

Planning, Development & Transportation Services**Community Development & Neighborhood Services**



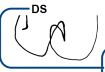


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**MEMORANDUM**

DATE: November 7, 2022

TO: Mayor and Councilmembers

THRU: Kelly DiMartino, City Manager ^{DS} 
Tyler Marr, Deputy City Manager ^{DS} 
Caryn Champine, Planning, Development, and Transportation Director ^{DS} 
Paul Sizemore, Community Development and Neighborhood Services Director ^{DS} 
Rebecca Everette, Planning Manager ^{DS} 

FROM: Kirk Longstein, Senior Environmental Planner ^{DS} 

SUBJECT: November 7, 2022 Work Session Summary – version-two draft 1041 regulations

The purpose of the work session was to (1) seek feedback on Staff's recommendation to extend the moratorium ordinance by 90 days, and (2) update Council of the version-two draft 1041 regulation scope changes.

Questions asked during the work session; included:

1. Do Councilmembers support extending the length of the moratorium to allow for final refinements to the code and additional outreach?
2. Do Councilmembers have feedback on the proposed scope to focus on the greatest areas of impacts rather than major projects?
3. Do Councilmembers support exempting projects previously approved through Site Plan Advisory Review (SPAR), while still requiring 1041 permitting for projects not approved through SPAR?

Attendees:

Paul Sizemore, Kirk Longstein and Rebecca Everette presented a project update and summary of the version-two draft 1041 regulations. All City Councilmembers were present.

Feedback:

Overall: Several Councilmembers recognized Staff progress towards a balanced approach focusing on the most sensitive natural and historic resource impacts. Councilmembers expressed general support for the version-two draft 1041 regulations with geographic thresholds and sought additional options to consider the final decision-making framework.

Specific Feedback:

- Councilmembers shared support for the added definition of disproportionately impacted communities and supported a general standard that is not just applicable to highway projects.



- Councilmembers shared general support for the inclusion of historical and cultural resources and asked staff to consider options that provide the greatest predictability.
- Councilmembers discussed adding a definition for “Natural Resources” as a threshold prompting a 1041 permit review.
- Councilmembers questioned if City Council should be the sole decision maker for projects requiring specialized technical knowledge, and asked staff for additional options to consider at first reading.
- Councilmembers discussed whether the definition of “adverse impact” continues to be too subjective.
- Councilmembers shared general support to exempt projects previously approved by the Planning and Zoning Commission through the Site Plan Advisory Review (SPAR) process and asked for additional information about the NEWT3 pipeline project that was previously approved (SEE ATTACHED).

Next Steps:

- Introduce an ordinance on the November 15 consent agenda to extend the moratorium by 90 days.
- Continue to seek public input on version-two of the draft 1041 regulations. By extending the moratorium allows staff to continue public engagement and seek feedback on version 2 of the Draft 1041 regulations
- First reading of the 1041 regulations during the February 7, 2023 regular Council meeting.

Attachment:

- NEWT3 pipeline project Planning and Zoning Commission Staff report.



NEWT PIPELINE, PHASE 3

Site Plan Advisory Review (SPAR) Report



DRAFT FOR REVIEW
FEBRUARY 23, 2022

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DRAFT

1 SUBMITTAL CHECKLIST ITEMS

Table 1-1 below lists all items from the Submittal Checklist and where the item is addressed within the SPAR Report. The completed checklist is included in the Appendix A.

Table 1-1: Submittal Checklist Responses or Report Section

Checklist Item	Description	Response or Report Reference Section
Paper Copies	Completed Checklist	Appendix A
Paper Copies	Development Application Form	Appendix A
Paper Copies	Transportation Development Review Application	NA
Paper Copies	Check	No Fee for SPAR
1	Conceptual Review Comments Letter	Appendix F
1	Project Information and Design Narrative	See Section 2
2	Planning Submittal Package (Conceptual Plan & Profile, and Appurtenance Drawings)	Appendix C for 11x17 Site Location Map & Profile and Appurtenance Details
3	Subdivision Plat	NA
4	Civil Construction Plans	NA
5	Preliminary Drainage and Erosion Control Report	NA
6	Planning Services a) Perspective Views on Building Exterior	See Section 2.6.1 and Appendix C
6	Planning Services b) Building Material Sample Board	NA
6	Planning Services c) Neighborhood Context Plan	Section 2.6.1
6	Planning Services d) Land Use Code Modification	NA; no changes to land use code
6	Planning Services e) Parking Alternative Compliance Studies	NA; see Section 2.6.2
6	Development Review Engineering	NA
6	Traffic Operations	NA
6	Environmental Planning a) Ecological Characterization Study	See Section 2.8.1
6	Environmental Planning b) Phase 1 Environmental Site Assessment	See Section 2.8.2
6	City Forestry a) Existing Tree Inventory	See Section 2.9; no trees along corridor
6	City Forestry b) Existing Tree Removal Feasibility Request	NA; no trees removed
6	City Forestry c) Existing Tree Mitigation Plan	NA; no trees along corridor
6	Other Information and Data – Hazardous Materials Impact Analysis	Section 2.10
6	Other Information and Data – Special wildlife, wetland, natural habitats and features, ecological or environmental study or mapping pursuant to Section 3.3 and 3.4 of the Land Use Code.	Section 2.8.1

2 PROJECT INFORMATION AND DESIGN NARRATIVE

This report supports a request by the North Weld County Water District (NWCWD) and the East Larimer County Water District (ELCO) (Districts) for a review of Phase 3 of the NEWT Pipeline Project under the provisions of the City of Fort Collins (City) Site Plan Advisory Review (SPAR) process. This report describes the proposed Phase 3 corridor, addresses key items included on the City's SPAR Submittal Checklist and demonstrates how the proposed project aligns with a variety of City plans. For the SPAR review, the Districts were able to make sure the project aligns with the following:

- Fort Collins City Plan – April 16, 2019
- The Mountain Vista Subarea Plan – September 15, 2009
- The I-25 Subarea Plan – August 19, 2003
- The Montava Planned Unit Development (PUD) – Winter 2020
- SPAR Review Comments – January 17, 2020

It should be noted that Phase 3 of the NEWT 3 Pipeline Project is located within both the City of Fort Collins and unincorporated Larimer County. Approximately 43% of the project will be located within City jurisdiction.

2.2 Past Meeting Dates

Table 2-1 provides a list of all past meetings including dates and notes.

Table 2-1: City of Fort Collins Meetings

Meeting Name	Date	Notes
Conceptual Review Meeting	1/16/2020	See responses in Appendix F
SPAR Application and Report Submittal Coordination Meeting	2/12/2020	Meeting was held to better define submittal expectations / requirements
Forestry Department Tree Inventory Meeting	2/12/2020	The City did not identify any trees along corridor, see Section 2.9
<i>Project Planning Break due to Covid-19 Pandemic</i>		
SPAR Re-Engagement Meeting with City Planning Staff	5/27/2021	Meeting was held to restart the SPAR process after the Covid-19 break in project activities
SPAR Open House Preparation Meeting with City Planning Staff	8/23/2021	Meeting was held to better understand the City's processes and protocols associated with Open-House Meetings
City Council Meeting	10/19/2021	City Council Meeting where adoption of 1041 Regulations took place.
SPAR Neighborhood Meeting	12/1/2021	See responses in Section 3.2

2.3 Owners and General Information

The acronym NEWT refers to the multi-year, multi-phase **N**orth Weld County and **E**ast Larimer County Water Districts **W**ater **T**ransmission Pipeline Project (Project). The NEWT Pipeline is jointly owned by NWCWD and ELCO. Phase 3 of the NEWT Project is needed to connect the previously constructed Phase 1 (2010) and Phase 2 (2015) pipelines to the Districts' water distribution systems. Once complete, the Phase 3 project will provide the Districts with a much-needed increase in transmission capacity to convey treated water from the Soldier Canyon Filter Plant (SCFP) to the Districts' distribution systems. In addition, a fully operational NEWT Pipeline

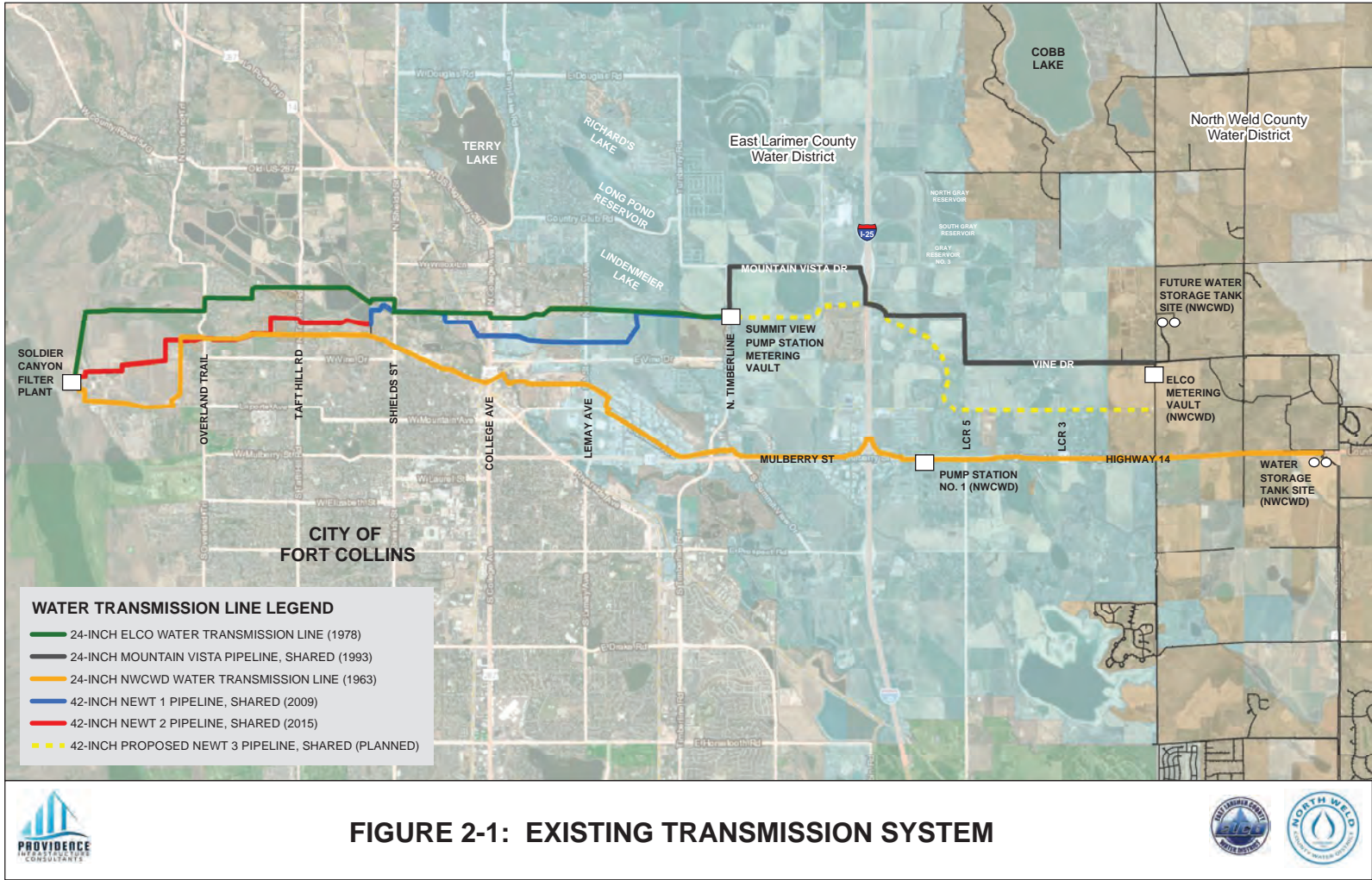
will provide the Districts' with additional redundancy that will help mitigate risks associated with operating their existing and aging transmission lines.

2.4 System Overview and Project Need

As shown in Figure 2-1, the Districts currently rely on several treated water transmission pipelines located within the City and Larimer County conveying existing water rights owned by the NWCWD and ELCO. NWCWD currently relies on two transmission systems (North and South) to supply potable water to their service area. In association with ELCO, NWCWD relies on the existing 42-inch NEWT Phase 1 and 2 Pipelines as well as the shared 24-inch Mountain Vista Pipeline that was constructed in the 1993 and the Summit View Pump Station (SVPS) that was constructed in 2001. These transmission pipelines and the SVPS are referred to as NWCWD's North System and convey water from the SCFP to NWCWD's distribution system. Under most cases the North System conveys flow by gravity unless higher customer demands require flows to be boosted by use of the SVPS. NWCWD's South System is comprised of an existing 24-inch transmission line that conveys flow from the SCFP to Zone 1 of the NWCWD's distribution system and includes Pump Station 1 (PS1) located on Mulberry Street (S.H. 14) east of Interstate 25. The installation of the existing 24-inch transmission line was completed in 1963. Pump Station 1 was originally constructed in 1984 with additional pumps added in 2000 to increase its capacity. The South System generally flows by gravity during lower demand seasons and then relies on PS1 to boost flows to meet higher demands between late spring and early fall.

Like NWCWD, ELCO also relies on the existing 42-inch NEWT Phase 1 and 2 Pipelines, the 24-inch Mountain Vista Pipeline, and the use of the SVPS to meet customer water demands. In addition to these shared facilities, ELCO also relies on a 24-inch transmission line located between SCFP and North Timberline Road. ELCO's existing 24-inch transmission line generally operates parallel to the shared NEWT Phase 1 and 2 Pipelines and provides transmission capacity to the center of their distribution system.

In the mid-2000s, prior to the construction of Phases 1 and 2 of the Project, the Districts identified the future need for Phase 3 to provide additional capacity east of Timberline Road which could not be accomplished by Phases 1 and 2, the 24-inch Mountain Vista Pipelines, and their independently owned and operated 24-inch transmission lines. Over the last several years, demands in both Districts have steadily increased and, during recent summer demand seasons, the Districts have had difficulty maintaining appropriate water levels within their respective water storage tanks. In addition to the need to increase transmission capacity, the Districts are in need of adding additional redundancy to their transmission systems. The shared Mountain Vista Pipeline is 25 years old, NWCWD's 24-inch transmission line is 55 years old, and ELCO's 24-inch transmission line is 40 years old. With the age of these critical pipelines, the completion of Phase 3 will help the Districts properly manage the risks associated with the continued operation of their older transmission system components.



2.5 Corridor Routing Study and Chosen Corridor

Prior to initiating formal permitting activities on the Project's Phase 3, the Districts requested that Providence Infrastructure Consultants (PIC) evaluate potential pipeline corridors. As part of this evaluation, PIC was tasked with evaluating five different corridors (C-1 thru C-5) to support the Districts with selecting a preferred pipeline corridor that best achieves the project's primary goals, which are listed below:

- Engineering, Operation, and Maintenance – Appurtenant Pipeline Facilities, Tunnels, Roadway Crossings, working within existing Right-of Ways, etc.
- Potential Environmental Impacts – Clean Water Act, Endangered Species, Migratory Species, etc.
- Property, Right-of-Way, and Access Considerations
- Cost – Identify a project corridor that can be completed using projected District funding.
- Schedule – Complete construction so the Districts can begin conveying flow in 2024.
- Hydraulics – Increase the Districts' gravity flow transmission capacity.
- Flexibility – Allow the Districts to have redundant transmission capacity.

After careful review of all available information and lengthy discussions with NWCWD and ELCO, the Districts chose Corridor C-5 for Phase 3 of the Project. The selection was based on Corridor C-5 having the highest potential to meet the Districts goals which include properly managing cost, reducing public impacts, avoiding or mitigating impacts to natural and cultural resources, and the ability to implement Phase 3 on a schedule that allows the Districts to meet their water supply obligations. The complete corridor evaluation report is included in Appendix B.

2.5.1 Project Corridor

A conceptual plan and profile for Corridor C-5 is provided in Appendix C. This conceptual drawing is to be used for reference purposes. While not as detailed as design drawings, conceptual drawings provide visual context for understanding the location, variables, opportunities, and challenges of the selected corridor.

For the first 2 miles, the Corridor (C-5) parallels an overhead electric transmission line, then crosses a Burlington Northern and Santa Fe railroad track, parallels the Larimer & Weld Canal, crosses Interstate 25, and passes through the Einarsen Farm property. After exiting the Einarsen Farm property, C-5 continues southeast paralleling the Larimer & Weld Canal for one mile to E. Vine Drive. At E. Vine Drive, C-5 crosses E. Vine Drive, and continues to parallel the Larimer & Weld Canal for approximately 3,000 feet to a point approximately 600 feet west of LCR 5. At this point C-5 turns east for approximately 2 miles to its connection with an existing 36-inch NWCWD waterline located in WCR 13. Along the 2-mile stretch located within the jurisdiction of the City of Fort Collins, C-5 crosses primarily agricultural and open land. Table 2-2 provides a list of the properties that will be encountered within the City of Fort Collins jurisdictional boundaries.

Table 2-2: City of Fort Collins Properties

Property	Parcel No.	Current Zoned Land Use	Notes
K&M Company	8705300015	Agricultural	Property where Phase 3 connects to Phase 1
K&M Company	8705000001	Agricultural	Corridor parallels existing overhead electric line
Anheuser-Busch Foundation	8704000002	Agricultural	Corridor approaches BNSF RR crossing
Anheuser-Busch Foundation	8704000001	Agricultural	Corridor is between BNSF and Interstate 25
Harold D Einarsen Trust	8703000005	Agricultural	Corridor is between I-25 and City jurisdictional limit

2.5.2 Property and Right-of-Way

Within the jurisdictional limits of the City of Fort Collins, the Project corridor is primarily located within private agricultural property (+ 95% of total length). The crossing of private land will require obtaining utility easements which the Districts are actively securing. For Phase 3 of the Project, the Districts consider the use of private easements favorable as: 1) costs associated with pipe installation and traffic control can be better managed, 2) the Districts will have better control in preventing outside influences from affecting the long-term location of the pipeline and its easements, 3) the Districts will have safer and more unencumbered access to the pipeline during its operating life, and 4) public impacts during construction will be reduced.

The Project corridor will require the crossing and being within road rights-of-way in certain locations. The rights-of-way that will be crossed within the City of Fort Collins are listed in Table 2-3.

Table 2-3: Roadway / Rail Right-of-Way Owners

Roads	Notes
N. Timberline Road	Crossing at the start of Phase 3, will require construction ingress/egress
BNSF RR	Tunneled Crossing, No Impacts
Interstate 25 Frontage Road	Tunneled Crossing, No Impacts
Interstate 25	Tunneled Crossing, No Impacts
Interstate Frontage Road	Tunneled Crossing, No Impacts, will require construction ingress/egress

2.6 Planning Services

2.6.1 Above Ground Appurtenances

The Phase 3 pipeline will be a fully buried pipeline. Once constructed, the pipeline will not interfere with views, or adversely impact the City's land use vision or goals, or any neighborhood context plans. Furthermore, the proposed pipeline corridor was selected to follow existing facilities such as existing utilities and canals. By paralleling existing utilities and encumbrances, the Districts are reducing impacts to properties.

While the pipeline will be fully buried, the pipeline will require a minimal number of small above-ground equipment appurtenances at various locations along the corridor. These equipment appurtenances will include simple vent pipes extending from buried manholes or vaults, pipeline markers, and cathodic protection test posts. All the pipeline's small above-ground appurtenances are customary to buried utilities. In order to reduce the impacts associated with these appurtenances, PIC will work with the City to identify workable solutions that best meet the City's goals. Appendix C contains typical details associated with these small facilities.

2.6.2 Parking

The only parking associated with the project will be temporary during construction. Temporary parking will be restricted to specific locations along the pipeline corridor called staging areas. The locations of the staging areas are not known at this time but will be specified during the design phase in coordination with private property owners. PIC will work with private property owners and the City during design to identify and specify staging areas that are compatible with the City's goals and private property needs. The temporary parking areas will be fully restored before the completion of the project and will have no permanent impacts.

2.7 Historic and Cultural Review and Preservation

To assist with the Project's corridor evaluation and potential consultation obligations under Section 106 of the National Historic Preservation Act (NHPA) and/or the State Register Act, a Class I cultural resource evaluation for the areas along the proposed corridors¹ was conducted as part of developing a Natural and Cultural Resources Assessment². The study determined that historical structure resources are in several areas within the study area. However, these resources are visible and will be avoided. The resources assessment also determined that the potential to discover buried resources that have not already been identified is unlikely due to ongoing cultivation, residential development, and highway construction³. As with Phases 1 and 2 of the Project, the Districts' construction contractor will be contractually obligated to stop work should any historical or cultural resources be encountered. If such an encounter takes place, the Districts will immediately contact the State Historic Preservation Office (SHPO) as well as the Districts environmental consultant, ERO Resources. To assist with the City's review of historical and cultural resources, ERO's assessment report is included in Appendix D.

2.8 Environmental Planning

2.8.1 Ecological Characterization Study (ECS)

Per the requirements of the City's SPAR review process, an Ecological Characterization Study⁴ was completed for the Project's corridor. The ECS documents the assessments associated with identifying potential wetlands, potentially federally listed threatened and endangered species, migratory birds and active nests, and other wildlife along the Project corridor. The ECS provides mitigation guidance regarding current federal regulations and City of Fort Collins Land Use Code requirements. The subsections below summarize the findings of the ECS. The complete ECS report is included in Appendix E.

2.8.1.1 Wetlands, Natural Habitats and Waters of the U.S.

One of the Districts' goals is to avoid or minimize impacts to regulated 'wetlands and waters of the U.S.' Per the recently prepared ECS, there are several potential regulated wetlands and waters with the City's jurisdictional limits including:

- The Larimer & Weld (L&W) Canal
- The Number 8 Outlet Ditch (connected to the L&W Canal)
- Wetland fringes associated with the Larimer & Weld Canal and the Number 8 Outlet Ditch.

Per the corridor selected, the Project will not cross the L&W Canal or wetland fringes along the canal. The Project is anticipated to cross the Number 8 Outlet Ditch. Per the ECS, a Section 404 permit will likely be required to allow construction to cross the Number 8 Outlet Ditch. With this crossing, the area will be fully restored to its natural or built condition in accordance with Section 404 Permit requirements and the City of Fort Collins Land Use Code and Natural Areas Department Guide on Native Plants.

¹ Included a file search with the Office of Archaeology and Historic Preservation.

² Natural and Cultural Resources Assessment, NEWT 3 Pipeline Routing Study, ERO Resources, August 20, 2018.

³ Reference Page 20 of the attached Natural and Cultural Resources Report.

⁴ Ecological Characterization Study, NEWT 3 Pipeline – Fort Collins Reach, ERO Resources, February 14, 2022

2.8.1.2 Threatened and Endangered Species

Per the Project's ECS, the Project corridor does not appear to contain suitable habitat for any federally listed threatened species. However, the project area does fall within survey guidelines for Preble's meadow jumping mouse (Preble's). In completing the ECS, it was determined that a Preble's population likely does not exist as the Project corridor lacks suitable riparian habitat and is fragmented and continuously disturbed by human activity. Though the habitat does not appear suitable, the Districts will submit a habitat assessment per the to the U.S. Fish and Wildlife Services to gain confirmation that the Project corridor lacks the suitable Preble's habitat, and a presence/absence survey is not required.

2.8.1.3 Migratory Birds Treaty Act (MBTA)

Migratory birds, including raptors and their active nests are protected under the Migratory Bird Treaty Act (MBTA). Several potential raptor nests are located along the Project corridor. Depending on the species of raptor nest and whether its active, a construction buffer of 1/3 to 1/4 of a mile may need to be maintained between February and the end of July. Because of the variability in nesting times and species, the Districts will conduct nest surveys, as recommended by the ECS, prior to construction. Furthermore, the Districts will look to see if it is feasible for ground-clearing activities to take place between the middle of September and the end of March which is outside of the migratory bird breeding season.

2.8.1.4 Other Species of Concern

The vicinity of the Project's crossing of Boxelder Creek, the ECS noted that a variety of wildlife could find suitable habitat at this location. This wildlife includes black bear, mountain lion, mule deer, white-tailed deer, white-tailed jackrabbit, coyote, fox, racoon and a variety of other smaller animals and birds. However, because the Project area has a significant amount of agricultural activity and is adjacent to Interstate 25, Mountain Vista Drive, Timberline Road, East Vine Drive, and the Larimer & Weld Canal access road, it is unlikely that the project area provides significant habitat for wildlife. Furthermore, any wildlife using the Project area have adapted to human activity.

2.8.2 Phase 1 Environmental Site Assessment

Typically, on buried utility projects, an environmental site assessment is not performed. However, it is customary to perform proper due diligence to determine the need for a Phase 1 Environmental Site Assessment (ESA). For the Phase 3 Project, a variety of environmental regulatory databases were consulted to determine the potential for environmental challenges to be encountered. Table 2-4 provides a list of the regulatory databases that were reviewed. Based on the information reviewed, a Phase 1 ESA is not expected to be necessary.

Table 2-4: Regulatory Database Review

Database	Agency	Applicable Database Addresses	Notes
Oil or Gas Spills	Colorado Division of Oil and Public Safety	https://ops.colorado.gov/petroleum/petroleum-guidance/release-response/site-characterization https://climatewest.maps.arcgis.com/apps/MapJournal/index.html?appid=2bdcc11be9ac4daeb5a8010952a06ec7	Project Area is clear

Database	Agency	Applicable Database Addresses	Notes
Volunteer Cleanup and Redevelopment (VCUP) Program	Colorado Department of Health and Environment	https://cdphe.colorado.gov/voluntary-cleanup https://www.arcgis.com/home/webmap/viewer.html?webmap=02fd7ca98f3843448d68cca128ebc1ff&extent=-109.6294,37.1309,-101.5159,40.6818	Project Area is clear
Leaking Underground Storage Tank (LUST) Program	Environmental Protection Agency	https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=c220c67462e14763a8e0c4df75550278	Two closed LUST sites are located north and south of Project Corridor. (1400'+)
Resource Conservation and Recovery (RCRA) Sites	Environmental Protection Agency	https://ordspub.epa.gov/ords/cimc/f?p=cimc:map:::71	Project Area is clear
Superfund Sites	Environmental Protection Agency	https://www.epa.gov/superfund/national-priorities-list-npl-sites-state#CO	Project Area is clear

2.9 City Forestry

On February 12, 2020, PIC staff met with the City Forestry Department and drove the corridor to develop a tree inventory. The Phase 3 project is proposed to be constructed in open land and the City agreed that the corridor contains no existing trees. Therefore, the Existing Tree Removal Feasibility Request and Existing Tree Mitigation Plan were deemed unnecessary.

2.10 Hazardous Materials Impact Analysis

Because the project will not involve hazardous materials other than fuel necessary to operate equipment, a Hazard Materials Impact Analysis is not needed. For the equipment that needs fueling during construction, a contract fuel supplier will visit each piece of equipment and provide fuel within the construction corridor. This type of fueling is customary to utility construction and is a low-risk activity.

2.11 Project Schedule

As with any long-distance water transmission pipeline project, the Phase 3 Project has a schedule that involves multiple concurrent stages to be accomplished over several years. The project will be implemented using a Construction Manager at Risk (CMAR) delivery method which will allow design and construction to take place in concurrent phases. This will allow the project to be completed faster as the construction contractor will be able to construct certain phases while other phases in design. The project's implementation is anticipated to follow the schedule below:

- Complete Project Planning and Permitting: 2022
- Design: 2022 - 2023
- Construction: 2023 - 2024

2.12 List of Affected Property Owners

As described in Subsection 2.5.1 and 2.5.2, the Project is anticipated to cross five private property parcels located within the jurisdictional limits City of Fort Collins. Furthermore, the Project is anticipated to cross several roads within the City including Timberline Road and Interstate 25 and its frontage roads.

3 RESPONSES TO MEETING COMMENTS

The following subsections address comments received at the meetings listed below:

- SPAR Review Comments – January 17, 2020
- Neighborhood Meeting – December 1, 2021

3.1 SPAR Conceptual Review Comments Responses

PIC attended a Pre-submittal meeting with City of Fort Collins staff on January 16, 2020 and received a response letter with conceptual review comments from staff. The comments letter requested that all responses be addressed in the original letter using a different colored font. PIC has reviewed and responded to all conceptual review comments and, in accordance with the City's request, all responses are shown in red text. The responses are included in Appendix F.

3.2 Responses to Neighborhood Meeting Comments

The neighborhood meeting took place in December of 2021 and was lightly attended. No comments were received during or after the meeting. Should the City receive any comments in the future, the Districts will be available and willing to provide necessary responses.

4 CITY AND SUBAREA POLICY REVIEWS

The following subsections demonstrate how the NEWT 3 Pipeline project complies with City and Subarea principles and policies. For the SPAR review, the Districts made sure the project aligns with the following:

- Fort Collins City Plan – April 16, 2019
- The Mountain Vista Subarea Plan – September 15, 2009
- The I-25 Subarea Plan – August 19, 2003
- The Montava Planned Unit Development (PUD) – Winter 2020

4.1 City Plan, Principles & Policies Evaluation

An updated Fort Collins City Plan (*City Plan*) was adopted in April 2019. The *City Plan* contains a comprehensive set of principles and policies intended, in part, to guide the development, management, and conservation of land within the Growth Management Area. Many of the *City Plan's* principles and policies are directed at residential development, transportation or other areas that are not directly related to utility projects. For this reason, the following discussion addresses specific principles and policies that relate most directly to the proposed NEWT 3 Pipeline Project. As demonstrated in the remainder of this section, the NEWT 3 Pipeline Project is consistent with the principles and policies of the *City Plan*. Table 4-1 below lists applicable City Plan principals and policies and how the NEWT 3 Pipeline Project is consistent with these objectives.

Table 4-1: Fort Collins *City Plan* - Principals and Policies Compliance Summary

Principal / Policy	Policy	NEWT 3 Narrative
LIV 1: Maintain a compact pattern of growth that is well served by public facilities and encourages the efficient use of land	<p>LIV 1.3 – Community Edges - Collaborate with Larimer County and adjacent communities to plan the edges of the Fort Collins GMA. Provide joint guidance on factors including, but not limited to, future land use, development referrals, infrastructure planning, development standards, Transfer of Development Rights (TDR) programs, fees, community separators and the preservation of open lands.</p> <p>LIV 1.5 – Capital Improvement Policies - Operate under the following Capital Improvement Policies:</p> <ul style="list-style-type: none"> • Develop a multiyear plan for capital improvements and update it annually. • Use a variety of different sources to fund capital projects with an emphasis on the “pay – as – you - go” philosophy. • Identify funding for operating and maintenance costs for approved capital projects at the time projects are approved. 	<p>The NEWT 3 Pipeline, along with its earlier NEWT 1 and NEWT 2 Project phases, is the collaboration of the East Larimer County Water District and the North Weld County Water District in collaborating on infrastructure planning to most cost-effectively share resources and limit impacts to land and environmental resources by building a joint project as opposed to independent projects. Furthermore, once completed the overall project will help support activities with the City and it’s GMA.</p> <p>The NEWT 3 Pipeline will be designed and construction entirely using District funds and, therefore, will not pose any financial burden to the citizens of Fort Collins.</p>
LIV 10: Recognize, protect and enhance historic resources.	<p>LIV 10.1 – Identify Historic Resources - Determine through survey techniques what historic resources exist within the GMA; how significant these resources are; the nature and degree of threat to their preservation; and methods for their protection.</p>	<p>As part of the NEWT 3 Pipeline’s corridor study, the Districts performed a Natural and Cultural Resources Assessment. As part of the study, a variety of existing and potential cultural resources were identified. During the project’s preliminary design phase and prior to constructing the pipeline, the Districts in consultation with the State Historic Preservation Office (SHPO), will perform a detailed field survey to evaluate the project site for historical and cultural resources. If resources are discovered, the project will be designed to avoid or mitigate effects to resources.</p>

Principal / Policy	Policy	NEWT 3 Narrative
	<p>LIV 10.2 – Preserve Historic Resources - Preserve historically significant buildings, sites and structures throughout Downtown and the community. Ensure that new construction respects the existing architectural character of the surrounding historic resources without artificially duplicating historic elements.</p>	<p>As part of the NEWT 3 Pipeline’s corridor study, the Districts performed a Natural and Cultural Resources Assessment. As part of the study, a variety of existing and potential cultural resources were identified, and the pipeline was routed to avoid known resources. During the project’s preliminary design phase and prior to constructing the pipeline, the Districts in consultation with the State Historic Preservation Office (SHPO), will perform a detailed field survey to further evaluate the project site for historical and cultural resources. If additional resources are discovered, the project will be designed to avoid or mitigate effects to these resources.</p>
<p>CR 2: Provide a variety of high-quality outdoor and indoor recreational opportunities that are accessible to all residents.</p>	<p>CR 2.1 – Recreation Opportunities Maintain and facilitate the development of a well-balanced system of parks, trails, natural areas and recreation facilities that provide residents and visitors of all races / ethnicities, incomes, ages, abilities and backgrounds with a variety of recreational opportunities.</p> <p>CR 2.2 – Interconnected System - Support an interconnected regional and local system of parks, trails and open lands that balances recreation needs with the need to protect wildlife habitat and other environmentally sensitive areas. Where appropriate, place trails along irrigation ditches and storm drainageways to connect to destinations such as schools, open lands and neighborhood centers.</p>	<p>The selected corridor of NEWT 3 Pipeline avoids City and County owned open lands and natural areas.</p> <p>The selected corridor of NEWT 3 Pipeline avoids City and County owned open lands and natural areas. Furthermore, the selected corridor will not impact the City’s ability to connect regional and local parks, trails, and open lands. In addition, the selected corridor will not have long-term permanent impacts to wildlife habitat or other environmentally sensitive areas.</p>

Principal / Policy	Policy	NEWT 3 Narrative
EH 2: Support entrepreneurship and innovation.	EH 2.4 – Northern Colorado Innovation Hub - Work with regional partners to collectively market Northern Colorado as a center for innovation and highlight the range of strengths that can bring investment and employers to the region. Identify ways the City can serve as a platform for testing of new Smart Cities research and idea development.	The NEWT 3 Pipeline has the potential to provide future businesses with the ELCO water service area and within the City and it's GMA with water supply.
EH 4: Ensure that an adequate and competitive supply of space and/or land is available to support the needs of businesses and employers of all sizes.	EH 4.3 – Essential Infrastructure / Capital Facilities - Prioritize investment in infrastructure that supports economic health activities within the constraints of City financial resources and that satisfies the triple- bottom-line objectives of the community.	The NEWT 3 Pipeline has the potential to support economic health with the City and it's GMA without using any City financial resources.
EH 5: Engage and help shape regional economic development efforts.	EH 5.4 – Regional Infrastructure - Actively participate in conversations with other municipalities, organizations and regional leaders to collaborate on upgrading transportation and other regional infrastructure to fulfill Fort Collins' goals. These discussions shall focus on the benefits that may be created for Fort Collins and consider the goals in this plan with respect to economic, environmental and human objectives.	The NEWT 3 Pipeline will be a regional piece of infrastructure that could provide benefits to areas within the City and it's GMA.
ENV 1: Conserve, create and enhance ecosystems and natural spaces within Fort Collins, the GMA and the region.	ENV 1.1 - Publicly Controlled Open Lands - Maintain a system of publicly controlled natural areas to maintain the integrity of wildlife habitat and conservation sites, protect corridors between natural areas, conserve outstanding examples of Fort Collins' diverse natural heritage, and provide a broad range of opportunities for educational, interpretive and recreational programs to meet community needs.	The NEWT 3 Pipeline will not adversely impact the City's ability to maintain or expand its system of publicly controlled natural areas. Furthermore, the pipeline project will not prevent corridors between natural areas from being maintained or established.

Principal / Policy	Policy	NEWT 3 Narrative
	<p>ENV 1.2 - Land Conservation and Stewardship - Continue to acquire, manage, maintain and enhance public open lands and natural areas in accordance with the City's Natural Areas Master Plan to ensure the protection of plants and animals in need of conservation and their associated ecosystems; support biodiversity; control the invasion and spread of non-native plants; improve aesthetics; and provide opportunities for appropriate public use. Avoid disruption and minimize impacts to natural areas caused by energy production, electrification and communication systems.</p> <p>ENV 1.6 – Wildlife Corridors - Conserve and enhance wildlife movement corridors through a network of public open lands and natural habitat buffers along natural features such as streams and drainageways.</p>	<p>The NEWT 3 Pipeline is not located within the boundaries of any City natural area. Also, the project will not adversely impact the City's ability to acquire, manage, maintain, or enhance public open lands and natural areas. Furthermore, project restoration will require that disturbed areas are restored in such a manner to have no impact on plants and animals and their ecosystems. Furthermore, project restoration requirements will prevent the spread of non-native plants.</p> <p>The NEWT 3 Pipeline will not impact wildlife movement corridors with the City or it's GMA. The project involves buried infrastructure and will not be an obstacle to the free movement of wildlife.</p>
ENV 4: Protect human health and the environment by continually improving air quality.	ENV 4.2 – Air Pollution Sources - Implement a full spectrum of options—including engagement, incentives and regulation—that focus on prevention of air pollution at the source.	The NEWT 3 Pipeline will not be a long-term source of air pollution. During construction, dust generation will be mitigated per project requirements with the use of sprayed water that will introduce moisture to the construction corridor.
ENV 5: Create a Zero Waste system.	ENV 5.1 – Reduce, Reuse, Refuse - Provide education and promote the City's goals for reducing all types of waste at the source. Encourage the use of durable and reusable goods to avoid low-quality, high-polluting products such as single-use disposables and items with a short usable life span. Find the highest and best use for waste materials.	The NEWT 3 Pipeline will not be a source of waste.

Principal / Policy	Policy	NEWT 3 Narrative
ENV 6: Manage water resources in a manner that enhances and protects water quality, supply and reliability.	<p>ENV 6.1 – Water Resource Planning Partner and collaborate with water service providers to ensure adequate, safe and reliable water supplies in accordance with the Water Supply and Demand Management Policy. To the extent feasible, coordinate on supply and storage development and demand modeling.</p> <p>ENV 6.3 – Droughts and Vulnerability - Develop drought and vulnerability planning that takes into consideration the future impacts of climate change; potential demand changes from increased Urban and multifamily developments; and other hazards and vulnerabilities, such as disruption of supplies due to wildfires. Partner and collaborate with water service providers in the GMA.</p> <p>ENV 6.4 – Development Along Waterways - Use development regulations, such as setbacks from natural features and performance standards, to conserve and protect natural resources along the Poudre River, Spring Creek, Fossil Creek, Boxelder Creek and other waterways. Redevelopment in areas with natural resource values or potential natural values will consider the creation or enhancement of those values with an emphasis on natural attributes.</p>	<p>While not a direct partner with the City on the NEWT Pipeline Project, the East Larimer County Water District and North Weld County Water District are Northern Colorado regional partners that are partnering to share resources to ensure an adequate, safe and reliable water supply is available to regional customers including those located within the City and it's GMA.</p> <p>As a regional water supply partner with the City, the East Larimer County Water District and North Weld County Water District will be providing additional water supply redundancy to areas within the northeast parts of the City and it's GMA with the completion of the NEWT 3 Pipeline.</p> <p>The NEWT 3 Pipeline will result in no long-term impactful development along the City's waterways. Construction of the pipeline will be parallel to the Larimer-Weld Canal and will cross Boxelder Creek, but restoration will ensure no loss of natural resources.</p>
ENV 8: Create and maintain a safe, healthy and resilient urban forest.	ENV 8.3 – Growing Assets Ensure protection of existing trees when new or redevelopment takes place through collaboration with other City departments and on-site landscape contractors. Trees appreciate in value as they age and provide aesthetic, economic, social and environmental benefits to the entire community and nearby people and development.	The NEWT 3 Pipeline as it is installed across the City and its GMA will not encounter any existing mature trees. Within the City and it's GMA, the construction corridor will be in generally open, undeveloped land.

Principal / Policy	Policy	NEWT 3 Narrative
SC 3: Minimize risks to life, infrastructure and property from natural hazards or exposure to hazardous materials.	SC 3.2 – Floodplain Development - Discourage new development in the 100-year floodplain, balancing the need to protect public safety and allow natural hydraulic and hydrologic processes to occur, with economic and social objectives. Require structures and facilities that already exist in, or unavoidably must be located in, the floodplain to be designed to be consistent with the intent of the standards and criteria of the City of Fort Collins and the National Flood Insurance Program.	The NEWT 3 Pipeline will cross the Boxelder Creek Floodplain near the City limit with unincorporated Larimer County. The crossing of the floodplain will be at a location that is generally halfway between Mountain Vista Drive and East Vine Drive. As with the NEWT 1 and NEWT 2 pipelines, the project will require all pre-construction surfaces to be restored to the same elevation after construction. As such no change in ground surface elevations will take place in the floodplain and no change in the 100-year floodplain will result. During the final design phases of the project, the Districts will obtain a floodplain development permit.
HI 1: Be a model for equitable, effective and transparent local governance.	HI 1.7 – Regional Collaboration - Actively collaborate with other jurisdictions in Northern Colorado, school districts and institutions of higher learning, special districts, the NFRMPO, and other regional and state partners to develop cooperative solutions to regional issues and planning challenges.	The NEWT 3 Pipeline, along with its earlier NEWT 1 and NEWT 2 Project phases, is the collaboration of the East Larimer County Water District and the North Weld County Water District in collaborating on infrastructure planning to most cost-effectively share resources and limit impacts to land and environmental resources by building a joint project as opposed to independent projects. Furthermore, once completed the overall project will help support activities with the City and it's GMA.

4.2 Mountain Vista Subarea Plan, Principals & Policies Evaluation

The Districts understand the Mountain Vista Subarea Plan, which is an element of the City Plan, was originally adopted in 1999 and an update to the plan was adopted in 2009. Because of the large size of the area that is encompassed by the subarea plan, it is understood that the 2009 update was a response to a variety of ideas and concerns of area stakeholders that had developed since the plan's original adoption. Chapter 5 of the 2009 update contains a comprehensive set of principles and policies intended, in part, to guide the decisions associated with development (land use), transportation, community appearance, housing the environment, and natural areas. As with the overall City Plan, many of the subarea principles and policies are directed at residential development, transportation or other areas that are not directly related to utility projects. For this reason, the following discussion addresses specific principles and policies that relate most directly to the proposed NEWT 3 Pipeline Project. As demonstrated in the remainder of this section, the NEWT 3 Pipeline Project is consistent with the principles and policies of the *Mountain Vista Subarea Plan*. Table 4-2 below lists applicable subarea principals and policies and how the NEWT 3 Pipeline Project is consistent with these objectives.

Table 4-2: Mountain Vista Subarea Plan - Principals and Policies Compliance Summary

Principal / Policy	Policy	NEWT 3 Narrative
MV-LU-1: The Mountain Vista subarea will have a balance of residential, employment, commercial, civic, and open lands use.	MV-LU-1.1 - The Mountain Vista subarea will provide approximately equal amounts of residential and non-residential land uses. This subarea's northeast portion will include an Industrial and Employment business center adjacent to the existing Anheuser-Bush InBev brewery. A centrally - located Community Commercial District (CCD) will serve the surrounding mixed-use neighborhoods and business center. Primary civic uses are expected to include a community park, schools, a potential police substation, and a branch library. The remaining balance of this subarea contains residential uses.	The NEWT 3 Pipeline corridor has been located generally parallel to the Existing Platte River Power Authority overhead electric transmission lines and the Larimer-Weld Canal. This location has been selected to follow facilities that are now bisecting the subarea. As such, the NEWT 3 Pipeline will not adversely affect the subarea plan's land use vision and goals.
MV-ECON-1: Mountain Vista's business center will accommodate the long-term Employment and Industrial land use growth demands of Fort Collins, providing a variety of business and industry types and sizes, compatible with surrounding land uses.	MV-ECON-1.3 - Additional Industrial land uses will be provided to allow for the future expansion needs of Anheuser-Bush InBev, but also for potential new industries. Industrial uses will be adjacent to the existing brewery and have access to rail facilities.	The NEWT 3 Pipeline will cross the railroad that leads to the Anheuser-Busch facility. The pipeline will generally parallel the railroad tracks for a few hundred feet and then cross the tracks northwest of the existing Watrglenn neighborhood. With the NEWT 3 Pipeline's proximity to the railroad, the Districts will coordinate with the City to minimize impacts to the ability for future industrial users to access the rail corridor.

Principal / Policy	Policy	NEWT 3 Narrative
MV-T-1 - Consistent with the Land Use Code, the transportation system within this subarea will have: 1) Arterial corridors providing safe and efficient multi-modal access to and through the subarea, including major features such as railroad under / overpasses (where necessary), and significant landscape mitigation features; 2) Multi-modal connections to and across the arterial corridors, including pedestrian and bicycle connections, providing convenient access to and from the local networks that serve individual developments and buildings; and 3) Integrated local networks with direct, convenient interconnections between developments and surrounding areas.	MV-T-1.2 - The extension of realigned Vine Drive will be designated as part of the Mountain Vista / North College Enhanced Travel Corridor rather than Conifer Street. The ETC will be designed for high frequency transit service, with enhanced bicycle and pedestrian facilities. The ETC will serve as a link between downtown Fort Collins, the Timberline Road / Power Trail ETC, this subarea's Community Commercial District, Employment District, Community Park, school site, and a future park-n-ride at I-25.	The NEWT 3 Pipeline, being parallel to the Platte River Power Authority powerlines and the Larimer-Weld Canal, will not impact the ability for the City to implement the various ETCs and connector streets as envisioned.
MV-CAD-3 The preservation of existing historic resources, such as homes and the Plummer School will be encouraged.	MV-CAD-3.1 - The historic Plummer School will be preserved and protected. The grade-separated crossing at Timberline Road will not impact the Plummer School property.	The NEWT 3 Pipeline alignment has been selected to avoid historical, cultural, and environmental resources as much as possible. The project alignment is not located near the Plummer School property.
MV-NOL-1 - This subarea will provide a balanced system of recreation facilities, parks, trails, natural areas, and open lands.	<p>MV-NOL-1.3 - A network of open lands including parks, trails and natural areas will be connected by existing ditch and canal facilities, and other existing and proposed rights-of-ways. Buffer setbacks will be created for new development in accordance with existing City's Natural Areas Program Standards & Guidelines.</p> <p>MV-NOL-1.5 - Storm drainage facilities and regional detention ponds will be developed in compliance with the Storm Drainage Master Plan for Boxelder and Upper Cooper Slough Drainage Basins, and wherever appropriate, should be designed to create permanent natural habitat areas incorporating native vegetation.</p>	<p>The NEWT 3 Pipeline will not adversely impact the City's ability to develop the envisioned system of parks, trails, and natural areas.</p> <p>Should regional detention be developed as on the 2009 Framework Plan, the Districts will coordinate with the City on an acceptable location between the Platte River Power Authority easement, the existing pond on Fort Collins property, and the future ponds located north and northwest of the Larimer-Weld Canal. (Ref Capital Improvement Projects Map)</p>

4.3 I-25 Subarea Plan

The *City Plan*, originally adopted in 1997, identified the need for additional planning along the I-25 corridor and adopted the I-25 Subarea Plan in 2003. Chapter 7 contains a comprehensive set of principles and policies intended, in part, to guide the decisions associated with development (land use), transportation, community appearance, housing, the environment, and natural areas along the I-25 corridor. As demonstrated in the remainder of this section, the NEWT 3 Pipeline Project is consistent with the principles and policies of the *I-25 Subarea Plan*. Table 4-3 below lists the subarea principals and policies and how the NEWT 3 Pipeline Project is consistent with these objectives.

Table 4-3: I-25 Subarea Plan - Principals and Policies Compliance Summary

Policy/Policy	Policy	NEWT 3 Narrative
I-25-LU-1 – This subarea will have a balance of residential, commercial, employment, and civic land uses and facilities	I-25-LU-1.1 – Subarea land use will focus on several activity centers surrounded by residential neighborhoods. Activity centers should be designed enabling new development to support efficient alternative modes of transportation. Activity centers should provide a mix of urban uses, including employment, commercial, and residential.	The NEWT 3 Pipeline corridor has been located generally parallel to the Existing Platte River Power Authority overhead electric transmission lines and the Larimer-Weld Canal. This location has been selected to follow facilities that are now bisecting the subarea such as utility corridors and canals. As such, the NEWT 3 Pipeline will not adversely affect the subarea plan's land use vision and goals.
I-25-LU-2 – Subarea employment and industrial districts will have a variety of business types and sizes, and will be compatible with surrounding land uses	<p>I-25-LU-2.2 – Agricultural-related business uses, such as livestock auctions and stockyard activities, located west of I-25 and north of East Mulberry Street, will be allowed to continue as part of the industrial land use designation and zoning.</p> <p>I-25-LU-2.1 – Subarea employment and industrial districts will provide sufficient areas to accommodate long-term employment growth and will establish appropriate transitions between employment uses and adjacent residential areas.</p> <p>I-25-LU-2.2 – Subarea employment and industrial districts, located east of I-25, should be located within ½ mile of I-15.</p>	<p>The NEWT 3 Pipeline is a below grade pipeline and, once constructed, will not have no negative impacts.</p> <p>The NEWT 3 Pipeline has the potential to provide future businesses within the ELCO water service area and within the City and it's GMA with water supply.</p>

Policy/Policy	Policy	NEWT 3 Narrative
I-25-LU-3 – Consistent with the City Plan and the regional plan, the subarea’s residential development will be located and designed to minimize noise and other related impacts from I-25.	<p>I-25-LU-3.1 – Detached single-family residential uses should be set back a minimum of ¼ mile from the I-25 ROW to minimize noise and other environmental impacts on residents. Detached single family uses, located between ¼ and ½ mile from the I-25 ROW, shall utilize a clustering technique to concentrate densities away from the I-25 ROW, maximizing views, preserving landscape features, or open space, and providing a buffer to any adjacent industrial uses.</p> <p>I-25-LU-3.2 – Areas within ½ mile north and south of East Mulberry Street should be included within the Low Density Mixed-use Neighborhood category classification, while other areas planned for residential development should be placed in the Urban Estate Neighborhood classification, including 80 acres located southwest of the Mulberry Street/ County Road 5 intersection that are within ½ mile of Mulberry Street.</p>	<p>The NEWT 3 Pipeline will not be a long-term source of noise or any type of pollution. During construction, work hours will be specified during typical workday hours, and dust generation will be mitigated per project requirements with the use of sprayed water that will introduce moisture to the construction corridor. Furthermore, once constructed, the buried pipeline will be out of sight and will not negatively impact views or landscape features.</p> <p>The NEWT 3 Pipeline corridor is not in this area and will have no negative impacts on development.</p>
I-25-T-1 – Consistent with <i>City Plan</i> and the regional plan, the subarea’s transportation system will include a network of local roadways appropriate to support the findings and recommendations of the <i>North Front Range Transportation Alternatives Feasibility Study</i> .	<p>I-25-T-1.1– The subarea’s transportation system will support the development of interconnected regional and local transit, bicycle connections, and an integrated pedestrian system.</p> <p>I-25-T-1.2 – The Subarea’s roadway system will include (where applicable and feasible) a network of roadways parallel to I-25 designed for local trips, as needed to support the subarea land use activities, discouraging dependency on I-25 for local trips.</p>	<p>The NEWT 3 Pipeline, being parallel to the Platte River Power Authority powerlines and the Larimer-Weld Canal, will not impact the ability for the City to implement the various ETCs and connector streets as envisioned.</p>
I-25-CAD-1 – The Subarea’s community entryways via I-25 should be designed to create a sense of place and a positive experience	I-25-CAD-1.1 – Development in the subarea will provide for attractive gateways to Fort Collins from its I-25 interchanges and overpasses at Harmony Road, Prospect Road, Mulberry Street, Vine Drive, Mountain Vista Drive, and Carpenter Road, and their arterial corridors leading in the I-25.	<p>The NEWT 3 Pipeline corridor crosses I-25 just north of the Waterglenn neighborhood. Construction will include tunneling under I-25 to minimize construction impacts. Once constructed, the buried pipeline will be out of sight and will not negatively impact views or landscape features.</p>

Policy/Policy	Policy	NEWT 3 Narrative
I-25-CAD-2 – Important view corridors for vistas of the mountains should be preserved and emphasized by the arrangement and design of development.	I-25-CAD-2.1 – Developers and project designers involved in the I-25 subarea development will be encouraged to arrange buildings, outdoor spaces, and parking lots to protect important view corridors including limiting building heights, where such arrangements are effective in emphasizing mountain vistas. The City shall develop and adopt design standards that will apply to this subarea’s development to achieve these objectives.	Once constructed, the buried pipeline will be out of sight and will not negatively impact important vistas or landscape features.
I-25-HSG-1 – This subarea will include a mix of new neighborhoods at different densities, to allow for transitions between urban and rural development areas, and to provide housing opportunities for a variety of income levels.	<p>I-25-HSG-1.1 This subarea will include residential neighborhoods at less than urban densities in appropriate locations, providing for a transition between unincorporated rural areas and existing and future urban areas</p> <p>I-25-HSG-1.2 – This subarea will provide for the development of affordable housing in activity centers and low-density mixed-use neighborhoods while attempting to maintain the characteristics of the lower density residential neighborhoods outside of these areas</p>	The NEWT 3 Pipeline has the potential to provide future businesses within the ELCO water service area and within the City and it’s GMA with water supply. The NEWT 3 Pipeline will not adversely affect the subarea plan’s land use vision and goals.
I-25-NOL-1 – The subarea will provide a balanced system of recreation facilities, parks, trails, natural areas, and open lands	I-25-NOL-1.1 – Within this subarea, a primary off-street “green way” will be located along the Boxelder Creek establishing an important connection between neighborhoods, employment areas, and activity centers, and other areas within the subarea. This trail facility will be designed and located in accordance with both the <i>City’s Parks and Recreation Policy Plan</i> and <i>Natural Areas Policy Plan</i> .	The NEWT 3 Pipeline corridor crosses the Boxelder Creek. Construction documents will require use of Best Management Practices to minimize any impacts to the area. Once constructed, the buried pipeline will not adversely impact the City’s ability to develop the envisioned system of parks, trails, and natural areas.

4.4 Montava PUD Plan

The Montava PUD is proposed to be located within the Mountain Vista Subarea. PIC reviewed the *Staff Report to the Planning and Zoning Board* dated August 15, 2019. Section 2 of this document defines the applicable plans and policies intended to guide the development decisions for this PUD. This area is contained within other subarea plans and the narratives demonstrating how the NEWT 3 Pipeline Project is consistent with

those guiding principles have been stated in previous sections. As demonstrated in Table 4-4 below, the NEWT 3 Pipeline Project is consistent with the guiding principles and policies of Montava PUD Plan.

Table 4-4: Montava PUD Plan - Principals and Policies Compliance Summary




Plan	NEWT 3 Narrative
City Plan	See Section 4.1 above
Mountain Vista Subarea Plan	See Section 4.2 above
Transportation Master Plan	Incorporated into the <i>City Plan</i> , see Section 4.1 above for applicable policies
Parks and Recreation Policy Plan <ul style="list-style-type: none"> • Ensure Fort Collins’ parks, trails, and recreation legacy for future generations • Provide a wide variety of high-quality recreation services and opportunities for all residents • Create an interconnected regional and local trail system • Develop parks and recreation facilities and programs that promote community in the City • Focus on enhanced sustainability and green practices 	The buried NEWT 3 Pipeline will be out of sight and will not adversely impact the City’s ability to develop the envisioned system of parks, trails, and natural areas.
Nature in the City <ul style="list-style-type: none"> • Easy Access to Nature • High Quality Natural Spaces • Land Stewardship 	The buried NEWT 3 Pipeline will be out of sight and will not adversely impact the City’s ability to develop the envisioned system of parks, trails, and natural areas.




MEMORANDUM

Date: November 17, 2022

To: Mayor and City Councilmembers

Thru: Kelly DiMartino, City Manager ^{DS} 
Tyler Marr, Deputy City Manager ^{DS} 
Dean Klingner, Interim Community Services Director ^{DS} 

From: LeAnn Williams, Director, Recreation ^{DS} 

Re: November 7, 2022 Work Session Summary: Southeast Community Center and Aquatics Update

Present: Mayor Arndt, Mayor Pro Tem Francis, Councilmembers Pignataro, Canonico, Peel, Ohlson, and Gutowsky.

Staff Presenters: Tyler Marr and LeAnn Williams presented recap of previous discussions with City Council and the Council Finance Committee and overviewed what a phased and non-phased project would look like with various land and partnership considerations.

Council Feedback:

- All councilmembers supported staff to continue partnership discussions with Poudre School District (PSD) and Poudre River Public Library District (PRPLD) concerning both capital and operations of the facility. It was emphasized that we continue with the “fair share” approach.
- Councilmembers were generally supportive of a phased approach, provided partner conversations are able to advance in a productive manner.
- Councilmembers were supportive of exploring a pathway to clarify with the electorate that indoor lanes and leisure aquatics may be desired over outdoor leisure aquatics, recognizing this could lower the overall cost burden from what was currently identified in the phased option.
- There was discussion and feedback in support of working with PSD to build the facility on the land adjacent to Fossil Ridge High School instead of building at Fossil Creek Park.
- A few councilmembers expressed concern around building both indoor and outdoor leisure aquatics at the southeast facility when it seemed like the indoor is what is needed.



Action Items:

- Staff to continue partnership discussions with PSD and PRPLD
- Staff will continue discussions with PSD on what requirements and options the district would be open to in order for the City to proceed to build a project on PSD land next to Fossil Ridge High School.
- Staff to research options and timing considerations for placement on a ballot to clarify CCIP language for this facility related to aquatics and innovation component.







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MEMORANDUM

DATE: November 9, 2022

TO: Mayor Arndt and City Council Members

THRU: Kelly DiMartino, City Manager ^{DS} 
Rupa Venkatesh, Assistant City Manager ^{RV} 

FROM: John Feyen, Fort Collins Police Services Assistant Chief ^{DS} 
Marcy Yoder, Neighborhood Services Manager ^{DS} 

RE: Public Nuisance Council Work Session Follow-up

The purpose of this memo is to share additional information from the 11-7-22 Council Work Session regarding the Public Nuisance Ordinance (PNO). No substantial changes to the ordinance were requested by Council during the work session. The first reading of the ordinance will be considered by Council on November 15 with the second reading on December 6.

A concern was voiced regarding neighbors attempting to use the public nuisance code to target their neighbors. The code states that the City has the burden of proof in any civil (preponderance of the evidence standard) or criminal (beyond a reasonable doubt standard) proceeding to establish a violation of the PNO that was occurring or is existing at the property. Complaints from neighbors without more evidence would not be sufficient to prove a violation of the PNO. Code officials and police officers deal with neighbor complaints in their regular course of work and utilize practices that educate on what is and isn't a violation. They also offer and encourage the use of other resources such as the City's mediation service to reach an agreement between neighbors.

Another issue that was raised during the Work Session had to do with the potential unintended consequences of this new code language of the PNO. An internal team will meet on a regular basis to address potential properties requiring action under the PNO. A regular program of evaluation checkpoints will be built into these meetings beginning at 6 months and occurring annually thereafter. Any adjustments that need to be made regarding implementation will happen administratively. If changes need to be made to the code, staff will bring those back to Council for consideration and adoption.

Cc: Paul Sizemore, Caryn Champine, Tyler Marr, Chief Jeff Swoboda, John Duval, Carrie Daggett