

# MINUTES

CITY OF FORT COLLINS • BOARDS AND COMMISSIONS



## NATURAL RESOURCES ADVISORY BOARD

### TYPE OF MEETING – REGULAR

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August 17, 2022 6:00 – 8:00 pm  
Via Zoom

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### CALL TO ORDER

6:02 pm

### ROLL CALL

- List of Board Members Present –
  - Barry Noon (arrived 6:10 PM)
  - Dawson Metcalf - Chair
  - Drew Derderian
  - Victoria McKennan (arrived 6:58)
  - Kevin Krause- Vice Chair
  - Danielle Buttke
  - Matt Zoccali
  - Kelly Stewart
- List of Board Members Absent – Excused or Unexcused, if no contact with Chair has been made
  - Avneesh Kumar
- List of Staff Members Present
  - Honore Depew, Staff Liaison
  - Meaghan Overton, Housing Manager
  - Noah Beals, Development Review Manager
  - Courtney Geary, Active Modes Manager
  - Eric Potyondy, Assistant City Attorney II
  - Jennifer Shanahan, Senior Specialist, Natural Areas
- List of Guests
  - Gailmarie Kimmel, Rights of Nature
  - Jennifer Sunderland, Right of Nature

### 1. AGENDA REVIEW

- a. No changes to agenda

### 2. PUBLIC PARTICIPATION

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- a. None

### 3. APPROVAL OF MINUTES – JUNE

- a. Danielle moved and Kevin seconded a motion to approve the April minutes. Motion passed unanimously. 6-0

### 4. NEW BUSINESS

- a. **Rights of Nature** – Community members Gailmarie Kimmel and Jennifer Sunderland were invited by NRAB members during the June meeting to discuss a suggested Council Resolution for the Rights of Nature being applied to the Poudre River. Seeking NRAB Support in a form of a letter of endorsement and/or active collaboration in this endeavor. They are also looking at expanding their working group and would appreciate any connections or recommendations. (Action Requested)

- Discussion | Q + A

- Dawson – **Q** – What has your collaboration looked like with some of these other municipalities or has it been just with organizations here? Just curious what that collaboration has looked like in creating this and getting to this point. Jennifer – **A** – We have been working closely with the Earth Law Center in terms of composing the resolutions since this is really what they do all around the world. Each of the communities that are working on it are already past resolutions. We have worked with either City Council, Town Council Members, or whole boards. Other groups have used advisory boards, interested community members, and some other organizations within municipalities. So, it is a lot of different collaborative things happening. Gailmarie – **Comment** – During Covid we were just trying to get our head around a legal document but now we are also reaching out to our fellow organizations in the Poudre River Watershed. We have meetings set up with the Cache La Poudre Natural Heritage folks. We realize there are other people who are working very heavily in this area that we want to engage with as well. We are looking at NRAB as one potential set of partners and helping us sort through next steps.
- Dawson – **Q** – I am curious about the guardianship piece and thinking about that as a representative body. Has there been discussion around that? What does that look like in other municipalities? Do you have an idea of what that looks like for you already? Jennifer – **A** – So far, the municipalities that have passed a resolution are in the stage of figuring out what their guardianship board will look like. The advisory type of board like you would be kind of one image in our heads of what a guardianship board could be. It could be creating a new group of community members, or it could be taking a board

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already in place and handing it over to them. Gailmarie – **Comment** – I think that is the perfect question for you all because that has really been our question. Is this something that winds up being within a purview in NRAB or is this so nuanced that it needs to be a different kind of guardianship council? I think one of the things we are learning is from the US municipalities but looking internationally at how some places have pulled in their parks people and their Tribal people and have come up with a brand new something. This had a unique enough need that nothing that currently existed worked. That is an open question that we would like to explore.

- Danielle – **Comment** – As someone who is neck deep in a lot of government policy efforts right now, I am always thinking about ways in which words will and won't be used in a court of law because ideally that is where this going to have teeth and would end up. There are three words that I noted that, in my experience, that either need more definition or need to be replaced with more specific words that have some precedent or case law where they have shown up. Those words are restoration, regeneration, and eco-centric. I am so excited about this effort and appreciative of the work, time, commitment, and passion you have put into this. My ideal outcome is that a beneficial use of the river is simply existing. Those ecosystem services are conserved and designated of beneficial use. Thinking about that outcome there is language that could be incorporated into this document that either mirrors the current policies and that designate what beneficial use is or other similar caselaw could be drawn upon. Words matter. Gailmarie – **Comment** – We would love your help because you obviously have some experience and expertise to bring to this and would love to take that conversation forward with you. Danielle – **Comment** – This does seem very much of interest to NRAB generally and all of us personally as well. I am excited to have this conversation tonight in which we can contribute moving forward. Jennifer – **Comment** – I will take what you said back to our legal advisory team who has been helping to compose this because they would be interested to hear that too as they have been putting together these resolutions for these different communities. It is good to know what people notice and are thinking. When we talked to several the Council Members last winter, a couple of them were pleased to have some of this language to be able to start using. It feels like that is an important first step to having this change of mindset of our relationship with the river and the rest of the environment. I get your points about the legal language and making sure it's useful.
- Danielle – **Q** – Have you defined whether a threshold for flow exists? That is another. We know exactly what extinction means but there is functional extinction much sooner than that. Flow is another one of those words where function loss of flow occurs much sooner than a complete loss of flow and

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having a threshold incorporated into that language would be beneficial as well. Jennifer – **Comment** – That is a great idea for increasing the power of a resolution.

- Barry – **Comment** – I agree with several points Danielle has made. This issue of beneficial use goes way back. First in time, first in right, prior appropriation, when the West was being colonized by ranchers and farmers. Ranchers owned most water rights. I have been trying to educate myself more in water law. Beneficial uses are generically defined of use of water that society wants to promote that are worth granting to a private person as they usufructuary right in a public resource. Usufructuary is a complicated legal term that means you can own the right but not own the water. Absolutely no doubt that prior appropriation, that first in time, first in right doesn't work with our current population and climate change scenario. I think everyone in this town is pleased that you are engaged in this now. I think the world's expert in flow region is LeRoy Poff who you might know from CSU. He wrote a paper I can make available, many years ago in Bioscience call the Natural Flow Region. It is the foundational paper in the field in stream and riverine ecology. I think it was published in 1997. LeRoy has been actively in opposition to NISP and Glade Reservoir. Thank you again for your efforts in doing this. I will make one final comment that you could easily add to your power point and that is in the vast majority of species listed under the endangered species act are freshwater obligates. I've done a lot of work in India over the years where rivers and streams are in bad condition. They have lost huge amounts of their fishery because of that. I think it is probably safe to say that the most threatened ecosystem type in the world are freshwater ecosystems. In usufructuary at the time, those ownership senior rights were established maintaining instream flows to sustain fish, wildlife and to sustain a multibillion-dollar recreational industry in fishing. That perhaps would be persuasive to people that you could include.
- Matt – **Q** – Thank you for bringing this this evening. It was great reading last evening. I am eight months removed from the City of Fort Collins Utilities so my question may be flavored with some of that. I am trying to understand implementation. Section five, bullet A talks about making the right of nature a primary consideration in all City Action and decisions that concern the river and watershed by brief rights of nature assessments and staff reports. I am wondering how you see an outcome of say a staff member developing a report that the guardians don't necessarily agree with. How does that play out? Jennifer – **A** – I am fascinated to see how it plays out because I think we are all talking about another voice in the room. There will be reports coming out of whatever meetings if they pertain to the river and they will have to be able to have some response from the guardianship, whatever it may be. It

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would add another layer of discussion for us. Gailmarie – **Comment** – I don't think we are naive and this is going to add another wonderful piece of something to the discussion. We realize this could become something that really needs to help hone our existing assumptions and way of doing things, but I just want to say this is offered in a true spirit of collaboration. We appreciate that the City has done so much good work with the river and watershed. We only want to strengthen everyone's collective hand. Some of this verbiage is again from Earth Law's successful templates and we may have to massage it, so it feels like it is something that is not just digestible but workable for the better goals we have in mind. It is helpful to have staff people thinking about this with us. Matt – **Comment** – Setting up all perspectives success in these things can be the real challenge, but I think that is what you are after. I am just trying to listen, understand and offer thoughts.

- Gailmarie – **Q** – I think our two lingering questions for you all is, is this something either as is or with changes we work on collaboratively something that NRAB can endorse or something you can support. Is that how NRAB can help us further this in front of Council? Dawson – **A** – What we typically do as a board in reference to resolutions being put in place knowing when they will fall in with City Council, our Board is typically making recommendations that are ready by the City Council on why we would support or endorse this resolution to be passed. Gailmarie – **Comment** – So let me see if I heard you right. You wait until it gets into the that process with Council and then you weigh in? Dawson – **Comment** – As in it is going forward with City Council. Honore – **Comment** – I would say that the general approach and relationship is between Advisory Boards and City Council is that the Advisory Board peruse the six-month agenda and look at topics that are going to be coming in front of City Council. They interact with staff people and the folks who are bringing those items forward, they ask questions and put an extra set of eyes on those topics. Then sometimes the minutes from those meetings are provided to Council to give them some context or a formal memo is sent from the Board and Commission. It is not typical for a Board to initiate new business with the Council. I know Dawson had a conversation with your Council Liaison who was supportive of at least discussion of this item. Kevin – **Comment** – I would just add that it is not typical, but it is still a citizen board so as we as a citizen board could ultimately determine our agenda and output in that context. I just want to be clear that maybe it is not the typical path, but it doesn't mean that our boards can't exercise the tools that we have. I suppose that is the way I view or interpret it.
- Gailmarie – **Q** – If we were to just lean in a little bit and say are you willing to endorse, is that something we could have you potentially talk about and see if

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it is something within you would want to step into? Dawson – **A** – Yes, I think that is the point of this conversation and bringing it up regarding voting and bringing you back. There is support of interest of where this could go. I can't speak for every Board Member, but I think there is a general feeling of interest in seeing this go further in providing some protection or additional protections. Danielle – **Comment** – I could envision a memo saying we support the adoption and that the City Council adopts rights of nature for the Poudre River without tying that to a specific final document so it could leave you time to hash out and identify based on successful case law. That will get us to the goal faster. That might be a win-win there.

- Eric – **Q** – On your slide it says that this resolution is a non-binding Resolution; it does not create any new law or change any law; it doesn't change any Fort Collins water rights. I am having a hard time understanding how that is consistent with the actual words in this draft. The words in the draft Resolution say the City shall do this and the City shall do that, which would seem to create a bunch of obligations on the City including obligations to oppose any actions or activities that might violate these broad rights that are being proposed for the river. I just don't understand how those two things square. Jennifer – **A** – That is something we need to go back and make sure does square up. I see the Resolution as asking the City to consider the river in these issues but if the language is such as it comes across though it is affecting the law then we would need to adjust that because we recognize that is not an Ordinance, so we see it more as transforming of how we are talking and thinking about the river as opposed to legally requiring particular actions. Eric – **Comment** – Thank you for that clarification.
- Eric – **Comment** – I just like to flag things for the group to consider. One is that typically my office, the City Attorney's Office, drafts the Resolutions and Ordinances. We would need to have a hand in it if this were to come through and we were directed by City Council to do that. Another thing I would note is that the City as an organization has limited powers. Many of the things that were being discussed initially strikes me as things that may well be beyond things the City can influence such as talking about beneficial use of water. That is typically defined by state law. Another thing policy wise, is that to extend this Resolution or Ordinance contemplates creating a new legal entity of the river, that is recognized as a separate legal entity with separate legal rights. In that sense, it is a sort of corporation, city, LLC or other legal entity that are kind of imaginary in a certain legal sense. It really comes down to what individual people and what structures are acting on behalf of. I think that is something else that has sort of a policy level that needs to be thought about. Jennifer – **Comment** – and just so you know we do certainly recognize that this is within the boundaries of Fort Collins and obviously it is a

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giant ecosystem that we can't affect from just within Fort Collins. We see this just as a starting point and a starting point towards that changing of paradigm of how we are thinking. We must start somewhere with these giant transformations. I really appreciate your comments.

- Gailmarie – **Comment** – There is a lot more language that we stepped away from on page four that is Earth Law Center's best language around this guardianship council. We certainly didn't want to spook too many people with it right off the bat, but it might be something that would be helpful to look at with a group like you and Eric. I think part of it is needing guidance. We understand it is going to go to the City Attorney's Office to be massaged a bit and come back. We understand that is process, but we would like some direction about that. We could initially present, but we were not sure if we want to step quite that far. I think I would love a discussion between our lawyers and yours because at some point we are in over our heads with some of the legal stuff.
- Kevin – **Q** – Is this your best tool if the spirit is something we are most likely interested in, but it doesn't give change in terms of the actual decision making, procedures, or policies. I am curious if there are other tools to get at similar objectives. If it truly doesn't create new laws, policies, procedures or etc., I don't know how affective it is. I want to support this, the spirit of something and next steps for that but I don't know if this is the only option to get there. Jennifer – **A** – I think that is a great question. We see it as laying the groundwork for some more potential things that have more teeth, but we would really have to change the culture and language. There is a lot of little steps involved before we think we could add something stronger. I think it is just the first step but would be interested in other strategies, tools, or ways to combine with them if there would be a better way to go about it.
- Barry – **Comment** – Just my thoughts as an ecologist, but I have some concern that if we view as hard wall constraints existing water law, we are in big trouble. Climate change is already affecting the global hydrological cycle as well as regional and local water supplies as well as water quality. There is rapidly decreasing scientific uncertainty about the scope of those effects on water availability and water equality that there is a relatively short timer rising to respond. We are talking about within the next human generation, my kids, my grandkids. I certainly recognize the constraints of existing law and I am trying to educate myself further about that, but I become more and more convinced that they are incompatible with the current state of the globe. No one anticipated this many people with this degree of climate change. This literature has been updated within the last two weeks of new evidence of accelerating rates of climate change that are clearly impacting us now.

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Certainly, we have a very strong inner generational equity and responsibility issue that we need to respond to.

- Gailmarie – **Q** – I would like to go back to Danielle’s memo idea and see if that is something we need to bring more information forward to happen from NRAB or something different for next steps. Honore – **A** – It is an interesting space and I think it is exciting to have ideas coming up through community-led initiatives and through boards because we so often see it going the other way. I can tell you a little about the process and procedure of how things become enacted in the organization. If a Councilmember during a regular meeting, requests for something to come forward or gives direction to the City Manager and has at least two other members of City Council supporting that direction, then it that is something the City Manager will direct her staff to do. That would be the way then Eric’s team would get involved. If staff was directed to explore, bring forth, or draft a Resolution for discussion, that sort of thing. So that direction is given is under other business and is usually spurred by some sort of public comment or some sort of conversation like the ones I am hearing are already happening offline between Gailmarie and Jennifer’s group and various Councilmembers. I know Dawson has spoken with your Council Liaison and that could be another less formal way of suggesting some interest in having this Board explore it further. Eric – **Comment** – I think that is generally correct on how Honore described it. I know most City Staff have to manage the projects they are working on as far as staff time in doing projects they have been directed to do by their supervisors and ultimately through City Council. I would be willing to chat with one of Jennifer or Gailmarie’s attorneys, about it. Gailmarie – **Comment** – Eric that would be wonderful. We will take you up on that. What we have understood to be our process is show up, forewarn people we are showing up on a Tuesday and that there is a need for three Councilmembers to move it on to staff. We are just trying to understand how, if we front load with a NRAB endorsement, memo or whatever, if that is helpful. We don’t know so I think it is an interesting space. I have been told most of the Boards are reactive as opposed to entertaining things like this, so here we are. We would like to break ground on that if you are.
- Matt – **Q** – I am curious how the other boards interact. If NRAB brought something forward like this and Water Commission was like whoa, what are you talking about, what happens? Has water commission heard this Resolution and where do they stand on it? Jennifer – **A** – Our hope is to meet with more of the Boards. We haven’t had any response back yet except NRAB. It seems to me that the more people who know we are floating this idea around, the better. That was our hope for the next three to four months before we drop it in front of City Council.

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- Dawson – **Comment** – Thank you so much for your time and all the effort you are putting into this. There is support here and the angle of it is a tad different from what we have done in the past. I think the Board must have more of a conversation about our next steps and making sure we are on the same page instead of speaking for the whole Board at once. I would love to continue this conversation even if it is just me as a citizen.
- Jennifer will keep the Board updated on when they are going to go to Council.
- b. **Land Use Code Update** – Housing Manager, Meaghan Overton and Development Review Manager, Noah Beals provided an overview of proposed changes to the City's Land Use Code (LUC) and welcomed input prior to Council consideration of adoption, scheduled for October 18, 2022. The LUC regulates zoning, building design, and more. It was written in 1997 and has been updated regularly to address specific code issues, but it hasn't been reevaluated comprehensively since adoption. Fort Collins and our community priorities have grown and changed since 1997. This year, the City is beginning updates to the LUC to make sure it supports adopted goals and policies. Phase 1 of these code updates will address several Housing Strategic Plan strategies that seek to improve housing affordability, choice, and capacity. (Discussion)
  - Discussion | Q + A
    - Danielle – **Q** – I was really excited to see a lot of the changes that are moving towards increasing equity and increasing the way in which we use the land in an efficient way. I am interested in the specific incentives that are mentioned, such as a reduction of parking requirement. I am wondering if there are any other such as incentivizing non-Kentucky bluegrass type landscaping or xeriscape landscaping. I know that can get more at the building codes and metro-districts but wondering if there are any other levers where we can incentivize sustainable development. Meaghan – **A** – That is probably in phase two of this, but I think it is an important piece of it. There are sections in the land use code that for right now are essentially unchanged around landscaping. We haven't really attached those in this first phase. We are trying to focus on the housing related changes and housing affordability changes, but we need to tackle the rest of the code too. I think in the context of incentivizing affordability those kinds of big levers are the parking density and the height of buildings. We do provide some limited landscaping incentives for affordable projects. For example, you can use a two-inch caliper tree instead of three-inch. I would be interested in thinking through how we incentivize not just housing in phase two because we will have done that but how to incentivize the types of development that we want to see based on those adopted policies the City has. I think there is a lot of improvement we could make as we keep going into the rest of the code,

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especially if this goes well and feel like it has some momentum going in the right direction. I think there is more work that can be done. Noah – **Comment** – It is a basis to conversation and one we hope to do a lot more public outreach on as well. A lot of the public outreach we have already done for this phase was focused on residential and that is why we are really keeping it to the residential pieces here. Our incentives right now for affordable housing as far as landscaping go are probably very minimal. With the three-inch to two-inch change. We are finding two-inch calipers actual survive better and we should probably just allow everyone to do a two inch. It is something we want to look at and dive in deep. Meaghan – **Comment** – Danielle you also brought up the building code a little bit which I think is another lever we are not really touching at all with the land use code because those are separate regulations, but both apply to development. Some of you may have been involved with the building code update that just happened this past year. I know there were some changes there that are requiring more significant insulation and requiring electric vehicle infrastructure. That building code is update about every three years. How we are incentivizing sustainable buildings is another big piece of the building code as it is and the land use code as well.

- Barry – **Comment** – I certainly, like Danielle mentioned, embrace the goal of affordable housing and our contribution to the community to a more equitable society. I will say I don't like your change of Land Use Code to Land Development Code because it embraces development as if that is the objective and not quality of life. I think it fails to recognize fundamental limits to growth. As I have mentioned before I am an ecologist and I build population dynamics models with my students for many species, and I have never built a population dynamics model that fails to include density dependent effects. We are biological organisms, and we have the same sort of ultimate feedback that in that introduce hard constraints on growth. There seems to be a failure to acknowledge those hard constraints and that is an absolute biological reality. I don't like the term Land Development Code as opposed to Land Use Code. I also think something that didn't come up, that effects everyone is mental health issues. Access to nature, environment and open space is another essential constraint that needs to be considered. The reality is that there are hard inflexible environmental constraints to human development. Climate change is the latest signal that that is going on. A lot of people are in denial, but it will ultimately be a driver within the next many years. I greatly appreciate our City and staff is phenomenally progressive. I just keep bouncing up to this no limits to growth issue, whether it involves the river, economics, or social equitability. Meaghan – **Comment** – Barry, I will say you are not alone in your thoughts, and we have heard some of that

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feedback as well. It is important for us to hear a range of perspectives and to be taking in all those comments to be considered. We have to present the code to City Council who will ultimately make the decision on that. We want to have a clear and comprehensive understanding of folks' reactions and opinions about things we should change. I appreciate the comments and I think it is an important part of the conversation.

- Victoria – **Q** – I think it is awesome to see that nexus between land use, density, and transportation opportunities. We talk about transit and have that be such a focal point of these conversations. Kind of along the lines of incentives for some of these things we'd like to see happen as far as affordable housing or sustainable practices in landscaping, have you all considered the review criteria and how development is evaluated? Did it meet the forms we have identified? Did it meet these goals we are trying to achieve with this new code? I am wondering if you can speak to that. Meaghan – **A** – One of the great things about the code being a regulatory document is you don't have an option but to either meet the requirement as it is written or request a formal modification that must be approved alongside development. That is part of why staff reviews it to make sure that it does meet those requirements and if it doesn't, how are we going to get there. I also heard in your question 'how will we know if these code changes are resulting in more of the kinds of development that we want to see?' and I think that is another important piece of both the Building Code and Land Use Code. The built environment shifts slowly so I wouldn't expect that we would see dramatic changes in a year or two years but how are we tracking overtime, the impact that some of these changes are, and are they resulting in more sustainable development or additional inventory of housing. I think that piece of the implementation of the code is making sure that we are tracking with some metrics and building permit data. Some of the information that we have available to use to look back retrospectively and see did it do what we thought it was going to do and if not, how can we adjust. I think neither Noah or I think this is written 100% perfect or that it will stay exactly as it is because our community is dynamic. It is changing and shifting, and our regulations will need to do that as well, so making sure we are tracking that will be important. Noah – **Comment** – That is true and to point out these projections that we are taking about, they are based on capacity, not necessarily what is going to get built. We are just saying you can build this much capacity within the standards of the Land Use Code right now. If we adjust the standards to increase capacity, we will see what gets built with that. We are trying to incentivize what we are hoping gets built with some more affordable residential units.
- Kevin – **Q** – This is great. I think directionally I am excited for this for a lot of

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reasons, including next up with Courtney's presentation too. I am excited for phase two regarding building efficiency and so forth. As a Board we did a review and provided feedback on the Building Code updates and urged Council to look for ways to push further, get to electrification faster and so on. I look forward to that being possible in part two. Maybe it is too in the weeds, but I haven't gone through a development of a property regarding overall lot sizes. Say you have an existing home, and you are adding ADU that is 40% or 35%. As far as the level of civil requirement does it come into play pervious material and adding impervious material to an otherwise previously pervious lot area to developments must consider that regarding things like ADUs. I asked specifically because we all know that the way precipitation is occurring and change so it is not like there are no affects to adding more impervious material. I'm just curious what triggers that level of development, scrutiny, and questioning as we increase density. Noah – **A** – To answer quickly, yes, the requirements are still there if you need to treat your storm water or if you are increasing your pervious area. That is staying in place because that is really a different code. However, the Land Use Code is really teeing up a lot of conversations for these different codes to happen next. We will see where it takes us but right now, we focus on the Land Use Code and the hurdles we are experiencing in the Land Use Code. We will probably be teeing up with a lot of conversations for different codes to get on the board with what is happening. Kevin – **Comment** – That is helpful, and the answer could be great. Maybe this code says you can do this thing, but you run into this hurdle and because of the configuration of the property or whatever. Meaghan – **Comment** – Yes, it is completely possible that that could happen. Noah's comment about it teeing up other conversations gives us an opportunity, not just staff but the community as well. If we want to see additional density in your transit and we want to see more housing choices and we allow accessory dwelling units now, but we are running into a barrier of storm water criteria, what do we do with that. I think it is not an easy yes or no it needs to change sort of discussion. That is a point for community engagement; what are the potential unattended consequences of making that change and all the ripple effects. We are not proposing wholesale change to the landscaping and storm water criteria, but I think our first step is allowing more kinds of housing in more kinds of places. We can tackle each of those other conversations as they need to happen.

- c. **Active Modes Plan** – Active Modes Manager, Courtney Geary, shared information on the draft Active Modes Plan, which is available for public comment through August 24. The plan is updating and combining the City's 2011 Pedestrian Plan and 2014 Bicycle Plan. The plan incorporates not only pedestrians and bicyclists but also micro mobility

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devices such as scooters and skateboards. The Active Modes Plan website includes links to a summary of the plan, the full public draft plan in Adobe Cloud, and a comment form. Staff received feedback from the Natural Resources Advisory Board on the draft plan and requested a vote of support for the plan. Council Work Session – Oct. 26; Council consideration of adoption – Dec. 6 (Action Requested)

– Discussion | Q + A

- Kevin – **Q** – Do you want to talk a little bit about the goals associated with the plan? It is one of my sticky spots, but it might be helpful for this group.
- Courtney – **A** – We have two goals for the plan, to achieve 20% active mode share by 2031 and to eliminate active mode fatalities and serious injury by 2032. The second one is aligned with our vision zero goal to eliminate all types of traffic fatalities and serious injuries. For the first goal, it is not explicitly stated in the plan, but in talking through it more with our consultants and the Bicycle Advisory Committee, we realized that their intention was that the goal be commute mode share. Based on the American Community Survey, the census data, our active mode share is about 10% right now for biking and walking. So, achieving 20% active mode commute share would be doubling that. Now, the question that is asked in the census is, what is your typical mode of transportation to work. When we look at our preliminary data for the 2022 travel data study, I believe we have achieved close to 20% active mode share. That travel data study is not asking your primary mode of transportation to work but looks at residences' travel patterns in Fort Collins over a 48hr period. When we look at all trips, we are just above 20% for active mode share. What I hear from the Bicycle Advisory Committee is this goal is not high enough and needs to represent all trip types not just a commute trip, especially after covid and changes in telework. I am working with Adelle and our Metropolitan Planning Organization (MPO) to see what we would need, in terms of active mode share, to achieve Our Climate Future goals. If we can't break it down in that way, if we can't see what piece of the puzzle active modes exclusively would be out of transportation, I think we could look more at our current travel diary study and determine if it makes more sense to say 30% or 40; We could also look at the trips that are a certain distance, like trips less than three miles that could easily be traveled by bike, and convert a certain percent of those trips. Kevin – **Comment** – I think it is super important and interesting. It is hard for me to interpret that it is 20% because I am out there and alone so much of the time; I barely see another biker, but I see hundreds of cars. It is just an important point for me and the community to understand what we want to achieve. There are a lot of other goals that have been articulated in plans that align around it from a City sustainability perspective. Courtney – **Comment** – Kevin, I am glad you raised that about what you see because the best data source we have are

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our residential and employee travel diary studies, so already being at 20% is travel by residence. We can also look at travel by employees. I think a lot of the data we get from MPO is based more on their model and estimates. They are looking at trips either to, from, or within Fort Collins and even trips that just pass through. I think the perception is going to include any trip that touches Fort Collins in some way and that is harder to get that data from mode share.

- Danielle – **Q** – I am really excited about the efforts to remove barriers to the adoption of active mode transit. I am also thinking about when you look at behavior change approaches, it is not just about reducing those barriers to adopt the preferred behavior. It is also about increasing the benefits to that preferred behavior. Often that comes in either financial incentives or by increasing those barriers on the non-preferred behavior. Some things that cities have done successfully is eliminate car parking in centralized locations where it is easy to take those active modes or to take public transit and I think Old Town Fort Collins is a perfect example of that. I was really excited about the pandemic potentially removing some of the parking on college or mountain and increasing residential areas. I am wondering how involved your group and office is in those conversations and if you have any specific action functions or conversations looking specifically increasing the benefits of biking while simultaneously decreasing the benefits of driving. Cortney – **A** – We do in the policy and program recommendations section. There is policy recommendation related to the parking. I don't think the language that is in there is as strong as removing parking from Old Town or College Ave but evaluating our current provisions of parking is either incentivizing or disincentivizing active modes of transportation. There is language explaining that having free and abundant parking disincentivizes using active modes of transportation. I think we have that policy leverage in there to be exploring that area. Regarding incentivizing active modes, I didn't share the vision, but it includes making active modes of transportation desired and joyful. I think most of it is around making it an attractive way to get around. There is not a lot about commuter tax benefit or paying people to bike or walk but that is something I will take back to the team. Another plan that we will be working on is what we are calling, Shift Your Ride Travel Options Plan. It focuses on transportation demand management and how we can encourage people to shift to other modes of transportation. I think it would be a good place to be looking at more of the incentive strategies and how we work with employers on how to incentives using active modes. Danielle – **Comment** – I think that Covid taught us that we can make changes fast and substantive. I think of the outdoor dining that was in those parking spaces previously. I could envision a scenario where there is car parking and those spots are available in the

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winter but in the summer, they become bike parking only. Comfort is important to folks, particularly new bikers that might not have the equipment or awareness. It can allow for a staged approach like how a lot of communities took the Covid transition from parking spots to permanent pedestrian areas. I think that is a great model that would have a lot of benefits and would allow us to increase urban tree canopy and green space too, if we use that as a buffer between designated areas. Courtney – **Comment** – I think there is more and more demand for the curb space for more than just car parking.

- Danielle – **Comment** – One other area, and I say this to almost every group that has anything to do with transportation, is where I think there is a lot of potential teeth is designating non diesel areas within the city. Diesel vehicles have a disproportionate negative impact on public health and air quality. The commuter study that CSU has done really showed that diesel vehicles are responsible for a significant amount of pollution that bikers are experiencing as well as significantly reducing their experience because they are loud and scary. That black city smoke is not good for them, and it could be another way in which we can make certain parts of the city, roads, and streets more bike friendly. By disallowing them, not only does it make that experience more comfortable, but it also makes those bike lanes safer because it removes a lot of the heavy trucks that don't have the same visibility as the smaller cars and trucks. Cortney – **Comment** – Thank you for your suggestion.
- Victoria – **Q** – I love what you said about wanting active modes to be a joyful experience and I am wondering if that is captured in the comfort of different facilities or different routes. There are certain places where I could ride my bike or could walk but it's just not very nice. There are places that might be worth taking that extra step in designing these facilities to make it extra comfortable or just more fun. Cortney – **A** – Adding "joyful" to the vision was a recommendation from City Council when we presented the vision and goals early in the process. I think it is trying to capture that notion that active modes of transportation should be fun; it should be fun to walk or bike. It is getting beyond safety. Often, we become so focused on is it safe and we are saying that's not enough. Safety should be the prerequisite. It should be fun and inviting and should be perceived as the easiest and most comfortable way to get around.
- Matt – **Comment** – First of all, the goal of eliminating serious accidents and injuries by 2032, consider me a lifelong champion. To share a personal moment with you, in 2015 our son was hit by a car walking to school along LaPorte Ave. Thankfully he lived but he suffered a serious spinal cord injury

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and is permanently a wheelchair user now. That goal means something to me very deeply so thank you for setting that. I don't want what I am about to say to come off as whining or victimization because we don't consider Connor a victim, we consider him a survivor. I am a bike to work guy and it is important that our family bikes. I think there are some opportunities and solutions in there for folks with limited functional access needs like folks who are amputees or wheelchair users. The point brought up about eliminating parking, I love that idea, if there is an opportunity for a wheelchair loaner program. Our family can go on a bike ride because Connor has a hand cycle, but when we get Downtown, if we want to get lunch, we can't do it. We must bring the wheelchair down first, go back home, get on our bikes, ride Downtown, transfer to the wheelchair, go get lunch, transfer to the bike, ride back, then drive back Downtown to get the wheelchair. It is fine, it is what we must do, but wheelchairs that can be accessible for folks at certain locations would provide some of that idea about incentivizing alternate modes. Some folks must have a car to get somewhere, maybe not have to, but it is the easier choice. So maybe consider that as an opportunity. I also know we want to get more people on bikes, and I agree with that. I love the idea of the Spin bikes, but going back to Connor, he will be going down the sidewalk and they will be dumped over, laid there and he must roll up on the lawn to get around them. Maybe some awareness on where to leave that piece of equipment and that not everyone can just walk around or get around them. The other thing is I love the idea of sidewalk improvements. That is another issue for our son and others that use wheelchairs. On Laporte Ave past Shields, the sidewalk is overgrown by yards, and he can't even get his wheelchair on it. Just some opportunities to bring improvement to bikes, pedestrians, people who use wheelchairs and people with limb mobility.

Cortney – **Comment** – Thank you for your story and support. I love the idea of a wheelchair loaner program. We do have the Spin program adapted devices that are available through rent, but I think it would be the same issue. Folks would get to their destination and not have a way of getting around once they are off road at their destination. That is the type of thing that would support use of that program as well. The pedestrian needs assessment is still what we use to prioritize the sidewalk improvements and ADA improvements. We have a section at the end in implementation talking about the funding gap that would be required to implement all the recommendations, but we don't talk about sidewalks. As it stands now, we estimate we would need \$150 million to fill all the sidewalk gaps and bring all the sidewalks in the City to ADA compliance and that could happen over the course of 50 years. If we want to accelerate that we need to identify that funding gap as well as be advocating for additional funding. With the Spin vehicles, we do recognize that that is a problem. We have a lot of places where the sidewalk is not ADA

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compliant and then there is a scooter blocking the entire sidewalk. We have a Master of Public Health Student who is going to work with us and do an analysis to look at the extent of it. There is some policy work that Rachel Ruhlen, who is our lead for the Spin program, is looking at. Would it make sense to allow Spin vehicles to be parked on the street, could it be limited to preferred parking locations where we block off a space, or just allow it in general on the street and in places where car parking is allowed. If that passed, I think that would help shift that issue. Hopefully they don't end up falling into the street and being run over, but it could help address the accessibility issue. If you would have any interest in connecting with Rachel about the experiences your son has faced with Spin vehicles blocking his path, I am sure she would be happy to connect with you and share more about the project. Matt – **Comment** – I appreciate that you have a lot of resources. I don't know if folks on this call knew, I didn't know until our son was in an accident, in Englewood there is Craig Hospital which is a world renowned spinal cord rehabilitation hospital. They are a great resource for these kinds of issues. The City also has the Disability Advisory Board and I am sure they have some ideas as well.

- Dawson – **Q** – I know you are also requesting a vote of support from this Board regarding this plan. Honore, what do we need to do from a process side? Honore – **A** – From what I understand you can include an excerpt from the minutes of this conversation in the Council material. Staff can also request a specific memo to be drafted. Cortney – **Comment** – Either way could work if someone on the Board was interested in making a motion. I could include the excerpt from the minutes, or a letter of support would be welcomed as well.
- Kevin – **Q** – Clarification on timing, I had sent out the draft plan to the group some time ago, but I am not sure everyone has had time to dig into it; I know I still need to. Is this something we would need to put out ASAP? I generally support it but if we wanted to put in any nuances or areas where we have specific interest, do we have more time to do that next month and have that conversation? Cortney – **A** – I think there are a few options. If there were particular points you are aware of now that you wanted to say we support the plan as long as this /these specific issues were addressed that could be one way. I also am not going to City Council until October 25<sup>th</sup>, so if you wanted to wait until next month to hold a vote that would be plenty of time to share with council.
  - Kevin – **Comment** – I would appreciate everyone's input. I personally would like to wait. I've got it on my calendar to really dive into that thing and I just want to be thoughtful. For me, it is a really important

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area and milestone. Danielle – **Comment** – I would also agree. I think we have some opportunity to provide some substantive recommendations for improvements, particularly increasing that goal. I think some specific thoughts, ideas, and language around disincentivizing fossil fuel-based transport in certain high-density locations as well as addressing accessibility, not just Fort Collins, but generally when we look at public land. There is a lot of opportunities there for improvements. My personal feeling is a more detailed memo of support with specific recommendations would be appropriate coming from NRAB and that could be a motion. Dawson – **Comment** – Is there a second to that motion. Drew – **Comment** – I second the motion. Kevin – **Q** – Is this something we could bring to our old business for next month to review or do we feel like we need to do this all offline? They go to Council on the 25<sup>th</sup> so is that reasonable? The plan is massive, and we are kind of just getting this high-level gloss. I don't want to shortchange what is in there and make sure we know it well enough to be able to respond in those areas. Honore – **A** – Your next meeting is on September 21<sup>st</sup>. If someone were to draft a memo that you all could review, discuss, and then vote to submit on the 21<sup>st</sup>. Cortney, I would assume that would still work for your timing on submitting materials for the October meeting? Cortney – **A** – Yes, and if you have any early indications on specific recommendations to be included in the memo, getting those sooner rather than later, even in the formal memo isn't complete, is really helpful. Even if you personally make those comments in the pdf by August 24<sup>th</sup>. It helps us to be implementing the recommendations in time for City Council. Kevin – **Comment** – Makes sense and I think Danielle did a great job of hitting some of those. I like what you said Honore, assuming that is how we are going to hit it. Dawson, can we bring it back to the vote.

- **Vote carries unanimously. 8-0-0.** Kevin will draft a memo to bring to the next meeting.

## 5. OTHER BUSINESS

### a. New Board Member Introductions

- Matt Zoccali and Kelly Steward are new members of the Board. The Board Members went around and did introductions.

### b. Board Member Reports

- None

### c. Six Month Calendar Review

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- Honore provided some highlights for the Climate Future work session. There were 15-20 people who come out in support of adopting interim greenhouse gas emissions reduction target. The City currently has a goal of 80% reduction by 2030 below the 2005 baseline with an ultimate goal of being carbon neutral by 2050. Community members, Council and staff were supportive of adopting an interim goal between now and 2030 most likely in 2026 but last night Council decided to postpone the adoption of the resolution until after this work session. There is a lot to be packed in there and Honore is excited to talk to them about it next month.
- Coming up is also the introduction of the City's budget. The City Managers recommended budget will be released on September 2<sup>nd</sup> and Council will begin engaging with that. Honore tentatively has someone from the Budget Office coming to their September meeting. Two other discussions that are coming up are oil and gas and xeriscape regulations which are being considered in October as well.
- For October Honore will find out if the Water Resource Team will be doing any board engagement. He also has oil and penciled in just in case it doesn't work in September. Honore also added sustainable funding updates.
- Matt mentioned it would be great to get some update from someone from the Cameron Peak Wildfire Recovery group to discuss the impact of water quality and water resources. Honore added it to the November meeting.
- Dawson wanted to make sure there is time at the September meeting to come back to that memo to work on as a part of that session. Danielle mentioned it is a full agenda so Honore will work with the Budgeting group and see if there is a separate meeting for budgeting.
- Barry mentioned he made some comments that he has been sharing with Kelly Smith for the 1041 group that he did not share with the board. He would be happy to make those available. Dawson would be interested in reading those comments.
- Barry also mentioned he sent out some literature from Bioscience that he thought would be relevant to the group.

### 6. ADJOURN - 8:41 pm