excited to have them on board to help support LCSB.

Land Conservation Specialist applicant review is complete, and four finalists have been invited for interviews next week.

BFO

There was very little feedback from Council regarding NAD BFO offers. Staff is optimistic there will be little if any changes in the final recommend budget.

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Boards and Commission applications

Two members of LCSB will be cycled off and Alycia is up for renewal. Applications are due this month.

Land Conservation

Julia reminded LCSB the quarterly Land Conservation report to Council was included in this month's packet. If LCSB would like to examine any items in the report this evening it would require an executive session; no member requested a discussion.

Meeting adjourned at 8:01 p.m.

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Andrea Elson, Chair

11/16/2022

Date